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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

Farm Service Agency

Rural Business—Cooperative Service

Rural Housing Service

Rural Utilities Service

7 CFR Part 1900

RIN 0560–AH57

Regulations Regarding Employee Conflicts of Interest

AGENCY: Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: This rule clarifies the regulations governing employee conflicts of interest for the successor agencies of the former Farmers Home Administration (FmHA), which was reorganized by the Department of Agriculture Reorganization Act of 1994 (Pub. L. 103–354) into the Farm Service Agency (FSA), Rural Business-Cooperative Service, Rural Housing Service and Rural Utilities Service. Since the reorganization, FSA revised its regulations to streamline them and separate them from the other successor agencies. FSA's regulations regarding employee conflicts of interest are now found in regulations published by the Office of Government Ethics (OGE) in 5 CFR part 2635 and regulations published jointly by OGE and FSA in 5 CFR part 8301. To avoid confusion regarding applicability of the regulations, this rule amends 7 CFR part 1900, subpart D to provide specifically that they do not apply to FSA.

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

FOR FURTHER INFORMATION CONTACT: Tonya Willis, Human Resources Division, Farm Service Agency; telephone: (202) 418–8972; Facsimile: (202) 418–9093; E-mail: *Tonya.Willis@usda.gov*.

SUPPLEMENTARY INFORMATION

Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget.

Paperwork Reduction Act

This rule does not affect any information collections.

List of Subjects in 7 CFR Part 1900

Agriculture, Loan programs—Agriculture.

■ Accordingly, 7 CFR part 1900 is amended as follows:

PART 1900—GENERAL

■ 1. The authority citation for part 1900 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 7 U.S.C. 6991, et seq.; 42 U.S.C. 1480; Reorganization Plan No. 2 of 1953 (5 U.S.C. App.).

Subpart D—Processing and Servicing FmHA or Its Successor Agency Under Public Law 103–354 Assistance to Employees, Relatives, and Associates

■ 2. In § 1900.151, add a new paragraph (d), to read as follows:

§ 1900.151 General.

* * * * *

(d) The provisions of this subpart do not apply to the Farm Service Agency. The relevant regulations applicable to the Farm Service Agency can be found at 5 CFR parts 2635 and 8301.

J.B. Penn,

Under Secretary for Farm and Foreign Services.

Dated: June 28, 2006.

Thomas C. Dorr,

Under Secretary for Rural Development.

[FR Doc. 06–6122 Filed 7–10–06; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24074; Directorate Identifier 2005–NM–213–AD; Amendment 39–14676; AD 2006–14–05]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701, and 702) Airplanes, Model CL–600–2D15 (Regional Jet Series 705) Airplanes, and Model CL–600–2D24 (Regional Jet Series 900) Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Bombardier Model CL–600–2C10 (Regional Jet Series 700 and 701) and CL–600–2D24 (Regional Jet Series 900) series airplanes. That AD currently requires repetitive detailed inspections for cracking or deformation, or pulled or missing fasteners, on the lower panel of the left- and right-hand main landing gear (MLG) doors, as applicable, and corrective actions if necessary. This new AD reduces the repetitive inspection interval for certain airplanes. This new AD also adds airplanes to the applicability. This AD results from a report of a MLG door departing from an airplane. We are issuing this AD to prevent failure of the lower panel of the MLG door, departure of the lower panel from the airplane, and consequent damage to airplane structure, which could adversely affect the airplane's continued safe flight and landing.

DATES: This AD becomes effective August 15, 2006.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of August 15, 2006.

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

Contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Richard Beckwith, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York 11590; telephone (516) 228–7302; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Examining the Docket

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

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2003–19–51, amendment 39–13353 (68 FR 61615, October 29, 2003). The existing AD applies to certain Bombardier Model CL–600–2C10 (Regional Jet Series 700 and 701) and CL–600–2D24 (Regional Jet Series 900) series airplanes (originally issued September 17, 2003, as an emergency airworthiness directive). That NPRM was published in the **Federal Register** on March 7, 2006 (71 FR 11335). That NPRM proposed to continue to require repetitive detailed inspections for cracking or deformation, or pulled or missing fasteners, on the lower panel of the left- and right-hand main landing gear (MLG) doors, as applicable, and corrective actions if necessary. That NPRM also proposed to reduce the repetitive inspection interval for certain airplanes and to add airplanes to the applicability.

Comments

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

Revision of Corrective Action Paragraph (i)(2)

We have revised paragraph (i)(2) of this AD to specify that the replacement be done in accordance with a method approved by the Manager, New York Aircraft Certification Office (ACO), FAA; or Transport Canada Civil Aviation (TCCA) (or its delegated agent), and that doing the replacement in accordance with Task Cards 32–12–01–000–801–A01 and 32–12–01–400–801–A01 of the CRJ 700/900 Series Regional Jet Aircraft Maintenance Manual is one approved method.

Clarification of Paragraph (k) Requirements

We have revised paragraph (k) of this AD to clarify that inspections must be done on installed door(s) that have previously been inspected in accordance with paragraph (g).

Clarification of AFM Reference

We have revised the AFM reference specified in paragraphs (m)(2)(i) and (m)(2)(ii) of this AD.

Conclusion

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

Interim Action

We consider this AD interim action. If final action is later identified, we may consider further rulemaking then.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD. This affects about 213 airplanes of U.S. registry.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspections (required by AD 2003–19–51).	1	$65	$65, per inspection cycle	83	$5,395, per inspection cycle.
Inspections (new action)	1	65	$65, per inspection cycle	213	$13,854, per inspection cycle.
Revision (new action)	1	65	$65, if necessary	213	Up to $13,854.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–13353 (68 FR 61615, October 29, 2003) and by adding the following new airworthiness directive (AD):

2006–14–05 Bombardier, Inc. (Formerly Canadair): Amendment 39–14676. Docket No. FAA–2006–24074; Directorate Identifier 2005–NM–213–AD.

Effective Date

(a) This AD becomes effective August 15, 2006.

Affected ADs

(b) This AD supersedes AD 2003–19–51.

Applicability

(c) This AD applies to Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701, and 702) airplanes, serial numbers (S/Ns) 10003 and subsequent; and Model CL–600–2D15 (Regional Jet Series 705) airplanes and Model CL–600–2D24 (Regional Jet Series 900) airplanes, S/Ns 15001 and subsequent; certificated in any category.

Unsafe Condition

(d) This AD results from a report of a main landing gear (MLG) door departing from an airplane. We are issuing this AD to prevent failure of the lower panel of the MLG door, departure of the lower panel from the airplane, and consequent damage to airplane structure, which could adversely affect the airplane's continued safe flight and landing.

Compliance

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

Restatement of Requirements of AD 2003–19–51

Initial Compliance Time

(f) For Model CL–600–2C10 (Regional Jet series 700 & 701) series airplanes, S/Ns 10003 through 10999 inclusive; and Model CL–600–2D24 (Regional Jet series 900) series airplanes, S/Ns 15002 through 15990 inclusive: Perform the initial inspection specified in paragraph (g) of this AD at the applicable time specified in paragraph (f)(1) or (f)(2) of this AD.

(1) For airplanes with fewer than 1,500 total flight cycles as of November 3, 2003 (the effective date of AD 2003–19–51): Do the inspections before the accumulation of 1,050 total flight cycles, or within 50 flight cycles after the effective date of this AD, whichever is later.

(2) For airplanes with 1,500 or more total flight cycles as of November 3, 2003: Do the inspections within 10 flight cycles after the effective date of this AD.

Inspections

(g) For Model CL–600–2C10 (Regional Jet series 700 & 701) series airplanes, S/Ns 10003 through 10999 inclusive; and Model CL–600–2D24 (Regional Jet series 900) series airplanes, S/Ns 15002 through 15990 inclusive: At the applicable time specified in paragraph (f) of this AD, perform detailed inspections of the lower panel, part number (P/N) CC670–10520, of the left- and right-hand MLG doors for the conditions and in the areas specified in paragraphs (g)(1), (g)(2), (g)(3), and (g)(4) of this AD; and Figures 1, 2, and 3 of this AD.

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

(1) Inspect the cross member, P/N CC670–10572, of the MLG door lower panel for cracking or deformation, in accordance with Figure 2 of this AD.

(2) Inspect the inner skin, P/N CC670–10577, of the MLG door lower panel at the cross member (P/N CC670–10572) for cracking or deformation, or pulled or missing fasteners, in accordance with Figure 2 of this AD.

(3) Inspect the outer skin, P/N CC670–10574, of the MLG door lower panel at the cross member (P/N CC670–10572) for cracking or deformation, or pulled or missing fasteners, in accordance with Figure 2 of this AD.

(4) Inspect the forward member, P/N CC670–10570, and aft member, P/N CC670–10571, of the MLG door lower panel for cracking or deformation, or pulled or missing fasteners, in accordance with Figure 3 of this AD. Figures 1 through 3 of this AD follow.

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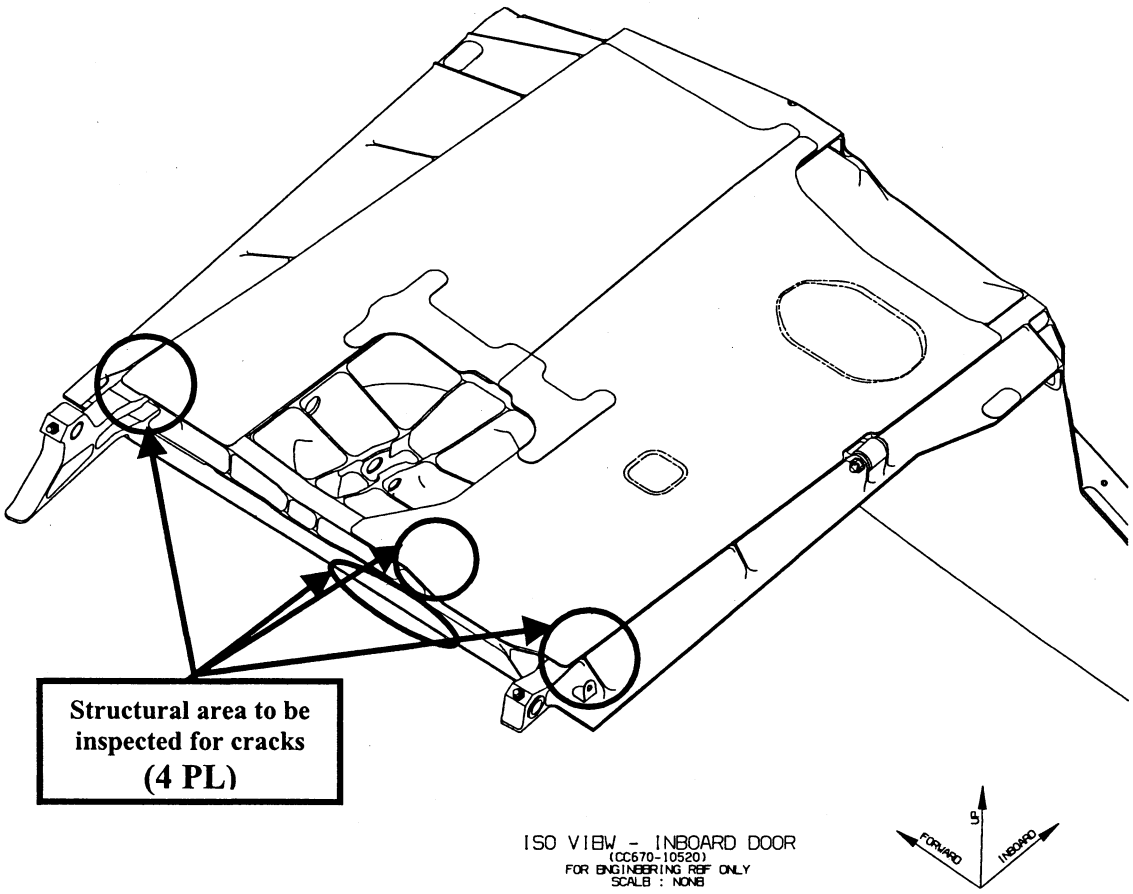

Figure 1
LH side shown
RH side opposite

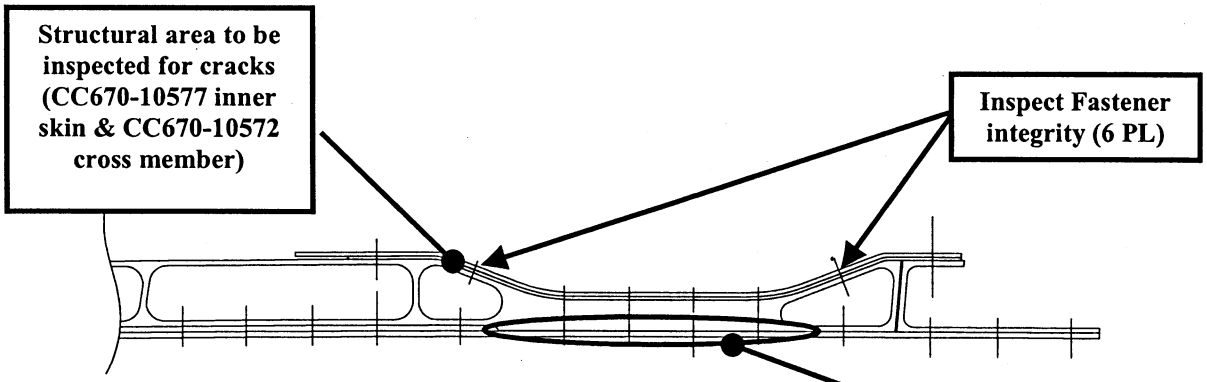

Figure 2
View LKG INBD
LH side Shown
RH side Opp

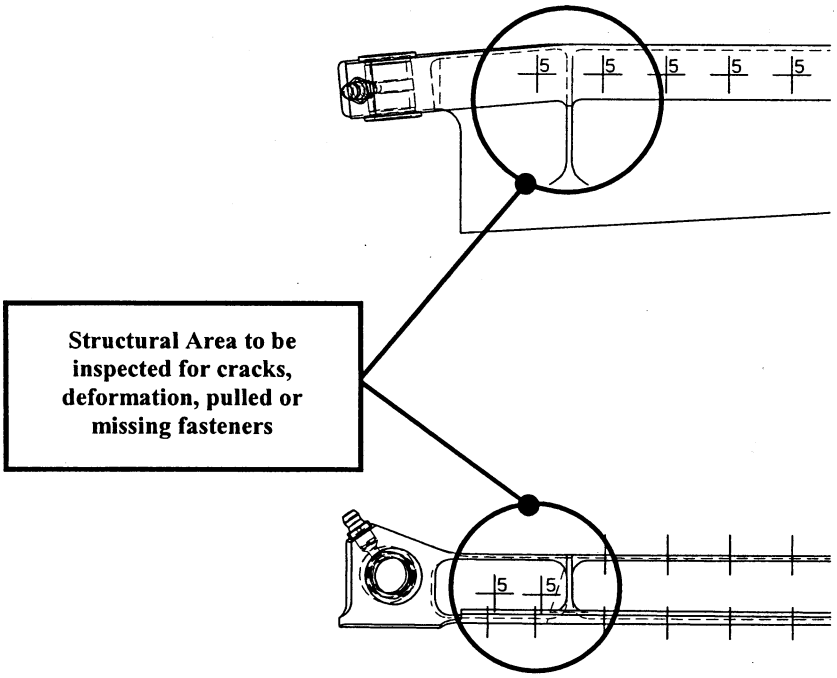

Figure 3
View LKG INBD
LH side Shown
RH side Opp

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Repetitive Inspections

(h) If no cracking or deformation, or pulled or missing fastener, as applicable, is found during any inspection required by paragraph (g) or (h) of this AD, repeat the inspections thereafter at intervals not to exceed 100 flight cycles.

Corrective Actions

(i) If any cracking or deformation, or pulled or missing fastener, as applicable, is found during any inspection done in accordance with paragraph (g) or (h) of this AD: Before further flight, accomplish paragraph (i)(1), (i)(2), or (i)(3) of this AD.

(1) Repair the damage in accordance with a method approved by either the Manager, New York Aircraft Certification Office (ACO), FAA; or Transport Canada Civil Aviation (TCCA) (or its delegated agent); and accomplish repetitive inspections in accordance with a method and at a repetitive interval approved by same.

(2) Replace the lower panel assembly, P/N CC670–10520, of the affected MLG door with a new or serviceable lower panel assembly having the same P/N, according to a method approved by either the Manager, New York ACO, FAA; or TCCA (or its delegated agent). Task Cards 32–12–01–000–801–A01 and 32–12–01–400–801–A01 of the CRJ 700/900 Series Regional Jet Aircraft Maintenance Manual are one approved method of doing the replacement. Repeat the inspections specified in paragraph (g) of this AD at intervals not to exceed 100 flight cycles.

(3) Remove the lower panel assembly, P/N CC670–10520, of the affected MLG door, and accomplish paragraph (i)(3)(i) or (i)(3)(ii), as applicable.

(i) For Model CL600–2C10 (Regional Jet series 700 & 701) series airplanes: Revise the Configuration Deviation List (CDL), Appendix 1, of the airplane flight manual (AFM), to include the following limitations. This may be accomplished by inserting a copy of this AD into the CDL of the AFM.

''For Model CL600–2C10 series airplanes: If one or both door panel assemblies, part number CC670–10520, is missing:

(1) Take-off Weight is reduced by 202.5 kg/door, or 450 lb/door

(2) Enroute Climb Weight is reduced by 445.5 kg/door, or 990 lb/door

(3) Landing Weight is reduced by 202.5 kg/door, or 450 lb/door

(4) Fuel Consumption is increased by +3.42% on fuel used/door

(5) Cruise Airspeed is limited to not more than 0.78 Mach.''

(ii) For Model CL–600–2D24 (Regional Jet series 900) series airplanes: Revise the CDL, Appendix 1, of the AFM, to include the following limitations. This may be accomplished by inserting a copy of this AD into the CDL of the AFM.

''For Model CL600–2D24 series airplanes: If one or both door panel assemblies, part number CC670–10520, is missing:

(1) Take-off Weight is reduced by 245 kg/door, or 540 lb/door

(2) Enroute Climb Weight is reduced by 551 kg/door, or 1,215 lb/door

(3) Landing Weight is reduced by 245 kg/door, or 540 lb/door

(4) Fuel Consumption is increased by +3.42% on fuel used/door

(5) Cruise Airspeed is limited to not more than 0.78 Mach.''

New Requirements of This AD

Inboard MLG Door Inspections

(j) For all airplanes on which an inspection has not been done in accordance with paragraph (g) of this AD on or before the effective date of this AD: At the applicable time specified in paragraph (j)(1) or (j)(2) of this AD, do the inspections of the left- and right-hand inboard MLG doors for damage in accordance with Part A of the Accomplishment Instructions of Bombardier Alert Service Bulletin A670BA–32–016, Revision A, dated June 7, 2005, excluding Appendix A, dated June 2, 2005, and including Appendix B, dated June 2, 2005. Doing the inspections required by this

paragraph terminates the actions required by paragraphs (f) through (i) of this AD.

(1) For airplanes that have accumulated fewer than 1,500 total flight cycles as of the effective date of this AD: Before the accumulation of 1,000 total flight cycles or within 50 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 1,500 flight cycles or more as of the effective date of this AD: Within 10 flight cycles after the effective date of this AD.

(k) For airplanes on which an inspection has been done in accordance with paragraph (g) of this AD on or before the effective date of this AD: At the applicable time specified in paragraph (k)(1) or (k)(2) of this AD, inspect installed door(s) as specified in paragraph (j) of this AD. Doing the inspections required by this paragraph terminates the actions required by paragraphs (f) through (i) of this AD.

(1) For airplanes that are not subject to an approved alternative method of compliance (AMOC) that extends the inspection interval to 450 flight cycles: Within 100 flight cycles since the last inspection done in accordance with paragraph (g) of this AD.

(2) For airplanes that are subject to an approved AMOC that extends the inspection interval to 450 flight cycles: At the earlier of the times specified in paragraphs (k)(2)(i) and (k)(2)(ii) of this AD:

(i) Within 450 flight cycles since the last inspection done in accordance with paragraph (g) of this AD.

(ii) Within 100 flight cycles since the last inspection done in accordance with paragraph (g) of this AD or within 50 cycles after the effective date of this AD, whichever occurs later.

(l) If no damage is found during any inspection done in accordance with paragraph (j) of this AD, repeat the inspections specified in paragraph (j) of this AD thereafter at intervals not to exceed 100 flight cycles.

Corrective Action—Replace or Remove MLG Door

(m) If any damage is found during any inspection done in accordance with paragraph (j) of this AD, before further flight, do the actions in paragraph (m)(1) or (m)(2) of this AD. Repeat the inspections specified in paragraph (j) of this AD thereafter at intervals not to exceed 100 flight cycles.

(1) Replace the inboard MLG door with a new or repaired door in accordance with Part B of the Accomplishment Instructions of the Bombardier Alert Service Bulletin A670BA–32–016, Revision A, dated June 7, 2005, excluding Appendix A, dated June 2, 2005, and including Appendix B, dated June 2, 2005; except where the service bulletin specifies to contact the manufacturer for repair if no generic repair engineering order (REO) is available, before further flight, repair using a method approved by either the Manager, New York ACO, FAA; or the TCCA (or its delegated agent).

(2) Remove the inboard MLG door in accordance with Part B of the Accomplishment Instructions of the Bombardier Alert Service Bulletin A670BA–32–016, Revision A, dated June 7, 2005, excluding Appendix A, dated June 2, 2005, and including Appendix B, dated June 2, 2005; and accomplish paragraph (m)(2)(i) or (m)(2)(ii), as applicable.

(i) For Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes and Model CL–600–2D15 (Regional Jet Series 705) airplanes: Revise the Configuration Deviation List (CDL), Appendix 1, of the Bombardier Canadair Regional Jet AFM, to include the following limitations. This may be accomplished by inserting a copy of this AD into the CDL of the AFM. Remove any existing CDL limitation required by paragraph (i)(3)(i) of this AD from the AFM.

''For Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes and Model CL–600–2D15 (Regional Jet Series 705) airplanes: If one or both door panel assemblies, part number CC670–10520, is missing:

(1) Take-off Weight is reduced by 202.5 kg/door, or 450 lb/door

(2) Enroute Climb Weight is reduced by 445.5 kg/door, or 990 lb/door

(3) Landing Weight is reduced by 202.5 kg/door, or 450 lb/door

(4) Fuel Consumption is increased by +2.5% on fuel used/door

(5) Cruise Airspeed is limited to not more than 0.78 Mach

(6) The climb ceiling obtained from the Flight Planning and Cruise Control Manual (FPCCM) must be reduced by 1,000 ft/door.''

Note 2: When a statement with the information specified in paragraph (m)(2)(i) of this AD has been included in the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

(ii) For Model CL–600–2D24 (Regional Jet Series 900) airplanes: Revise the CDL, Appendix 1, of the Bombardier Canadair Regional Jet AFM, to include the following limitations. This may be accomplished by inserting a copy of this AD into the CDL of the AFM. Remove any existing CDL limitation required by paragraph (i)(3)(ii) of this AD from the AFM.

''For Model CL–600–2D24 (Regional Jet Series 900) airplanes: If one or both door panel assemblies, part number CC670–10520, is missing:

(1) Take-off Weight is reduced by 245 kg/door, or 540 lb/door

(2) Enroute Climb Weight is reduced by 551 kg/door, or 1,215 lb/door

(3) Landing Weight is reduced by 245 kg/door, or 540 lb/door

(4) Fuel Consumption is increased by +2.5% on fuel used/door

(5) Cruise Airspeed is limited to not more than 0.78 Mach

(6) The climb ceiling obtained from the Flight Planning and Cruise Control Manual (FPCCM) must be reduced by 1,000 ft/door.''

Note 3: When a statement with the information specified in paragraph (m)(2)(ii) of this AD has been included in the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

Revise CDL

(n) For airplanes on which the door(s) have been removed in accordance with paragraph (i)(3) of this AD: Within 30 days after the effective date of this AD, do the revision specified in paragraph (m)(2)(i) or (m)(2)(ii) of this AD, as applicable, and remove any revision required by paragraph (i)(3)(i) or (i)(3)(ii) of this AD.

No Reporting Required

(o) Although Bombardier Alert Service Bulletin A670BA–32–016, Revision A, dated June 7, 2005, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

Actions Accomplished According to Previous Issue of Service Bulletin

(p) Actions accomplished before the effective date of this AD according to Bombardier Alert Service Bulletin A670BA–32–016, dated June 2, 2005, are considered acceptable for compliance with the corresponding action specified in this AD.

Alternative Methods of Compliance (AMOCs)

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

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

(3) AMOCs approved previously in accordance with AD 2003–19–51 are not approved as AMOCs with this AD.

Related Information

(r) Canadian airworthiness directive CF–2003–23R2, dated July 27, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(s) You must use Bombardier Alert Service Bulletin A670BA–32–016, Revision A, dated June 7, 2005, excluding Appendix A, dated June 2, 2005, and including Appendix B, dated June 2, 2005, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

Issued in Renton, Washington, on June 28, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–6051 Filed 7–10–06; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9274]

RIN 1545–BB16

Disclosure of Return Information by Certain Officers and Employees for Investigative Purposes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations relating to the disclosure of return information pursuant to section 6103(k)(6) of the Internal Revenue Code (Code). The final regulations describe the circumstances under which Internal Revenue and Office of Treasury Inspector General for Tax Administration (TIGTA) employees may disclose return information to the extent necessary to obtain information or to accomplish properly any activity connected with certain official duties. These regulations clarify and elaborate on the facts and circumstances in which disclosure pursuant to section 6103(k)(6) is authorized.

DATES: *Effective Date:* These regulations are effective July 11, 2006.

Applicability Date: For dates of applicability, see § 301.6103(k)(6)–1(e).

FOR FURTHER INFORMATION CONTACT: Helene R. Newsome, 202–622–4570 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Under section 6103(a), returns and return information are confidential unless the Code authorizes disclosure. Section 6103(k)(6) authorizes an internal revenue officer or employee and an officer or employee of TIGTA, in connection with official duties relating to any audit, collection activity, civil or criminal tax investigation, or offense under the internal revenue laws, to disclose return information to a person other than the taxpayer to whom such return information relates (or his or her representative) to the extent that such disclosure is necessary to obtain information not otherwise reasonably available with respect to the correct determination of tax, liability for tax, or the amount to be collected, or with respect to the enforcement of any other provision of the Code or related statutes. Disclosure depends on situations and conditions prescribed by regulation.

On July 10, 2003, temporary regulations (TD 9073) under section 6103(k)(6) were published in the **Federal Register** (68 FR 41073). A notice of proposed rulemaking (REG–140808–02) cross-referencing the temporary regulations was published in the **Federal Register** for the same day (68 FR 41089).

These regulations reflected a legislative amendment to section 6103(k)(6) clarifying that officers or employees of TIGTA are among those individuals authorized to make disclosures under section 6103(k)(6). See Consolidated Appropriations Act, 2001, Public Law 106–554 (114 Stat. 2763), section 1 enacting H.R. 5662, Community Renewal Tax Relief Act of 2000, section 313(c).

These regulations also clarified the standard for determining whether disclosures are authorized under section 6103(k)(6). In particular, the regulations addressed the issues surrounding the disclosures that occur when internal revenue or TIGTA employees introduce themselves to third party witnesses or communicate in writing, e.g., using official letterhead that reveals affiliation with the IRS or TIGTA. The regulations also clarified that section 6103(k)(6) does not limit internal revenue or TIGTA employees with respect to the initiation or conduct of an investigation. Finally, the regulations clarified that section 6103 does not require internal revenue and TIGTA employees to contact a taxpayer for information before contacting third party witnesses.

No comments were received from the public in response to the notice of proposed rulemaking. No public hearing was requested or held. In this Treasury decision, the proposed regulations are adopted as revised below.

Explanation of Revisions

The proposed and temporary regulations provide that internal revenue and TIGTA employees may identify themselves, their organizational affiliation, and the nature of their investigation, when making an oral, written, or electronic contact with a third party witness through the use and presentation of any identification media (including, but not limited to, a Federal agency badge, credential, or business card) or through the use of an information document request, summons, or correspondence on Federal agency letterhead or which bears a return address or signature block that reveals affiliation with the Federal agency. In the final regulations, § 301.6103(k)(6)–1(a)(3) has been revised to make clear that internal revenue and TIGTA employees may identify themselves, their organizational affiliation, and the nature of their investigation, when making any oral, written, or electronic contact with a third party witness, not just when making a contact with a third party witness through the use and presentation of identification media, or through the use of an information document request, summons, or correspondence. This revision is intended as a clarification rather than a change in the effect of the regulations.

The proposed and temporary regulations define the term *disclosure of return information to the extent necessary*. The fourth sentence of § 301.6103(k)(6)–1(c)(1) states that section 6103(k)(6) does not limit or restrict IRS or TIGTA officers and employees with respect to initiating or conducting an investigation. The final regulations revise this sentence to clarify that section 6103(k)(6) applies to all internal revenue officers and employees, not just IRS officers and employees. There are individuals, in addition to IRS officers and employees, who are internal revenue officers and employees because they are responsible for administering and enforcing certain tax administration provisions. This revision is intended as a clarification rather than a change in the effect of the regulations.

The proposed and temporary regulations define the term *internal revenue employee* as an officer or employee of the IRS or Office of Chief Counsel for the IRS. The final regulations add a phrase to § 301.6103(k)(6)–1(c)(4) to encompass individuals responsible for administering and enforcing certain tax administration provisions who are not officers and employees of the IRS or the Office of Chief Counsel for the IRS. Pursuant to the duties and powers established by the Homeland Security Act of 2002, Public Law 107–296, section 1111 et seq., (116 Stat. 2135 (2002)), the Tax and Trade Bureau (TTB) in the Department of the Treasury has the responsibility for administering and enforcing the taxes under Chapters 32 (Part III of Subchapter D), 51, and 52 of the Code, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in the Department of Justice has the responsibility for administering and enforcing the taxes under Chapter 53 of

the Code. Pursuant to section 412 of the Homeland Security Act, the United States Customs Service continues to have the responsibilities it had when it was a bureau within the Department of the Treasury, which include administering and enforcing certain provisions of Chapters 51 and 52 of the Code. Pursuant to section 821 of the Homeland Security Act, the United States Secret Service continues to have the responsibilities it had when it was a bureau within the Department of the Treasury, which include investigating tax refund check fraud under 18 U.S.C. 510. Accordingly, paragraph (c)(4) of the final regulations has been revised to state that internal revenue employee means an officer or employee of the IRS or Office of Chief Counsel for the IRS, or an officer or employee of a Federal agency responsible for administering and enforcing taxes under Chapters 32 (Part III of Subchapter D), 51, 52, or 53 of the Code, or investigating tax refund check fraud under 18 U.S.C. 510. This revision is intended as a clarification rather than a change in the effect of the regulations.

The proposed and temporary regulations address the disclosure of return information in connection with investigations that affect or may affect the personnel or employment status of Treasury employees or the status of persons authorized to practice before the Treasury Department. The final regulations revise § 301.6103(k)(6)–1(b) to clarify that it applies to employees of ATF, United States Customs Service, and United States Secret Service, as well as to employees of the Treasury Department and that Federal officers and employees who are responsible for the investigations and who are properly in possession of relevant return information are authorized to disclose such return information for the purpose of obtaining, verifying, or establishing other information which is or may be relevant and material to the investigation. This revision is intended as a clarification rather than a change in the effect of the regulations.

The proposed and temporary regulations contain an example involving a private letter ruling request. Section 301.6103(k)(6)–1(d) *Example 4*. The final regulations revise this example to reflect a more common factual scenario involving a private letter ruling request. This revision is intended as a clarification rather than a change in the effect of the regulations.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that 5 U.S.C. 553(b), the Administrative Procedure Act, does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the proposed regulations preceding these regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Helene R. Newsome, Office of the Associate Chief Counsel (Procedure and Administration), Disclosure and Privacy Law Division.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 is amended by adding an entry in numerical order to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *
Section 301.6103(k)(6)–1 also issued under 26 U.S.C. 6103(k)(6); * * *

■ **Par. 2**. Section 301.6103(k)(6)–1 is added to read as follows:

§ 301.6103(k)(6)–1 Disclosure of return information by certain officers and employees for investigative purposes.

(a) *General rule.* (1) Pursuant to the provisions of section 6103(k)(6) and subject to the conditions of this section, an internal revenue employee or an Office of Treasury Inspector General for Tax Administration (TIGTA) employee, in connection with official duties relating to any examination, administrative appeal, collection activity, administrative, civil or criminal investigation, enforcement activity, ruling, negotiated agreement, prefiling activity, or other proceeding or offense under the internal revenue laws or related statutes, or in preparation for any proceeding described in section 6103(h)(2) (or investigation which may result in such a proceeding), may disclose return information, of any taxpayer, to the extent necessary to obtain information relating to such official duties or to accomplish properly any activity connected with such official duties, including, but not limited to—

(i) Establishing or verifying the correctness or completeness of any return or return information;

(ii) Determining the responsibility for filing a return, for making a return if none has been made, or for performing such acts as may be required by law concerning such matters;

(iii) Establishing or verifying the liability (or possible liability) of any person, or the liability (or possible liability) at law or in equity of any transferee or fiduciary of any person, for any tax, penalty, interest, fine, forfeiture, or other imposition or offense under the internal revenue laws or related statutes or the amount thereof for collection;

(iv) Establishing or verifying misconduct (or possible misconduct) or other activity proscribed by the internal revenue laws or related statutes;

(v) Obtaining the services of persons having special knowledge or technical skills (such as, but not limited to, knowledge of particular facts and circumstances relevant to a correct determination of a liability described in paragraph (a)(1)(iii) of this section or skills relating to handwriting analysis, photographic development, sound recording enhancement, or voice identification) or having recognized expertise in matters involving the valuation of property if relevant to proper performance of official duties described in this paragraph;

(vi) Establishing or verifying the financial status or condition and location of the taxpayer against whom collection activity is or may be directed, to locate assets in which the taxpayer has an interest, to ascertain the amount of any liability described in paragraph (a)(1)(iii) of this section for collection, or otherwise to apply the provisions of the Internal Revenue Code relating to establishment of liens against such assets, or levy, seizure, or sale on or of the assets to satisfy any such liability;

(vii) Preparing for any proceeding described in section 6103(h)(2) or conducting an investigation which may result in such a proceeding; or

(viii) Obtaining, verifying, or establishing information concerned with making determinations regarding a taxpayer's liability under the Internal Revenue Code, including, but not limited to, the administrative appeals process and any ruling, negotiated agreement, or prefiling process.

(2) Disclosure of return information for the purpose of obtaining information to carry out properly the official duties described by this paragraph, or any activity connected with the official duties, is authorized only if the internal revenue or TIGTA employee reasonably believes, under the facts and circumstances, at the time of a disclosure, the information is not otherwise reasonably available, or if the activity connected with the official duties cannot occur properly without the disclosure.

(3) Internal revenue and TIGTA employees may identify themselves, their organizational affiliation (e.g., Internal Revenue Service (IRS), Criminal Investigation (CI) or TIGTA, Office of Investigations (OI)), and the nature of their investigation, when making an oral, written, or electronic contact with a third party witness. Permitted disclosures include, but are not limited to, the use and presentation of any identification media (such as a Federal agency badge, credential, or business card) or the use of an information document request, summons, or correspondence on Federal agency letterhead or which bears a return address or signature block that reveals affiliation with the Federal agency.

(4) This section does not address or affect the requirements under section 7602(c) (relating to contact of third parties).

(b) *Disclosure of return information in connection with certain personnel or claimant representative matters.* In connection with official duties relating to any investigation concerned with enforcement of any provision of the Internal Revenue Code, including enforcement of any rule or directive prescribed by the Secretary or the Commissioner of Internal Revenue under any provision of the Internal Revenue Code, or the enforcement of any provision related to tax administration, that affects or may affect the personnel or employment rights or status, or civil or criminal liability, of any former, current, or prospective employee of the Treasury Department, Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Customs Service, United States Secret Service, or any successor agency, or the rights of any person who is, or may be, a party to an administrative action or proceeding pursuant to 31 U.S.C. 330 (relating to practice before the Treasury Department), an internal revenue, TIGTA, or other Federal officer or employee who is responsible for investigating such employees and persons and is properly in possession of relevant return information is authorized to disclose such return information to the extent necessary for the purpose of obtaining, verifying, or establishing other information which is or may be relevant and material to the investigation.

(c) *Definitions.* The following definitions apply to this section—

(1) *Disclosure of return information to the extent necessary* means a disclosure of return information which an internal revenue or TIGTA employee, based on the facts and circumstances, at the time of the disclosure, reasonably believes is necessary to obtain information to perform properly the official duties described by this section, or to accomplish properly the activities connected with carrying out those official duties. The term *necessary* in this context does not mean essential or indispensable, but rather appropriate and helpful in obtaining the information sought. Nor does *necessary* in this context refer to the necessity of conducting an investigation or the appropriateness of the means or methods chosen to conduct the investigation. Section 6103(k)(6) does not limit or restrict internal revenue or TIGTA employees with respect to the decision to initiate or the conduct of an investigation. Disclosures under this paragraph (c)(1), however, may not be made indiscriminately or solely for the benefit of the recipient or as part of a negotiated quid pro quo arrangement. This paragraph (c)(1) is illustrated by the following examples:

Example 1. A revenue agent contacts a taxpayer's customer regarding the customer's purchases made from the taxpayer during the year under investigation. The revenue agent is able to obtain the purchase information only by disclosing the taxpayer's identity and the fact of the investigation. Depending on the facts and circumstances known to the revenue agent at the time of the disclosure, such as the way the customer maintains his records, it also may be necessary for the revenue agent to inform the customer of the date of the purchases and the types of merchandise involved for the customer to find the purchase information.

Example 2. A revenue agent contacts a third party witness to obtain copies of invoices of sales made to a taxpayer under examination. The third party witness provides copies of the sales invoices in question and then asks the revenue agent for the current address of the taxpayer because the taxpayer still owes money to the third party witness. The revenue agent may not disclose that current address because this disclosure would be only for the benefit of the third party witness and not necessary to obtain information for the examination.

Example 3. A revenue agent contacts a third party witness to obtain copies of invoices of sales made to a taxpayer under examination. The third party witness agrees to provide copies of the sales invoices in question only if the revenue agent provides him with the current address of the taxpayer because the taxpayer still owes money to the third party witness. The revenue agent may not disclose that current address because this disclosure would be a negotiated quid pro quo arrangement.

(2) *Disclosure of return information to accomplish properly an activity connected with official duties* means a disclosure of return information to carry out a function associated with official duties generally consistent with established practices and procedures. This paragraph (c)(2) is illustrated by the following example:

Example. A taxpayer failed to file an income tax return and pay the taxes owed. After the taxes were assessed and the taxpayer was notified of the balance due, a revenue officer filed a notice of federal tax lien and then served a notice of levy on the taxpayer's bank. The notices of lien and levy contained the taxpayer's name, social security number, amount of outstanding liability, and the tax period and type of tax involved. The taxpayer's assets were levied to satisfy the tax debt, but it was determined that, prior to the levy, the revenue officer failed to issue the taxpayer a notice of intent to levy, as required by section 6331, and a notice of right to hearing before the levy, as required by section 6330. The disclosure of the taxpayer's return information in the notice of levy is authorized by section 6103(k)(6) despite the revenue officer's failure to issue the notice of intent to levy or the notice of right to hearing. The ultimate validity of the underlying levy is irrelevant to the issue of whether the disclosure was authorized by section 6103(k)(6).

(3) *Information not otherwise reasonably available* means information that an internal revenue or TIGTA employee reasonably believes, under the facts and circumstances, at the time of a disclosure, cannot be obtained in a sufficiently accurate or probative form, or in a timely manner, and without impairing the proper performance of the official duties described by this section, without making the disclosure. This definition does not require or create the presumption or expectation that an internal revenue or TIGTA employee must seek information from a taxpayer or authorized representative prior to contacting a third party witness in an investigation. Neither the Internal Revenue Code, IRS procedures, nor these regulations require repeated contacting of an uncooperative taxpayer. Moreover, an internal revenue or TIGTA employee may make a disclosure to a third party witness to corroborate information provided by a taxpayer. This paragraph (c)(3) is illustrated by the following examples:

Example 1. A revenue agent is conducting an examination of a taxpayer. The taxpayer

refuses to cooperate or provide any information to the revenue agent. Information relating to the taxpayer's examination would be information not otherwise reasonably available because of the taxpayer's refusal to cooperate and supply any information to the revenue agent. The revenue agent may seek information from a third party witness.

Example 2. A special agent is conducting a criminal investigation of a taxpayer. The special agent has acquired certain information from the taxpayer. Although the special agent has no specific reason to disbelieve the taxpayer's information, the special agent contacts several third party witnesses to confirm the information. The special agent may contact third party witnesses to verify the correctness of the information provided by the taxpayer because the IRS is not required to rely solely on information provided by a taxpayer, and a special agent may take appropriate steps, including disclosures to third party witnesses under section 6103(k)(6), to verify independently or corroborate information obtained from a taxpayer.

(4) *Internal revenue employee* means, for purposes of this section, an officer or employee of the IRS or Office of Chief Counsel for the IRS, or an officer or employee of a Federal agency responsible for administering and enforcing taxes under Chapters 32 (Part III of Subchapter D), 51, 52, or 53 of the Internal Revenue Code, or investigating tax refund check fraud under 18 U.S.C. 510.

(5) *TIGTA employee* means an officer or employee of the Office of Treasury Inspector General for Tax Administration.

(d) *Examples.* The following examples illustrate the application of this section:

Example 1. A revenue agent is conducting an examination of a taxpayer. The taxpayer has been very cooperative and has supplied copies of invoices as requested. Some of the taxpayer(s invoices show purchases that seem excessive in comparison to the size of the taxpayer(s business. The revenue agent contacts the taxpayer(s suppliers for the purpose of corroborating the invoices the taxpayer provided. In contacting the suppliers, the revenue agent discloses the taxpayer(s name, the dates of purchase, and the type of merchandise at issue. These disclosures are permissible under section 6103(k)(6) because, under the facts and circumstances known to the revenue agent at the time of the disclosures, the disclosures were necessary to obtain information (corroboration of invoices) not otherwise reasonably available because suppliers would be the only source available for corroboration of this information.

Example 2. A revenue agent is conducting an examination of a taxpayer. The revenue agent asks the taxpayer for business records to document the deduction of the cost of goods sold shown on Schedule C of the taxpayer(s return. The taxpayer will not provide the business records to the revenue agent, who contacts a third party witness for verification of the amount on the Schedule C. In the course of the contact, the revenue agent shows the Schedule C to the third party witness. This disclosure is not authorized under section 6103(k)(6). Section 6103(k)(6) permits disclosure only of return information, not the return (including schedules and attachments) itself. If necessary, a revenue agent may disclose return information extracted from a return when questioning a third party witness. Thus, the revenue agent could have extracted the amount of cost of goods sold from the Schedule C and disclosed that amount to the third party witness.

Example 3. A special agent is conducting a criminal investigation of a taxpayer, a doctor, for tax evasion. Notwithstanding the records provided by the taxpayer and the taxpayer's bank, the special agent decided to obtain information from the taxpayer's patients to verify amounts paid to the taxpayer for his services. Accordingly, the special agent sent letters to the taxpayer(s patients to verify these amounts. In the letters, the agent disclosed that he was a special agent with IRS–CI and that he was conducting a criminal investigation of the taxpayer. Section 6103(k)(6) permits these disclosures (including the special agent disclosing his affiliation with CI and the nature of the investigation) to confirm the taxpayer(s income. The decision whether to verify information already obtained is a matter of investigative judgment and is not limited by section 6103(k)(6).

Example 4. Corporation A requests a private letter ruling (PLR) as to the tax consequences of a planned transaction. Corporation A has represented that it is in compliance with laws administered by Agency B that may relate to the tax consequences of the proposed transaction. Further information is needed from Agency B relating to possible tax consequences. Under section 6103(k)(6), the IRS may disclose Corporation A(s return information to Agency B to the extent necessary to obtain information from Agency B for the purpose of properly considering the tax consequences of the proposed transaction that is the subject of the PLR.

(e) *Effective date.* This section is applicable on July 11, 2006.

§ 301.6103(k)(6)–1T [Removed]

■ **Par. 3.** Section 301.6103(k)(6)–1T is removed.

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Approved: July 5, 2006.

Eric Solomon,

Acting Deputy Assistant Secretary for Tax Policy.

[FR Doc. 06–6110 Filed 7–6–06; 10:02 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–06–76]

Drawbridge Operation Regulations; Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, Jones Beach, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Wantagh State Parkway Bridge, across Goose Creek, at mile 16.1, at Jones Beach, New York. This deviation will test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed. This deviation will allow the bridge to open on signal if at least a half-hour notice is given to the New York State Department of Transportation, except that, from 7:30 a.m. to 8:30 p.m. on Saturdays, Sundays, and Federal holidays, the draw shall be opened every hour on the half-hour after at least a half-hour notice is given.

DATES: This deviation is effective from June 30, 2006 through September 4, 2006. Comments must reach the Coast Guard on or before November 3, 2006.

ADDRESSES: You may mail comments and related material to Commander (dpb), First Coast Guard District Bridge Branch, One South Street, Battery Park Building, New York, New York 10004, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except, Federal holidays. The First Coast Guard District, Bridge Branch, maintains the public docket for this deviation. Comments and material received from the public, as well as documents indicated in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in evaluating this test schedule by submitting comments or related

material. If you do so, please include your name and address, identify the docket number for this deviation (CGD01–06–076), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. Comments must be received by November 3, 2006.

Background and Purpose

The Wantagh State Parkway Bridge has a vertical clearance in the closed position of 16 feet at mean high water and 19 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR § 117.799(i).

The bridge owner, New York State Department of Transportation, requested a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation schedule to help better balance the needs between vehicular land traffic and marine vessel traffic.

Under this temporary deviation, in effect from June 30, 2006 through September 4, 2006, the Wantagh State Parkway Bridge at mile 16.1, across Goose Creek, shall operate as follows:

The bridge shall open on signal if at least a half-hour notice is given to the New York State Department of Transportation, except that, from 7:30 a.m. to 8:30 p.m. on Saturdays, Sundays, and Federal holidays, the draw shall be opened every hour on the half-hour after at least a half-hour notice is given.

This deviation from the operating regulations is authorized under 33 CFR 117.43.

Dated: June 26, 2006.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E6–10761 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–06–077]

Drawbridge Operation Regulations; Long Island, New York Waterway From East Rockaway Inlet to Shinnecock Canal, Hempstead, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Meadowbrook State Parkway Bridge across Sloop Channel at mile 12.8, at Hempstead, New York. This deviation will test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed. This deviation will allow the bridge to open on signal if at least a half-hour notice is given to the New York State Department of Transportation, except that, from 7 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draw shall open every hour, on the hour, if at least a half-hour notice is given.

DATES: This deviation is effective from June 30, 2006 through September 4, 2006. Comments must reach the Coast Guard on or before November 3, 2006.

ADDRESSES: You may mail comments and related material to Commander (dpb), First Coast Guard District Bridge Branch, One South Street, Battery Park Building, New York, New York 10004, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except, Federal holidays. The First Coast Guard District, Bridge Branch, maintains the public docket for this deviation. Comments and material received from the public, as well as documents indicated in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in evaluating this test schedule by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this deviation (CGD01–06–077), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. Comments must be received by November 3, 2006.

Background and Purpose

The Meadowbrook State Parkway Bridge has a vertical clearance in the closed position of 22 feet at mean high water and 25 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.799(h).

The bridge owner, New York State Department of Transportation, requested a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation schedule to help better balance the needs between vehicular land traffic and marine vessel traffic.

Under this temporary deviation, in effect from June 30, 2006 through September 4, 2006, the Meadowbrook State Parkway Bridge across Sloop Channel at mile 12.8, shall operate as follows:

The bridge shall open on signal if at least half-hour notice is given to the New York State Department of Transportation, except that, from 7 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draw shall open every hour, on the hour, if at least a half-hour notice is given.

This deviation from the operating regulations is authorized under 33 CFR 117.43.

Dated: June 26, 2006.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E6–10759 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–06–078]

Drawbridge Operation Regulations; Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, Jones Beach, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Loop Parkway Bridge, across Long Creek at mile 0.7, at Jones Beach, New York. This deviation will test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed. This deviation will allow the bridge to open on signal for all marine traffic, Monday through Friday twice an hour at twenty and fifty minutes after the hour, from 6:20 a.m. to 7:20 p.m., except that, between 9:50 a.m. and 3:20 p.m., the bridge shall open on signal for all commercial vessels. On Saturday, Sunday, and Federal Holidays, the bridge shall open on signal once an hour, at twenty minutes after the hour, between 7:20 a.m. and 8:20 p.m., except that, the bridge shall open on signal for all commercial vessels. At all other times the bridge shall open on signal for all vessel traffic.

DATES: This deviation is effective from June 30, 2006 through September 4, 2006. Comments must reach the Coast Guard on or before November 3, 2006.

ADDRESSES: You may mail comments and related material to Commander (dpb), First Coast Guard District Bridge Branch, One South Street, Battery Park Building, New York, New York 10004, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except, Federal holidays. The First Coast Guard District, Bridge Branch, maintains the public docket for this deviation. Comments and material received from the public, as well as documents indicated in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in evaluating this test schedule by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this deviation (CGD01–06–078), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. Comments must be received by November 3, 2006.

Background and Purpose

The Loop Parkway Bridge has a vertical clearance in the closed position of 21 feet at mean high water and 25 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.799(f).

The bridge owner, New York State Department of Transportation, requested a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation schedule to help better balance the needs between vehicular land traffic and marine vessel traffic.

Under this temporary deviation, in effect from June 30, 2006 through September 4, 2006, the Loop Parkway Bridge at mile 0.7, across Long Creek, shall operate as follows:

The bridge shall open on signal for all marine traffic, Monday through Friday twice an hour, at twenty and fifty minutes after the hour, from 6:20 a.m. to 7:20 p.m., except that, between 9:50 a.m. and 3:20 p.m., the bridge shall open on signal for all commercial vessels. On Saturday, Sunday, and Federal Holidays, the bridge shall open on signal once an hour, at twenty minutes after the hour, between 7:20 a.m. and 8:20 p.m., except that, the bridge shall open on signal for all commercial vessels. At all other times the bridge shall open on signal for all vessel traffic.

This deviation from the operating regulations is authorized under 33 CFR 117.43.

Dated: June 26, 2006.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E6–10758 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2004–KY–0004–200610; FRL–8191–5]

Approval and Promulgation of Implementation Plans; Kentucky Prevention of Significant Deterioration and Nonattainment New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve revisions to the Kentucky State Implementation Plan (SIP) submitted by the Commonwealth of Kentucky on September 2, 2004, and amended by request dated August 23, 2005. The SIP revisions modify Kentucky's Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) regulations in the SIP to address changes to the federal new source review (NSR) regulations, which were promulgated by EPA on December 31, 2002 (67 FR 80186) and November 7, 2003 (68 FR 63021) (commonly referred to as the ''2002 NSR reform rules''). The September 2004 SIP revisions being approved today also include a rule setting a significance level of 100 tons per year (tpy) for ozone depleting substances.

EFFECTIVE DATE: This rule will be effective August 10, 2006.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2004–KY–0004. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person 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 federal holidays.

FOR FURTHER INFORMATION CONTACT: For information regarding the Kentucky State Implementation Plan, contact Mr. Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Telephone number: (404) 562–9043; e-mail address: *lakeman.sean@epa.gov.* For information regarding New Source Review, contact Ms. Kelly Fortin, Air Permits Section, at the same address above. Telephone number: (404) 562–9117; e-mail address: *fortin.kelly@epa.gov*.

SUPPLEMENTARY INFORMATION:

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I. What Action Is EPA Taking?
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I. What Action Is EPA Taking?

EPA is taking final action to approve revisions to the Kentucky SIP regarding Kentucky's new source review (NSR) program. On September 2, 2004, the Commonwealth of Kentucky, through the Kentucky Department of Environmental Protection (KDEP), submitted revisions to the Kentucky SIP. The submittal was amended by KDEP in a letter dated August 23, 2005. The submittal consists of changes to three regulations that are already part of the Kentucky SIP. The affected regulations are: 401 Kentucky Administrative Regulations (KAR) 51:001, ''Definitions for 401 KAR Chapter 51''; 401 KAR 51:017, ''Prevention of Significant Deterioration of Air Quality''; and 401 KAR 51:052, ''Review of New Sources in or Impacting upon Nonattainment Areas.'' The revisions were made to update the Kentucky NSR programs to make them consistent with changes to the federal NSR regulations published December 31, 2002 (67 FR 80186) and November 7, 2003 (68 FR 63021). The revisions also include a new rule setting a significance level for ozone depleting substances.

In a letter to EPA dated August 23, 2005, Kentucky requested to amend the September 2, 2004, SIP submittal in light of the decision issued by the U.S Circuit Court of Appeals for the District of Columbia (D.C. Circuit Court) on June 24, 2005. In the amendment, Kentucky requested that the sections of the Kentucky rules corresponding to the EPA rules that were vacated by the D.C. Circuit Court not be approved into the SIP, namely Sections 20, 21, and 22 of 401 KAR 51:017, Sections 11, 12, and 13 of 401 KAR 51:052, and definitions (38) ''Clean Unit'' and (188) ''Pollution Control Project'' in Section 1 of 401 KAR 51:001.

On February 10, 2006 (71 FR 6988), EPA published a notice of proposed rulemaking (NPR) in the **Federal Register**, proposing to approve the SIP revisions including Kentucky's NSR rules. The February 10, 2006, NPR provides additional information about the proposed Kentucky SIP revisions and the rationale for today's final action. The public comment period for the proposed action ended on March 13, 2006. No comments, adverse or otherwise, were received on EPA's proposed action. EPA is now taking final action to approve the SIP revisions submitted by KDEP on September 2, 2004, and amended on August 23, 2005.

II. What Is the Background for This Action?

On December 31, 2002 (67 FR 80186), EPA published final rule changes to 40 Code of Federal Regulations (CFR) parts 51 and 52, regarding the Clean Air Act's PSD and Nonattainment New Source Review (NNSR) programs. On November 7, 2003 (68 FR 63021), EPA published a notice of final action on its reconsideration of the 2002 rules. The purpose of today's action is to approve the SIP submittal from the Commonwealth of Kentucky, which includes EPA's 2002 NSR reform rules.

After the 2002 NSR reform rules were finalized and effective (March 3, 2003), various petitioners challenged numerous aspects of the 2002 NSR reform rules, along with portions of EPA's 1980 NSR rules (45 FR 52676, August 7, 1980). On June 24, 2005, the D.C. Circuit Court issued a decision on the challenges to the 2002 NSR reform rules. *New York* v. *United States*, 413 F.3d 3 (D.C. Cir. 2005). In summary, the D.C. Circuit Court vacated portions of EPA's NSR rules pertaining to clean units and pollution control projects, remanded a portion of the rules regarding recordkeeping and relating to language in 40 CFR 52.21(r)(6), 40 CFR 51.166(r)(6), and 40 CFR 51.165(a)(6), and either upheld or did not comment on the other provisions included as part of the 2002 NSR reform rules. Kentucky's SIP revisions being approved today do not contain any provisions of the 2002 NSR reform rules that were vacated as part of the June 2005 decision.

EPA continues to move forward with its evaluation of the portion of its NSR reform rules that were remanded by the D.C. Circuit Court. Kentucky's SIP revisions are approvable at this time because the Kentucky rules are substantially the same as the current federal rules. If EPA adopts criteria that are more stringent than the current Kentucky rules, the Commonwealth's rules may need to be revised to be at least as stringent as the federal requirement.

The 2002 NSR reform rules require that state agencies adopt and submit revisions to their part 51 permitting programs implementing the minimum program elements of the 2002 NSR reform rules no later than January 2, 2006. (Consistent with changes to 40 CFR 51.166(a)(6)(i), state agencies are now required to adopt and submit SIP revisions within three years after new amendments are published in the **Federal Register**.) State agencies may meet the requirements of 40 CFR part 51, and the 2002 NSR reform rules, with different but equivalent regulations. However, if a state decides not to implement any of the new applicability provisions, that state is required to demonstrate that its existing program is at least as stringent as the federal program.

On September 2, 2004, the Commonwealth of Kentucky submitted SIP revisions including changes to Kentucky's NSR program and a rule on ozone depleting substances. The NSR program changes were made primarily to adopt EPA's 2002 NSR reform rules. On February 10, 2006 (71 FR 6988) EPA published a notice of proposed rulemaking (NPR) proposing to approve revisions to three regulations that are already part of the Kentucky SIP. The affected regulations are: 401 Kentucky Administrative Regulations (KAR) 51:001, ''Definitions for 401 KAR Chapter 51''; 401 KAR 51:017, ''Prevention of Significant Deterioration of Air Quality''; and 401 KAR 51:052, ''Review of New Sources in or Impacting upon Nonattainment Areas.'' Kentucky's revisions are consistent with the federal NSR regulations published December 31, 2002 (67 FR 80186) and November 7, 2003 (68 FR 63021).

Kentucky's SIP revisions also included a rule setting a significance level for ozone depleting substances, as part of 401 KAR Chapter 51:017. Kentucky's definition of ''significance'' (definition 221), includes a significance threshold for ozone depleting substances (ODS) of 100 tons per year (tpy). The current federal rule (51.166(b)(23)(ii)) does not contain a specific threshold for ODS. In 1996, however, EPA proposed a 100 tpy threshold for ODS. See 61 FR 38250, July 23, 1996. Based on the rationale

provided in the 1996 proposal, EPA believes that it is reasonable for Kentucky to adopt this threshold. If EPA issues a final rule that establishes a threshold for ODS that is different from the one proposed in 1996, EPA may take further action to ensure that the Kentucky rule is consistent with the federal rule. At this time, however, Kentucky's rule is approvable and EPA is taking final action today to approve this rule into the Kentucky SIP.

The February 10, 2006, NPR, and the Docket for this action, provide more details about the SIP revisions being approved today and the rationale for EPA's final action. For additional information on EPA's 2002 NSR reform rules, see 67 FR 80186 (December 31, 2002), and *http://www.epa.gov/nsr.*

III. Final Action

EPA is taking final action to approve revisions to Kentucky's SIP to include changes to Kentucky regulations, 401 KAR 51:001, 401 KAR 51:017, and 401 KAR 51:052 submitted by the Commonwealth of Kentucky on September 2, 2004, and amended on August 23, 2005. EPA is taking no action on the following provisions of the Kentucky regulations, which include portions of EPA's 2002 NSR reform rules that were vacated by the D.C. Circuit Court: Sections 20, 21, and 22 of 401 KAR 51:017, Sections 11, 12, and 13 of 401 KAR 51:052, and definitions (38) and (188) in Section 1 of 401 KAR 51:001.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this final action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This final 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 final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This final rule also does not have 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 final action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law, and therefore, it does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This final rule also is not subject to Executive Order 13045 ''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 final 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 September 11, 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, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 29, 2006.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart S—Kentucky

■ 2. Section 52.920(c), Table 1 is amended by revising the entries for ''401 KAR 51:001'', ''401 KAR 51:017'' and ''401 KAR 51:052'' to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

TABLE 1.—EPA-APPROVED KENTUCKY REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
* *	*	*	*	* *
401 KAR 51:001	Definitions for 401 KAR Chapter 51.	07/14/2004	07/11/06 [Insert citation of publication].	EPA is taking no action on definitions (38) "Clean Unit" and (188) "Pollution Control Project".
* *	*	*	*	* *
401 KAR 51:017	Prevention of significant deterioration of air quality.	07/14/2004	07/11/06 [Insert citation of publication].	EPA is taking no action on sections 20, 21, and 22.
401 KAR 51:052	Review of new sources in or impacting upon nonattainment areas.	07/14/2004	07/11/06 [Insert citation of publication].	EPA is taking no action on sections 11, 12, and 13.
* *	*	*	*	* *

* * * * *

[FR Doc. 06–6089 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2006–0296; FRL–8191–8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Eight Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve revisions to the Commonwealth of Pennsylvania State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for seven major sources of volatile organic compounds (VOC) and one source of nitrogen oxides (NO_X) pursuant to the Commonwealth of Pennsylvania's (Pennsylvania's or the Commonwealth's) SIP-approved generic RACT regulations. EPA is approving these revisions in accordance with the Clean Air Act (CAA).

DATES: *Effective Date:* This final rule is effective on August 10, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2006–0296. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: LaKeshia N. Robertson, (215) 814–2113, or by e-mail at *robertson.lakeshia@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On April 27, 2006 (71 FR 24834), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of formal SIP revisions submitted by Pennsylvania on March 27, 1995, August 1, 1995, January 10, 1996, March 21, 1996, October 18, 1996, June 22, 1999, and July 28, 1999. These SIP revisions consist of source-specific operating permits issued by PADEP to establish and require RACT pursuant to the Commonwealth's SIP-approved generic RACT regulations. The following table identifies the sources and the individual operating permits (OPs) which are the subject of this rulemaking.

PENNSYLVANIA.—VOC AND NO_X RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source's name	County	Operating permit (OP No.) consent order (CO No.)	Source type	"Major source" pollutant
Carlisle Tire & Rubber Company	Cumberland	21–2003	Specialty Tire Manufacturing.	VOC.
The Carbide/Graphite Group, Inc	Elk	OP 24–012	Graphite Electrode and Graphite Specialties Manufacturing Facility.	VOC.
Celotex Corporation	Northumberland	OP 49–0013	Fiberboard Manufacturing Facility.	VOC.
American Railcar Industries, Inc. Shippers Car Line Division.	Northumberland	OP–49–0012	Railcar Cleaning and Refurbishment Operation.	VOC.

PENNSYLVANIA.—VOC AND NO_X RACT DETERMINATIONS FOR INDIVIDUAL SOURCES—Continued

Source's name	County	Operating permit (OP No.) consent order (CO No.)	Source type	''Major source'' pollutant
ACF	Northumberland	OP–49–0009	Railcar Manufacturing Operation.	VOC.
New Holland North America, Inc	Lancaster	36–2028	Surface Coating Operation.	VOC.
Allsteel, Inc	Luzerne	40–0015	Metal Furniture Coatings	VOC.
Ball-Foster Glass Container Co	McKean	OP 42–0028	Glass Melting Furnaces	NO_X.

An explanation of the CAA's RACT requirements as they apply to the Commonwealth and EPA's rationale for approving these SIP revisions were provided in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

DEPA is approving the revisions to the Pennsylvania SIP submitted by PADEP on March 27, 1995, August 1, 1995, January 10, 1996, March 21, 1996, October 18, 1996, June 22, 1999, and July 28, 1999, to establish and require VOC and NO_X RACT for eight sources pursuant to the Commonwealth's SIP-approved generic RACT regulations.

III. Statutory and Executive Order Reviews

A. General Requirements

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

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for eight named sources.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 11, 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, approving source-specific RACT requirements for eight sources in the Commonwealth of Pennsylvania, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: June 22, 2006.

William T. Wisniewski,

Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (d)(1) is amended by adding the entries for Carlisle Tire & Rubber Company; The Carbide/Graphite Group, Inc.; Celotex Corporation; American Railcar Industries, Inc. Shippers Car Line Division; ACF; New Holland North America, Inc.; Allsteel, Inc.; and Ball-Foster Glass Container Co. at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(d) * * *

(1) * * *

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanation/§ 52.2063 citation
*	*	*	*	*	*
Carlisle Tire & Rubber Company	21–2003	Cumberland	3/10/95	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(t).
The Carbide/Graphite Group, Inc	OP 24–012	Elk	5/12/95	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(t).
Celotex Corporation	OP 49–0013	Northumberland	6/18/99	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(t).
American Railcar Industries, Inc. Shippers Car Line Division.	OP–49–0012	Northumberland	11/29/95	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(t).
ACF	OP–49–0009	Northumberland	12/12/95	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(t).
New Holland North America, Inc	36–2028	Lancaster	10/17/95	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(t).
Allsteel, Inc	40–0015	Luzerne	5/26/95	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(t).
Ball-Foster Glass Container Co	OP 42–0028	McKean	3/31/99	7/11/06 [Insert page number where the document begins.	52.2020(d)(1)(t).

* * * * *

[FR Doc. 06–6087 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2006–0279; FRL–8192–1]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Eight Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve revisions to the Commonwealth of Pennsylvania State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for eight major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_X) pursuant to the Commonwealth of Pennsylvania's (Pennsylvania's or the Commonwealth's) SIP-approved generic RACT regulations. EPA is approving these revisions in accordance with the Clean Air Act (CAA).

DATES: *Effective Date:* This final rule is effective on August 10, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2006–0279. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ellen Wentworth, (215) 814–2034, or by e-mail at *wentworth.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On April 27, 2006 (71 FR 24831), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of formal SIP revisions submitted by Pennsylvania on August 1, 1995, March 21, 1996, October 18, 1996, April 20, 1998, October 2, 1998, June 22, 1999, and February 4, 2003. These SIP revisions consist of source-specific operating

permits issued by PADEP to establish and require RACT pursuant to the Commonwealth's SIP-approved generic RACT regulations. The following table identifies the sources and the individual operating permits (OPs) which are the subject of this rulemaking.

PENNSYLVANIA.—VOC AND NO_X RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source's name	County	Operating permit (OP No.) consent order (CO No.)	Source type	"Major source" pollutant
Pennsylvania Power & Light Company—West Shore.	Cumberland	OP–21–2009	Combustion Turbines	VOC and NO_X.
Foster Wheeler Mt. Carmel, Inc	Northumberland	OP–49–0002	Cogeneration Facility	NO_X.
Metropolitan Edison Company—Portland	Northampton	OP–48–0006	Combustion Turbines and Boilers.	NO_X.
Pennsylvania Power & Light Company	Lycoming	OP–41–0004	Combustion Turbine	NO_X.
Pennsylvania Power & Light Company	Clinton	OP–18–0006	Combustion Turbines	NO_X.
Texas Eastern Transmission Corporation	Juniata County	OP–34–2002	Compressor Station	NO_X.
Pennsylvania Power & Light Company	Northampton	OP–48–0011	Combustion Turbines and Diesel Generators.	VOC and NO_X.
Johnstown Corporation	Cambria	OP–11–000–034	Steel Foundry	VOC.

An explanation of the CAA's RACT requirements as they apply to the Commonwealth and EPA's rationale for approving these SIP revisions were provided in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

EPA is approving the revisions to the Pennsylvania SIP submitted by PADEP on August 1, 1995, March 21, 1996, October 18, 1996, April 20, 1998, October 2, 1998, June 22, 1999, and February 4, 2003, to establish and require VOC and NO_X RACT for eight sources pursuant to the Commonwealth's SIP-approved generic RACT regulations.

III. Statutory and Executive Order Reviews

A. General Requirements

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

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for eight named sources.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the

appropriate circuit by September 11, 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, approving source-specific RACT requirements for eight sources in the Commonwealth of Pennsylvania, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: June 22, 2006.

William T. Wisniewski,

Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

■ 2. In Section 52.2020, the table in paragraph (d)(1) is amended by adding the entries for Pennsylvania Power & Light Company–West Shore; Foster Wheeler Mt. Carmel, Inc.; Metropolitan Edison Company—Portland; Pennsylvania Power & Light Company—Williamsport; Pennsylvania Power & Light Company—Bald Eagle; Texas Eastern Transmission Corporation; Pennsylvania Power & Light Company—Martins Creek; and Johnstown Corporation, at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(d) * * *

(1) * * *

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanation/§ 52.2063 citation
*	*	*	*	*	*
Pennsylvania Power & Light Company—West Shore.	OP–21–2009	Cumberland	6/7/95	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(r).
Foster Wheeler Mt. Carmel, Inc	OP–49–0002	Northumberland	6/30/95	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(r).
Metropolitan Edison Company—Portland	OP–48–0006	Northampton	12/14/94	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(r).
Pennsylvania Power & Light Company	OP–41–0004	Lycoming	6/13/95	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(r).
Pennsylvania Power & Light Company	OP–18–0006	Clinton		7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(r).
Texas Eastern Transmission Corporation	OP–34–2002	Juniata	1/31/97	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(r).
Pennsylvania Power & Light Company	OP–48–0011	Northampton	12/14/94	7/11/06 [Insert page number where the document begins].	52.2020(d)(1)(r).
Johnstown Corporation	OP–11–000–034.	Cambria	6/23/95	7/11/06 [Insert page number where the document begins.	52.2020(d)(1)(r).

* * * * *

[FR Doc. 06–6086 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2005–MO–0005; FRL–8192–4]

Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action on Missouri's request to incorporate two new rules and three revised rules into the State Implementation Plan (SIP) and Part 70 Operating Permit program. All of the rules pertain to Missouri's air permits program. Because of the state's request for approval of portions of the rules, EPA is not taking final action on all of the state-adopted rules. We are approving revisions to the Construction Permits Required rule and conditionally approving portions of the Construction Permits Required rule, which reference the Construction Permits by Rule. We are approving the Construction Permit Exemptions rule, except for the livestock markets and livestock operations exemption. We are conditionally approving the Construction Permits By Rule except for the livestock markets and livestock operations exemption.

EFFECTIVE DATE: This rule is effective on August 10, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2005–MO–0005. 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, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as

copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, KS. The Regional Office's official hours of business are Monday through Friday, 8:00 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT:

Amy Algoe-Eakin at (913) 551–7942, or by e-mail at *algoe-eakin.amy@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we'', ''us'', or ''our'' is used, we mean EPA. This section provides additional information by addressing the following questions:

What Is a SIP?
What Is the Federal Approval Process for a SIP?
What Does Federal Approval of a State Regulation Mean to Me?
What Is the Part 70 Operating Permits Program?
What Is the Federal Approval Process for an Operating Permits Program?
What Is Being Addressed in This Document?
Have the Requirements for Approval of a SIP Revision and a Part 70 Revision Been Met?
What action is EPA taking?

What Is a SIP?

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

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP.

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

What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally-enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the final Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally-approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally-approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA. If a state regulation is disapproved, it is not incorporated into the Federally-approved SIP and is not enforceable by EPA or by citizens under section 304. In the case of a revision to a Federally-approved state regulation, disapproval of the revision means that the underlying state regulation prior to the state's revision remains as the Federally enforceable requirement.

What Is the Part 70 Operating Permits Program?

The CAA amendments of 1990 require all states to develop operating permits programs that meet certain Federal criteria. In implementing this program, the states are to require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. One purpose of the part 70 operating permits program is to improve enforcement by issuing each source a single permit that consolidates all of the applicable CAA requirements into a Federally-enforceable document. By consolidating all of the applicable requirements for a facility into one document, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include ''major'' source of air pollution and certain other sources specified in the CAA or in our implementing regulations. For example, all source regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide or PM_{10}; those that emit 10 per year of any single hazardous air pollutant (HAP) (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of HAPs.

Revisions to the state and local agencies operating permits program are also subject to public notice, comment and our approval.

What Is the Federal Approval Process for an Operating Permits Program?

In order for state regulations to be incorporated into the Federally enforceable part 70 operating permits program, states must formally adopt regulations consistent with state and Federal requirements. This process generally includes a public notice, public hearing, pubic comment period, and formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the approved operating permits program. We must provide public notice and seek additional public comment regarding the final Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 502 of the CAA are incorporated into the Federally-approved operating permits program. Records of such actions are maintained in the CFR at Title 40, part 70, appendix A, entitled, ''Approval Status of State and Local Operating Permits Programs.''

What Is Being Addressed in This Document?

On July 14, 2004, Missouri requested that EPA revise the SIP to include two new rules and three revised rules and revise the Part 70 program to include revisions to two rules. All of these rules pertain to Missouri's air permit program and will assist in effective management of Missouri's air permitting program and provide clarity to the program. These rules were adopted by the Missouri Air Conservation Commission on June 26, 2003, and became effective under state law on October 30, 2003. When Missouri submitted these rules to EPA, Missouri included the comments made on the rules during the state's adoption process, the state's response to comments, and other information necessary to meet EPA's completeness criteria. For additional information on the completeness criteria, the reader should refer to 40 CFR part 51, appendix V.

On March 22, 2006 (71 FR 14439), EPA published a proposed rule on MDNR's request to revise the SIP. No comments were received, and EPA is proceeding by taking final action in response to this request.

We are approving MDNR's request to include, as a revision to Missouri's SIP and Part 70 Operating Permit program, amendments to rule 10 CSR 10–6.020, Definitions and Common Reference Tables. We are approving and conditionally approving revisions to the Construction Permits Required rule, 10 CSR 10–6.060. The parts of rule 10 CSR 10–6.060 that are being conditionally approved are the references to 10 CSR 10–6.062, Construction Permits By Rule, which is being conditionally approved in its entirety, as discussed later in this document.

We are also approving the Construction Permit Exemptions rule, 10 CSR 10–6.061, except for subparagraph (3)(A)2.D, of 10 CSR 10–6.061 which is an exemption for livestock markets and livestock operations constructed on or before November 30, 2003. We are not acting on this section because Missouri withdrew this section from its request in an October 25, 2005, letter from the Director of Missouri's Air Pollution Control Program to the EPA Region 7 Regional Administrator.

We are also conditionally approving the Construction Permits By Rule, 10 CSR 10–6.062. This final conditional approval does not include paragraph (3)(B)4., which is a permit by rule for livestock operations. In an October 25, 2005, request from the Director of MDNR's Air Pollution Control Program to EPA Region 7 Regional Administrator, Missouri withdrew this section from its request for EPA approval. EPA is conditionally approving this rule because it does not expressly include a mechanism for pre-construction review of applications received from the facilities that want to operate under this rule. Section 110(a)(2)(C) of the CAA requires that each SIP include a program to regulate construction and modification of sources to ensure that the NAAQS are achieved. EPA's implementing regulation provides that the plan must include procedures, ''by which the state * * * will prevent such construction or modification'' where the source or modification would violate a control strategy or interfere with attainment or maintenance of the NAAQS (see 40 CFR 51.160(b)). Because Missouri's Construction Permits By Rule, as adopted on June 26, 2003, appears to authorize construction to begin before any air quality review occurs, and the rule only provides for revocation of a permit after the source begins construction or operation, EPA believes that Missouri's preconstruction permit program is deficient with respect to sources which may qualify for the Permit By Rule. With respect to these sources, the rule does not clearly authorize Missouri to prevent construction or modification before construction or modification begins.

In order to rectify these deficiencies, the Missouri Air Conservation Commission (MACC) adopted a resolution on December 8, 2005, which is intended to clarify that Missouri, in administering this rule, will require a preconstruction review period before sources may begin construction and will amend the Construction Permits by Rule to expressly include a preconstruction review period. The MACC also directed the Missouri Department of Natural Resources' Air Pollution Control Program to complete revisions to this rule within twelve months of the December 2005 resolution. During the interim period required to promulgate an effective rule, the program is directed to conduct a maximum seven day review period procedure for permit by rule notifications submitted in accordance with Missouri rule 10 CSR 10–6.062, Construction Permits by Rule.

Because the MACC resolution serves to clarify preconstruction review, which is an issue of significant concern to EPA, we are conditionally approving into the SIP Missouri rule 10 CSR 10–6.062, Construction Permits by Rule. Section 110(k)(4) of the CAA states that EPA may conditionally approve a plan based on a commitment from the state to adopt specific enforceable measures within one year from the date of approval. If the state fails to meet its commitment within the one-year period, the approval is treated as a disapproval. As such, this rule is being approved with the condition that Missouri must revise the Construction Permits By Rule to incorporate a preconstruction review period and submit this revised rule for inclusion into the SIP to EPA within one year of the date of this approval.

Finally, Missouri's submittal includes revisions to Missouri's Operating Permits Rule in 10 CSR 10–6.065. The rule revisions for rule 10 CSR 10–6.065 relate solely to the state's basic operating permit program that are not included in Missouri's approved Part 70 Operating Permits program or SIP. Therefore, we are not acting on these revisions.

Have the Requirements for Approval of a SIP Revision and a Part 70 Revision Been Met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the Technical Support Document (TSD) that is part of this rule, except as noted with respect to the permits by rule provision discussed above, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. Finally, the submittal met the substantive requirements of Title V of the 1990 CAA Amendments and 40 CFR part 70.

What Action Is EPA Taking?

EPA is taking four actions:

(1) EPA is approving revisions to the Definitions and Common Reference Tables rule in the SIP and Part 70 Operating Permit Program.

(2) EPA is approving, as an amendment to the SIP, revisions to the Construction Permits Required rule and conditionally approving portions of the Construction Permits Required rule, which reference the Construction Permits by Rule.

(3) EPA is approving into the SIP a new rule, Construction Permit Exemptions, except for the livestock markets and livestock operations exemption which was withdrawn in an October 25, 2005, request from the state of Missouri.

(4) EPA is conditionally approving, as an amendment to the Missouri SIP, the Construction Permits By Rule except for the livestock markets and livestock operations exemption, which was

withdrawn in an October 25, 2005, request from the state of Missouri.

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 CAA. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing state submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a State submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a State submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 11, 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 27, 2006.

James B. Gulliford,

Regional Administrator, Region 7.

■ 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 AA—Missouri

■ 2. In § 52.1320(c) the table is amended under Chapter 6 by:

■ a. Revising the entries for 10–6.020 and 10–6.060.

■ b. Adding entries for 10–6.061 and 10–6.062.

The revisions and additions read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
* *	*	*	*	* *
10–6.020	Definitions and Common Reference Tables.	10/30/2003	07/11/06 [insert FR page number where the document begins].	
* *	*	*	*	* *
10–6.060	Construction Permits Required.	10/30/2003	07/11/06 [insert FR page number where the document begins].	We are conditionally approving references to 10 CSR 10–6.062 contained in the last sentence of Section (1)(B) and all of section (1)(D).
10–6.061	Construction Permit Exemptions.	10/30/2003	07/11/06 [insert FR page number where the document begins].	Section (3)(A)2.D. is not included in the SIP.
10–6.062	Construction Permits By Rule.	10/30/2003	07/11/06 [insert FR page number where the document begins].	We are conditionally approving this rule except for Section (3)(B)4., which is not included in the SIP.
* *	*	*	*	* *

* * * * *

PART 70—[AMENDED]

■ 1. The authority citation for part 70 continues to read as follows:

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

Appendix A—[Amended]

■ 2. Appendix A to part 70 is amended by adding paragraph (r) under Missouri to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Missouri

* * * * *

(r) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10–6.020, ''Definitions and Common Reference Tables,'' on June 30, 2004, approval effective August 10, 2006.

* * * * *

[FR Doc. 06–6092 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2005–0548; FRL–8191–9]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Charleston Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

EFFECTIVE DATE: This final rule is effective on August 10, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2005–0548. All documents in the docket are listed in the *www.regulations.gov* Web Site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE., Charleston, WV 25304.

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

SUPPLEMENTARY INFORMATION:

I. Background

On May 4, 2006 (71 FR 26299), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. The NPR proposed approval of West Virginia's redesignation request and a SIP revision that establishes a maintenance plan for the Charleston area that sets forth how the Charleston area will maintain attainment of the 8-hour ozone NAAQS for the next 12 years. The formal SIP revision was submitted by the WVDEP on November 30, 2005. Other specific requirements of West Virginia's redesignation request SIP revision for the maintenance plan and the rationale for EPA's proposed action are explained in the NPR and will not be restated here.

On May 23, 2006, EPA received a comment, from the West Virginia Division of Highways, in support of the redesignation of the Charleston area. However, errata were found on pages 26302, 26307, and 26309 of the NPR. On page 26302 (Table 1) and page 26309 (Table 7), an error occurred in the use of significant digits for the 2018 MVEBs. The correct MVEB for NO_X should read 8.2 tons per day (tpd) instead of 8.20 tpd. The correct MVEB for VOCs should read 7.2 tpd instead of 7.20 tpd. On page 26307 in the first column, there was an error in reference to West Virginia state regulation, 45CSR3. The correct regulation referenced should read 45CSR39. Lastly, on page 26309 in the second column, there was an incorrect reference to the Virginia Department of Environmental Quality (VADEQ). The correct reference should read the West Virginia Department of Environmental Protection (WVDEP).

II. Final Action

EPA is approving the State of West Virginia's November 30, 2005 redesignation request and maintenance plan because the requirements for approval have been satisfied. EPA has evaluated West Virginia's redesignation request, submitted on November 30, 2005, and determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. EPA believes that the redesignation request and monitoring data demonstrate that the Charleston area has attained the 8-hour ozone standard. The final approval of this redesignation request will change the designation of the Charleston area from nonattainment to attainment for the 8-hour ozone standard. EPA is approving the associated maintenance plan for this area, submitted on November 30, 2005, as a revision to the West Virginia SIP. EPA is approving the maintenance plan for the Charleston area because it meets the requirements of section 175A and 175A(b) with respect to the 1-hour ozone maintenance plan update. EPA is also approving the MVEBs submitted by West Virginia for this area in conjunction with its redesignation request. The Charleston area is subject to the CAA's requirements for basic ozone nonattainment areas until and unless it is redesignated to attainment.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this final action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)). This action approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Redesignation of an area to attainment under section 107(d)(3)(e) of the Clean Air Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on sources. Accordingly, the Administrator certifies that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This final rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it affects the status of a geographical area, does not impose any new requirements on sources, or allow the state to avoid adopting or implementing other requirements, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This final rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission; to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Redesignation is an action that affects the status of a geographical area and does not impose any new requirements on sources. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this final rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 11, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

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

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

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

Dated: June 22, 2006.

William T. Wisniewski,

Acting Regional Administrator, Region III.

■ 40 CFR parts 52 and 81 are amended as follows:

PART 52—[AMENDED]

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

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

Subpart XX—West Virginia

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

§ 52.2520 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
8-Hour Ozone Maintenance Plan for the Charleston, WV Area.	Charleston Area (Kanawha and Putnam Counties).	11/30/05	07/11/06 [Insert page number where the document begins].	Action includes approval of the following motor vehicle emission budgets (MVEB): 8.2 tons per day (tpd) for NO_X and 7.2 tpd for VOC.

PART 81—[AMENDED]

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

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

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

§ 81.349 West Virginia.

* * * * *

WEST VIRGINIA—OZONE

[8-hour standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
*	*	*	*	*
Charleston, WV Area:				
Kanawha County	07/11/06	Attainment.		
Putnam County	07/11/06	Attainment.		
*	*	*	*	*

[a] Includes Indian country located in each county or area except otherwise noted.

[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

[FR Doc. 06–6085 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 208, 225, 252, 253, and Chapter 2

[DFARS Case 2003–D072]

Defense Federal Acquisition Regulation Supplement; Required Sources of Supply

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text addressing acquisitions made through Government supply sources. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

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

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2003–D072.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm.*

This final rule is a result of the DFARS Transformation initiative. The DFARS changes—

○ Delete informational text on GSA Federal Supply Schedules that is unnecessary for inclusion in the DFARS;

○ Delete text on the Defense National Stockpile and the acquisition of helium. These issues are adequately addressed in the Federal Acquisition Regulation at 8.003 and Subpart 8.5;

○ Delete obsolete text on the DoD Industrial Preparedness Production Planning Program. There is no longer a DoD-wide Program; and

○ Delete procedures for ordering from central nonprofit agencies; for acquisition of items under the DoD Coordinated Acquisition Program; for contracting or performing field service functions for NASA; for use of the DoD Precious Metals Recovery Program; and for use of enterprise software agreements for acquiring commercial software and related services. Text on these subjects has been relocated to the DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi.*

DoD published a proposed rule at 70 FR 73187 on December 9, 2005. One source submitted comments on the proposed rule. That source recommended establishment of separate Federal supply class (FSC) commodity codes for Americans with Disabilities Act (ADA) and Occupational Safety and Health Administration (OSHA) compliant products, to distinguish the ADA or OSHA compliant products from similar products that are not ADA or OSHA compliant (e.g., ramps, landings, steps, decks). Although DoD includes certain FSC commodity codes in its publications, the codes are established and maintained by the General Services Administration (GSA). Therefore, DoD has forwarded the respondent's recommendation to GSA for consideration. DoD has adopted the proposed rule as a final rule, with an additional change at DFARS 225.7005–1 to remove a reference to DFARS Subpart 208.72, which has been eliminated by this rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule deletes obsolete, unnecessary, or procedural DFARS text, but makes no significant change to DoD contracting policy.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 208, 225, 252, and 253

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 208, 225, 252, and 253 and Appendix B to Chapter 2 are amended as follows:

■ 1. The authority citation for 48 CFR parts 208, 225, 252, and 253 and Appendix B to subchapter I continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

■ 2. Section 208.002 is revised to read as follows:

208.002 Priorities for use of Government supply sources.

(a)(1)(v) See Subpart 208.70, Coordinated Acquisition, and Subpart 208.74, Enterprise Software Agreements.

208.003 [Removed]

■ 3. Section 208.003 is removed.

■ 4. Section 208.705 is revised to read as follows:

208.705 Procedures.

Follow the procedures at PGI 208.705 when placing orders with central nonprofit agencies.

208.7000 [Amended]

■ 5. Section 208.7000 is amended in paragraph (a), in the parenthetical, by removing ''appendix B'' and adding in its place ''PGI 208.7006''.

■ 6. Sections 208.7002–1 and 208.7002–2 are revised to read as follows:

208.7002–1 Acquiring department responsibilities.

See PGI 208.7002–1 for the acquiring department's responsibilities.

208.7002–2 Requiring department responsibilities.

See PGI 208.7002–2 for the requiring department's responsibilities.

■ 7. Section 208.7003–1 is amended by revising paragraph (a) introductory text and paragraph (b) to read as follows:

208.7003–1 Assignments under integrated materiel management (IMM).

(a) Acquire all items assigned for IMM from the IMM manager except—

* * * * *

(b) Follow the procedures at PGI 208.7003–1(b) when an item assigned for IMM is to be acquired by the requiring department in accordance with paragraph (a)(3) of this subsection.

■ 8. Section 208.7004 is revised to read as follows:

208.7004 Procedures.

Follow the procedures at PGI 208.7004 for processing coordinated acquisition requirements.

208.7004–1 through 208.7004–10 [Removed]

■ 9. Sections 208.7004–1 through 208.7004–10 are removed.

■ 10. Sections 208.7005 and 208.7006 are revised to read as follows:

208.7005 Military interdepartmental purchase requests.

Follow the procedures at—

(a) PGI 253.208–1 when using DD Form 448, Military Interdepartmental Purchase Request; and

(b) PGI 253.208–2 when using DD Form 448–2, Acceptance of MIPR.

208.7006 Coordinated acquisition assignments.

See PGI 208.7006 for coordinated acquisition assignments.

■ 11. Sections 208.7101 and 208.7102 are revised to read as follows:

208.7101 Policy.

Departments and agencies shall cooperate fully with NASA in making acquisition services, equipment, personnel, and facilities available on the basis of mutual agreement.

208.7102 Procedures.

Follow the procedures at PGI 208.7102 when contracting or performing services for NASA.

208.7103 through 208.7105 [Removed]

■ 12. Sections 208.7103 through 208.7105 are removed.

Subpart 208.72 [Removed and Reserved]

■ 13. Subpart 208.72 is removed and reserved.

208.7301 [Amended]

■ 14. Section 208.7301 is amended by removing the definitions of ''Dual pricing evaluation procedure'' and ''Precious Metals Indicator Code (PMIC)''.

208.7302 [Amended]

■ 15. Section 208.7302 is amended in the first sentence by removing ''(PMRP)''.

■ 16. Sections 208.7303 and 208.7304 are revised to read as follows:

208.7303 Procedures.

Follow the procedures at PGI 208.7303 for use of the Precious Metals Recovery Program.

208.7304 Refined precious metals.

See PGI 208.7304 for a list of refined precious metals managed by DSCP.

208.7401 [Amended]

■ 17. Section 208.7401 is amended by removing the definitions of ''Golden Disk'' and ''Software product manager''.

■ 18. Section 208.7403 is revised to read as follows:

208.7403 Acquisition procedures.

Follow the procedures at PGI 208.7403 when acquiring commercial software and related services.

PART 225—FOREIGN ACQUISITION

225.7005–1 [Amended]

■ 19. Section 225.7005–1 is amended in the introductory text by removing ''(see subpart 208.72)''.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 20. Section 252.225–7025 is amended by revising the clause date and paragraph (a)(1) to read as follows:

252.225–7025 Restriction on acquisition of forgings.

* * * * *

Restriction on Acquisition of Forgings (Jul 2006)

(a) * * *

(1) *Domestic manufacture* means—

(i) Manufactured in the United States or its outlying areas; or

(ii) Manufactured in Canada, if the Canadian firm normally produces similar items or is currently producing the item in support of DoD contracts (as a contractor or a subcontractor).

* * * * *

PART 253—FORMS

■ 21. Sections 253.208–1 and 253.208–2 are revised to read as follows:

253.208–1 DD Form 448, Military Interdepartmental Purchase Request.

Follow the procedures at PGI 253.208–1 for use of DD Form 448.

253.208–2 DD Form 448–2, Acceptance of MIPR.

Follow the procedures at PGI 253.208–2 for use of DD Form 448–2.

Appendix B to Chapter 2 [Removed and Reserved]

■ 22. Appendix B to Chapter 2 is removed and reserved.

[FR Doc. E6–10873 Filed 7–10–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 212, 225, and 252

[DFARS Case 2006–D003]

Defense Federal Acquisition Regulation Supplement; Relocation of Subpart 225.6 to 225.76

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to relocate text addressing trade sanctions, to reflect the removal of the corresponding subpart of the Federal Acquisition Regulation.

EFFECTIVE DATE: July 11, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0328; facsimile (703) 602–0350. Please cite DFARS Case 2006–D003.

SUPPLEMENTARY INFORMATION:

A. Background

Item VII of Federal Acquisition Circular 2005–09, published at 71 FR 20305 on April 19, 2006, removed FAR Subpart 25.6, Trade Sanctions. Therefore, this final rule removes the corresponding DFARS subpart. The text formerly included in DFARS Subpart 225.6, addressing DoD statutory restrictions relating to the Secondary Arab Boycott of Israel, is relocated to a new DFARS Subpart 225.76 with no substantive change in content.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on

contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2006–D003.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 212, 225, and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 212, 225, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 212, 225, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.301 [Amended]

■ 2. Section 212.301 is amended in paragraph (f)(ii), in the second sentence, by removing ''(see 225.670–3)'' and adding in its place ''(see 225.7603)''.

PART 225—FOREIGN ACQUISITION

Subpart 225.6—[Removed]

■ 3. Subpart 225.6 is removed.

225.1103 [Amended]

■ 4. Section 225.1103 is amended as follows:

■ a. By removing paragraph (2); and

■ b. By redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively.

■ 5. Subpart 225.76 is added to read as follows:

Subpart 225.76—Secondary Arab Boycott of Israel

Sec.

225.7601 Restriction.
225.7602 Procedures.
225.7603 Exceptions.
225.7604 Waivers.
225.7605 Solicitation provision.

Subpart 225.76—Secondary Arab Boycott of Israel

225.7601 Restriction.

In accordance with 10 U.S.C. 2410i, do not enter into a contract with a foreign entity unless it has certified that it does not comply with the secondary Arab boycott of Israel.

225.7602 Procedures.

For contracts awarded to the Canadian Commercial Corporation (CCC), the CCC will submit a certification from its proposed subcontractor with the other required precontractual information (see 225.870).

225.7603 Exceptions.

This restriction does not apply to—

(a) Purchases at or below the simplified acquisition threshold;

(b) Contracts for consumable supplies, provisions, or services for the support of United States forces or of allied forces in a foreign country; or

(c) Contracts pertaining to the use of any equipment, technology, data, or services for intelligence or classified purposes, or to the acquisition or lease thereof, in the interest of national security.

225.7604 Waivers.

The Secretary of Defense may waive this restriction on the basis of national security interests. Forward waiver requests to the Director, Defense Procurement and Acquisition Policy, ATTN: OUSD(AT&L)DPAP(PAIC), 3060 Defense Pentagon, Washington, DC 20301–3060.

225.7605 Solicitation provision.

Unless an exception applies or a waiver has been granted in accordance with 225.7604, use the provision at 252.225–7031, Secondary Arab Boycott of Israel, in all solicitations.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.225–7031 [Amended]

■ 6. Section 252.225–7031 is amended in the introductory text by removing ''225.1103(2)'' and adding in its place ''225.7605''.

252.225–7041 [Amended]

■ 7. Section 252.225–7041 is amended in the introductory text by removing ''225.1103(3)'' and adding in its place ''225.1103(2)''.

252.225–7042 [Amended]

■ 8. Section 252.225–7042 is amended in the introductory text by removing ''225.1103(4)'' and adding in its place ''225.1103(3)''.

[FR Doc. E6–10850 Filed 7–10–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 216

[DFARS Case 2003–D078]

Defense Federal Acquisition Regulation Supplement; Types of Contracts

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text on the selection and use of contract types. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

EFFECTIVE DATE: July 11, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2003–D078.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm.*

This final rule is a result of the DFARS Transformation initiative. The DFARS changes—

- Streamline text on the use of economic price adjustment clauses;
- Increase, from 3 to 5 years, the standard maximum ordering period under basic ordering agreements;
- Delete obsolete text on the use of cost-plus-fixed-fee contracts for environmental restoration;

• Delete unnecessary text on design stability and use of incentive provisions; and

• Delete procedures for selecting contract type and for use of special economic price adjustment clauses, incentive contracts, and basic ordering agreements. Text on these subjects has been relocated to the DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi.*

DoD published a proposed rule at 70 FR 54694 on September 16, 2005. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule updates and streamlines DFARS text, but makes no significant change to DoD contracting policy.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 216

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 216 is amended as follows:

PART 216—TYPES OF CONTRACTS

■ 1. The authority citation for 48 CFR part 216 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

216.104 [Removed]

■ 2. Section 216.104 is removed.

■ 3. Section 216.104–70 is revised to read as follows:

§ 216.104–70 Research and development.

Follow the procedures at PGI 216.104–70 for selecting the appropriate research and development contract type.

■ 4. Section 216.203–4 is revised to read as follows:

§ 216.203–4 Contract clauses.

(1) Generally, use the clauses at FAR 52.216–2, Economic Price Adjustment—Standard Supplies, FAR 52.216–3, Economic Price Adjustment—Semistandard Supplies, and FAR 52.216–4, Economic Price Adjustment—Labor and Material, only when—

(i) The total contract price exceeds the simplified acquisition threshold; and

(ii) Delivery or performance will not be completed within 6 months after contract award.

(2) Follow the procedures at PGI 216.203–4 when using an economic price adjustment clause based on cost indexes of labor or material.

■ 5. Section 216.306 is amended by revising paragraph (c)(ii) to read as follows:

216.306 Cost-plus-fixed-fee contracts.

(c) * * *

(ii) The prohibition in paragraph (c)(i) of this section does not apply to contracts specifically approved in writing, setting forth the reasons therefor, in accordance with the following:

(A) The Secretaries of the military departments are authorized to approve such contracts that are for environmental work only, provided the environmental work is not classified as construction, as defined by 10 U.S.C. 2801.

(B) The Secretary of Defense or designee must approve such contracts that are not for environmental work only or are for environmental work classified as construction.

■ 6. Sections 216.402–2 through 216.403–2 are revised to read as follows:

216.402–2 Technical performance incentives.

See PGI 216.402–2 for guidance on establishing performance incentives.

216.403 Fixed-price incentive contracts.

216.403–2 Fixed-price incentive (successive targets) contracts.

See PGI 216.403–2 for guidance on the use of fixed-price incentive (successive targets) contracts.

216.404 [Removed]

■ 7. Section 216.404 is removed.

■ 8. Section 216.405–1 is revised to read as follows:

216.405–1 Cost-plus-incentive-fee contracts.

See PGI 216.405–1 for guidance on the use of cost-plus-incentive-fee contracts.

■ 9. Section 216.405–2 is revised to read as follows:

216.405–2 Cost-plus-award-fee contracts.

(b) *Application.* The cost-plus-award-fee (CPAF) contract may include provisional award fee payments. A provisional award fee payment is a payment made within an evaluation period prior to a final evaluation for that period. The contracting officer may include provisional award fee payments in a CPAF contract on a case-by-case basis, provided those payments—

(i) Are made no more frequently than monthly;

(ii) Are limited to no more than—

(A) For the initial award fee evaluation period, 50 percent of the award fee available for that period; and

(B) For subsequent award fee evaluation periods, 80 percent of the evaluation score for the prior evaluation period times the award fee available for the current period, e.g., if the contractor received 90 percent of the award fee available for the prior evaluation period, provisional payments for the current period shall not exceed 72 percent (90 percent x 80 percent) of the award fee available for the current period;

(iii) Are superseded by an interim or final award fee evaluation for the applicable evaluation period. If provisional payments have exceeded the payment determined by the evaluation score for the applicable period, the contracting officer shall collect the debt in accordance with FAR 32.606; and

(iv) May be discontinued, or reduced in such amounts deemed appropriate by the contracting officer, when the contracting officer determines that the contractor will not achieve a level of performance commensurate with the provisional payment. The contracting officer shall notify the contractor in writing of any discontinuance or reduction in provisional award fee payments.

(c) *Limitations.*

(i) The CPAF contract shall not be used—

(A) To avoid—

(1) Establishing cost-plus-fixed-fee contracts when the criteria for cost-plus-fixed-fee contracts apply; or

(2) Developing objective targets so a cost-plus-incentive-fee contract can be used; or

(B) For either engineering development or operational system development acquisitions that have specifications suitable for simultaneous research and development and production, except a CPAF contract may be used for individual engineering development or operational system development acquisitions ancillary to the development of a major weapon system or equipment, where—

(1) It is more advantageous; and

(2) The purpose of the acquisition is clearly to determine or solve specific problems associated with the major weapon system or equipment.

(ii) Do not apply the weighted guidelines method to CPAF contracts for either the base (fixed) fee or the award fee.

(iii) The base fee shall not exceed 3 percent of the estimated cost of the contract exclusive of the fee.

(S–70) See PGI 216.405–2 for guidance on the use of CPAF contracts.

■ 10. Section 216.470 is revised to read as follows:

216.470 Other applications of award fees.

See PGI 216.470 for guidance on other applications of award fees.

■ 11. Section 216.703 is revised to read as follows:

216.703 Basic ordering agreements.

(c) *Limitations.* The period during which orders may be placed against a basic ordering agreement may not exceed 5 years.

(d) *Orders.* Follow the procedures at PGI 216.703(d) for issuing orders under basic ordering agreements.

[FR Doc. E6–10838 Filed 7–10–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 219

[DFARS Case 2006–D010]

Defense Federal Acquisition Regulation Supplement; Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Learning

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 842 of the National Defense Authorization Act for Fiscal Year 2006. Section 842 extends, through fiscal year 2009, DoD's goal to award five percent of contract and subcontract dollars to small disadvantaged businesses, historically black colleges and universities, and minority institutions.

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

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Tronic, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0289; facsimile (703) 602–0350. Please cite DFARS Case 2006-D010.

SUPPLEMENTARY INFORMATION:

A. Background

10 U.S.C. 2323 establishes a goal for DoD to award five percent of contract and subcontract dollars to small disadvantaged businesses, historically black colleges and universities, and minority institutions. Section 842 of the National Defense Authorization Act for Fiscal Year 2006 (Pub. L. 109–163) extended the period for applicability of the goal through fiscal year 2009. This final rule amends DFARS 219.800 to reflect the extension.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2006–D010.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Part 219

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 219 is amended as follows:

PART 219–SMALL BUSINESS PROGRAMS

■ 1. The authority citation for 48 CFR part 219 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

219.000 [Amended]

■ 2. Section 219.000 is amended in the introductory text by removing ''2006'' and adding in its place ''2009''.

[FR Doc. E6–10853 Filed 7–10–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 225 and 252

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to add a reference to guidance documents, update an Internet address, and add paragraph designations in a contract clause.

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

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350.

SUPPLEMENTARY INFORMATION: This final rule amends DFARS text as follows:

- *Section 225.7002–1.* Adds a reference to guidance found in the DFARS companion resource, Procedures, Guidance, and Information (PGI).
- *Section 225.7401.* Updates an Internet address.
- *Section 252.212–7001.* Adds paragraph designations to the DFARS clauses listed within this contract clause. No substantive change is made to the content of the clause.

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 225 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

■ 2. Section 225.7002–1 is amended in paragraph (b) by adding, after the period, a parenthetical sentence to read as follows:

225.7002–1 Restrictions.

* * * * *

(b) * * * (For guidance on dealing with noncompliance with this requirement, see PGI 225.7002–1(b).)

* * * * *

■ 3. Section 225.7401 is amended in paragraph (b) by revising the second sentence to read as follows:

225.7401 General.

* * * * *

(b) * * * Follow the procedures in Army in Europe Regulation 715–9, available at *http://www.per.hqusareur.army.mil/cpd/docper/GermanyDefault.aspx.*

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Section 252.212–7001 is revised to read as follows:

252.212–7001 Contract terms and conditions required to implement statutes or Executive orders applicable to Defense acquisitions of commercial items.

As prescribed in 212.301(f)(iii), use the following clause:

Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items (Jul 2006)

(a) The Contractor agrees to comply with the following Federal Acquisition Regulation (FAR) clause which, if checked, is included in this contract by reference to implement a provision of law applicable to acquisitions of commercial items or components.

____52.203–3, Gratuities (APR 1984) (10 U.S.C. 2207).

(b) The Contractor agrees to comply with any clause that is checked on the following list of Defense FAR Supplement clauses which, if checked, is included in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components.

(1) ____252.205–7000, Provision of Information to Cooperative Agreement Holders (DEC 1991) (10 U.S.C. 2416).

(2) ____252.219–7003, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DoD Contracts) (APR 1996) (15 U.S.C. 637).

(3) ____252.219–7004, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (Test Program) (JUN 1997) (15 U.S.C. 637 note).

(4) ____252.225–7001, Buy American Act and Balance of Payments Program (JUN 2005) (41 U.S.C. 10a–10d, E.O. 10582).

(5) ____252.225–7012, Preference for Certain Domestic Commodities (JUN 2004) (10 U.S.C. 2533a).

(6) ____252.225–7014, Preference for Domestic Specialty Metals (JUN 2005) (10 U.S.C. 2533a).

(7) ____252.225–7015, Restriction on Acquisition of Hand or Measuring Tools (JUN 2005) (10 U.S.C. 2533a).

(8) ____252.225–7016, Restriction on Acquisition of Ball and Roller Bearings (MAR 2006) (Section 8065 of Public Law 107–117 and the same restriction in subsequent DoD appropriations acts).

(9) ____252.225–7021, Trade Agreements (JUN 2006) (19 U.S.C. 2501–2518 and 19 U.S.C. 3301 note).

(10) ____252.225–7027, Restriction on Contingent Fees for Foreign Military Sales (APR 2003) (22 U.S.C. 2779).

(11) ____252.225–7028, Exclusionary Policies and Practices of Foreign Governments (APR 2003) (22 U.S.C. 2755).

(12)(i) ____252.225–7036, Buy American Act—Free Trade Agreements—Balance of Payments Program (JUN 2006) (41 U.S.C. 10a–10d and 19 U.S.C. 3301 note).

(ii) Alternate I (JAN 2005) of 252.225–7036.

(13) ____252.225–7038, Restriction on Acquisition of Air Circuit Breakers (JUN 2005) (10 U.S.C. 2534(a)(3)).

(14) ____252.226–7001, Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (SEP 2004) (Section 8021 of Pub. L. 107–248 and similar sections in subsequent DoD appropriations acts).

(15) ____252.227–7015, Technical Data—Commercial Items (NOV 1995) (10 U.S.C. 2320).

(16) ____252.227–7037, Validation of Restrictive Markings on Technical Data (SEP 1999) (10 U.S.C. 2321).

(17) ____252.232–7003, Electronic Submission of Payment Requests (MAY 2006) (10 U.S.C. 2227).

(18) ____252.237–7019, Training for Contractor Personnel Interacting with Detainees (SEP 2005) (Section 1092 of Public Law 108–375).

(19) ____252.243–7002, Requests for Equitable Adjustment (MAR 1998) (10 U.S.C. 2410).

(20)(i) ____252.247–7023, Transportation of Supplies by Sea (MAY 2002) (10 U.S.C. 2631).

(ii) ____Alternate I (MAR 2000) of 252.247–7023.

(iii) ____Alternate II (MAR 2000) of 252.247–7023.

(iv) ____Alternate III (MAY 2002) of 252.247–7023.

(21) ____252.247–7024, Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631).

(c) In addition to the clauses listed in paragraph (e) of the Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items clause of this contract (FAR 52.212–5), the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

(1) 252.225–7014, Preference for Domestic Specialty Metals, Alternate I (APR 2003) (10 U.S.C. 2533a).

(2) 252.237–7019, Training for Contractor Personnel Interacting with Detainees (SEP 2005) (Section 1092 of Public Law 108–375).

(3) 252.247–7023, Transportation of Supplies by Sea (MAY 2002) (10 U.S.C. 2631).

(4) 252.247–7024, Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631).

(End of clause)

[FR Doc. E6–10841 Filed 7–10–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 239

[DFARS Case 2003–D094]

Defense Federal Acquisition Regulation Supplement; Exchange or Sale of Government-Owned Information Technology

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to delete obsolete procedures for the exchange or sale of Government-owned information technology. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

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

FOR FURTHER INFORMATION CONTACT: Mr. Bill Sain, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0293; facsimile (703) 602–0350. Please cite DFARS Case 2003–D094.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures

that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm.*

This final rule is a result of the DFARS Transformation initiative. The rule revises DFARS Subpart 239.70 to delete obsolete procedures for the exchange or sale of Government-owned information technology. DoD now handles the exchange or sale of information technology equipment in the same manner as other personal property, in accordance with DoD 4140.1–R, DoD Supply Chain Materiel Management Regulation. The rule includes a reference to DoD 4140.1–R, at DFARS 239.7001.

DoD published a proposed rule at 70 FR 54697 on September 16, 2005. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule deletes procedures that have become obsolete with regard to the exchange or sale of Government-owned information technology.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Part 239

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 239 is amended as follows:

PART 239–ACQUISITION OF INFORMATION TECHNOLOGY

■ 1. The authority citation for 48 CFR part 239 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

■ 2. Subpart 239.70 is revised to read as follows:

Subpart 239.70—Exchange or Sale of Information Technology

239.7001 Policy.

Agencies shall follow the procedures in DoD 4140.1–R, DoD Supply Chain Materiel Management Regulation, Chapter 9, Section C9.5, when considering the exchange or sale of Government-owned information technology.

[FR Doc. E6–10852 Filed 7–10–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 239 and 252

[DFARS Case 2003–D068]

Defense Federal Acquisition Regulation Supplement; Acquisition of Information Technology

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text on the acquisition of information technology. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

EFFECTIVE DATE: July 11, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Sain, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0293; facsimile (703) 602–0350. Please cite DFARS Case 2003–D068.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm.*

This final rule is a result of the DFARS Transformation initiative. The DFARS changes—

○ Remove text that is obsolete or unnecessary;

○ Clarify text addressing charges for special construction or assembly related to telecommunications services;

○ Clarify the text of clauses used in basic agreements for telecommunications services; and

○ Remove text addressing the acquisition of telecommunications services from foreign carriers and examples of instances where additional information may be necessary to determine price reasonableness. Text on these subjects has been relocated to the DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi.*

DoD published a proposed rule at 70 FR 54698 on September 16, 2005. DoD received no comments on the proposed rule. DoD has adopted the proposed rule as a final rule, with an additional change at DFARS 239.7406(c) to add a reference to PGI text containing examples of instances where additional information may be necessary to determine price reasonableness.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule updates and clarifies DFARS text, but makes no significant change to DoD policy for the acquisition of information technology.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 239 and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 239 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 239 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

239.7200 [Removed]

■ 2. Section 239.7200 is removed.

■ 3. Section 239.7201 is added to read as follows:

239.7201 Solicitation requirements.

Contracting officers shall ensure that all applicable Federal Information Processing Standards are incorporated into solicitations.

239.7202 [Removed]

■ 4. Section 239.7202 is removed.

■ 5. Section 239.7400 is amended by revising the second sentence to read as follows:

239.7400 Scope.

* * * Telecommunications services meet the definition of information technology.

■ 6. Section 239.7402 is amended by revising paragraph (a) and adding paragraph (c) to read as follows:

239.7402 Policy.

(a) *Acquisition.* DoD policy is to acquire telecommunications services from common and noncommon telecommunications carriers—

(1) On a competitive basis, except when acquisition using other than full and open competition is justified;

(2) Recognizing the regulations, practices, and decisions of the Federal Communications Commission (FCC) and other governmental regulatory bodies on rates, cost principles, and accounting practices; and

(3) Making provision in telecommunications services contracts for adoption of—

(i) FCC approved practices; or

(ii) The generally accepted practices of the industry on those issues concerning common carrier services where—

(A) The governmental regulatory body has not expressed itself;

(B) The governmental regulatory body has declined jurisdiction; or

(C) There is no governmental regulatory body to decide.

* * * * *

(c) *Foreign carriers.* For information on contracting with foreign carriers, see PGI 239.7402(c).

239.7403 and 239.7404 [Removed and Reserved]

■ 7. Sections 239.7403 and 239.7404 are removed and reserved.

■ 8. Section 239.7406 is amended by revising paragraph (c) to read as follows:

239.7406 Cost or pricing data and information other than cost or pricing data.

* * * * *

(c) Contracting officers shall obtain sufficient information to determine that the prices are reasonable in accordance with FAR 15.403–3 or 15.403–4. See PGI 239.7406 for examples of instances where additional information may be necessary to determine price reasonableness.

■ 9. Section 239.7408–1 is amended in paragraph (e) by revising the last sentence to read as follows:

239.7408–1 General.

* * * * *

(e) * * * The contracting officer must approve special construction charges before final payment.

■ 10. Section 239.7408–2 is amended by revising paragraph (a) to read as follows:

239.7408–2 Applicability of construction labor standards for special construction.

(a) The construction labor standards in FAR Subpart 22.4 ordinarily do not apply to special construction. However, if the special construction includes construction, alteration, or repair (as defined in FAR 22.401) of a public building or public work, the construction labor standards may apply. Determine applicability under FAR 22.402.

* * * * *

■ 11. Section 239.7409 is amended in paragraph (b) by revising the second sentence to read as follows:

239.7409 Special assembly.

* * * * *

(b) * * * The contracting officer should negotiate special assembly rates and charges before starting service.

* * *

■ 12. Section 239.7411 is amended by revising paragraph (d) to read as follows:

239.7411 Contract clauses.

* * * * *

(d) Use the clause at 252.239–7016, Telecommunications Security Equipment, Devices, Techniques, and Services, in solicitations and contracts when performance of a contract requires secure telecommunications.

Subpart 239.75 [Removed]

■ 13. Subpart 239.75 is removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 14. Section 252.239–7013 is revised to read as follows:

252.239–7013 Obligation of the Government.

As prescribed in 239.7411(c), use the following clause:

OBLIGATION OF THE GOVERNMENT (JUL 2006)

(a) This basic agreement is not a contract. The Government incurs no monetary liability under this agreement.

(b) The Government incurs liability only upon issuance of a communication service authorization, which is the contract and incorporates the terms of this agreement.

(End of clause)

■ 15. Section 252.239–7015 is revised to read as follows:

252.239–7015 Continuation of communication service authorizations.

As prescribed in 239.7411(c), use the following clause:

CONTINUATION OF COMMUNICATION SERVICE AUTHORIZATIONS (JUL 2006)

(a) All communication service authorizations issued by_____incorporating Basic Agreement Number _____, dated _____, are modified to incorporate this basic agreement.

(b) Communication service authorizations currently in effect which were issued by the activity in paragraph (a) of this clause incorporating other agreements with the Contractor may also be modified to incorporate this agreement.

(c) This basic agreement is not a contract.

(End of clause)

[FR Doc. E6–10851 Filed 7–10–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 91

RIN 1018–AU56

Revision of Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Contest Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the Fish and Wildlife Service (Service, or we), revise the regulations governing the annual Migratory Bird Hunting and Conservation Stamp Contest [also known as the Federal Duck Stamp

Contest (contest)]. Our amendments raise the contest entry fee by $25, to $125; update contest opening and entry deadline dates, locations, and mail and Internet site information; specify penalties for contestants who contact judges or copy designs from the Internet; relieve restrictions on our ability to announce judges' names; clarify ambiguous language in our regulations concerning matting of entries and minimum age of entrants; and update or correct technical advising for the contest, the common names and spelling of species on our list of contest design subjects, and minor grammar errors.

DATES: This rule is effective on September 18, 2006.

FOR FURTHER INFORMATION CONTACT: Patricia Fisher, Chief, Federal Duck Stamp Office, (703) 358–2000 (phone), *duckstamps@fws.gov* (e-mail), or (703) 358–2009 (fax).

SUPPLEMENTARY INFORMATION: We revise the regulations governing the annual Migratory Bird Hunting and Conservation Stamp Contest [also known as the Federal Duck Stamp Contest (contest)]. Our amendments raise the contest entry fee by $25, to $125, and update contest opening and entry deadline dates, locations, and mail and Internet site information, so that our regulations are brought up to date with our current and new practices. They also specify penalties for contestants who contact judges or copy designs from the Internet; relieve restrictions on our ability to announce judges' names; clarify ambiguous language in our regulations concerning matting of entries and minimum age of entrants; and update or correct contest technical advisor information, the treatment and spelling of species' common names on our contest design subject list, and minor grammar errors. We do not believe the changes have much impact on the body of the regulations, and, except for the plagiarism penalty, the increase in the entry fee, and the penalty for contacting judges, they relieve restrictions on the public, clarify existing and new practices, or make corrections.

Background

For the history of the Federal Duck Stamp Program and the contest, please see our proposed rule, which published in the **Federal Register** on April 12, 2006 (71 FR 18697).

Comments on and Change From the Proposed Rule

On April 12, 2006, we published our proposed rule (71 FR 18697) in the **Federal Register** and requested public comment. We received two comments on the proposed rule. The first commenter vehemently objected to the use of taxpayer dollars to support the duck stamp program. We have made no changes to the final rule in response to this comment. The second commenter supported our updates, but asked for greater clarity in our species list at § 91.4 regarding the Canada goose. Since the AOU has split the cackling goose into a separate species from the Canada goose, we are responding to the second commenter by amending our list at § 91.4 to add Cackling goose (*Branta hutchinsii*) as a separate species from Canada goose (*Branta canadensis*).

Changes to the Regulations at 50 CFR Part 91

We are making all the changes detailed in our proposed rule (71 FR 18697), plus the one additional change described above. The changes affect the regulations governing the contest, at 50 CFR part 91. Our amendments raise the entry fee from $100 to $125, to help offset the rising cost of administering the contest, update the contest regulations concerning opening and entry deadline dates, making the new dates earlier than the ones currently specified in part 91, and specify penalties for contestants who contact judges. Our revisions also remove a restriction governing our ability to announce names of judges. To update our regulations to reflect the ascendance of Internet technology, we also now expressly prohibit contestants from copying designs from the Internet. Although in the past we have held the contest solely in Washington, DC, from 2005 on, we have held and plan to continue to hold the contest in a different U.S. location each year. Therefore, we update contest location information. These changes also clarify ambiguous language in our regulations concerning matting of entries and minimum age of entrants. These amendments also update Service mail and Internet site information; update the common names and spellings of species on our list of potential contest design subjects; update the regulations to reflect a change in technical advising for the contest; and correct minor grammar errors.

Service Mailing Addresses; Location of Contest

We correct the address of the Duck Stamp Office as it appears at § 91.1(b) and § 91.16(b), because the office is no longer in Washington, DC, but is now located in Arlington, VA.

The current regulations at § 91.22 reflect the long tradition of the contest being held in Washington, DC, at the Main Interior Building auditorium. However, the 2006 contest is the second contest to take place outside of Washington, DC. We plan to hold future contests in various U.S. locations corresponding to flyways. Therefore, we are removing the sentence from § 91.22 that states that the contest is held in the Main Interior Building auditorium. Holding the contest in various geographic locations will help attract more attention to the program, hopefully increasing the number of contest entries and giving a greater number of people throughout the United States access to the contest. The overall goal is to increase duck stamp sales to gain additional funds with which to purchase waterfowl habitat. The 2005 contest was the first contest ever held outside Washington, DC, and took place at the Memphis College of Arts, in Memphis, TN. The 2006 contest is also in Memphis, at the same location.

Updating Species' Common Names or Spellings

Section 91.4 contains our list of eligible species. For each year's contest, we choose five or fewer species from the list; one or more of those species (or a combination thereof; see § 91.14) are the only acceptable subjects for entries during that contest year. We announce each year's eligible species in a **Federal Register** notice, as well as in other materials we prepare and make available. Our list in § 91.4 contains scientific and common names accepted by the American Ornithologists' Union (AOU; *http://www.aou.org/;* see also the AOU Check-list at *http://www.aou.org/checklist/birdlist46.pdf;* this check-list is our standard reference on taxonomy, nomenclature, and capitalization). Since we first wrote our regulations, the AOU has changed the common name for the species *Clangula hyemalis,* from ''Oldsquaw'' to ''Long-tailed Duck.'' For Snow Goose (*Chen caerulescens*), we add the clarification that both ''white'' and ''blue'' morphs are on the list in § 91.4. We also add Cackling goose (*Branta hutchinsii*) as a separate species from Canada goose (*Branta canadensis*) (see ''Comments on and Change from the Proposed Rule''). We make these changes, along with spelling corrections of some other names, to our list in § 91.4 so that this list will reflect the most current scientific and common names.

Contest Opening and Entry Deadline Dates

We are correcting § 91.11 of the regulations to bring the dates of the

contest into alignment with current practices. The contest is now being held in early fall. Therefore, we now open the contest and start accepting entries on June 1 of each year, instead of July 1, as currently specified in the regulations. If you wish to enter a design in the contest, you must postmark your packaged entry no later than midnight on August 15. The current regulations give this deadline as September 15, but it is no longer correct.

When we first wrote our regulations and codified them in the Code of Federal Regulations (CFR), the Internet was not as widely used as it is today. Therefore, we are taking this opportunity to add to § 91.11(c) that you can obtain the most up-to-date contest information by viewing the Web site *http://www.fws.gov/duckstamps* or by calling (703) 358–2000.

Increase in Contest Entry Fee; Clarification of Minimum Age of Entrants

We propose to raise the contest entry fee from $100 to $125 (§ 91.12), to help offset the rising cost of administering the contest. This modest increase is our first since 1996. It will help us continue to improve the contest. We also propose to change the language specifying minimum age of contest entrants so that the minimum age will remain 18 no matter when the contest begins.

Clarification of Entry Format Requirements

We are revising our regulations concerning contest entry format to more specifically guide entrants on proper matting procedures. In the past, some entrants have used glue to affix matting to their pictures, or have used other incorrect practices. You must not permanently affix matting to your picture, because if you later sell your picture, someone who has bought it might want to put it in another mat for framing. However, it is best to present your entry for the contest with matting affixed to the front of it, because judges will be judging your entry as it appears with matting—i.e., the judges do not look at any part of the painting that may lie beneath the matting. We are revising our regulations at § 91.13 to say that you must affix matting to your picture with white or clear tape that can be removed later.

Preventing Internet Plagiarism; Including Noneligible Species in Designs

Existing § 91.14 specifies that ''an entry design may not be copied or duplicated from previously published art, including photographs.'' We now update this section to add that an entry design may not be copied or duplicated from images in any format on the Internet. This section also explains that a live portrayal of any bird(s) of the five or fewer identified eligible species must be the dominant feature of the design, but that the design may depict other appropriate things such as hunting dogs, as long as the eligible bird or birds are in the foreground and center of attention. We now add to this section that appropriate noneligible bird species are also allowed to appear in the background of the design. We have been verbally advising entrants that noneligible bird species are allowed in the background of designs; therefore, we simply want to codify the practice we have been following.

Penalties for Contestants Who Contact Judges; Broadening the Judge Selection Process

We are amending § 91.21 to add penalties for contestants who contact judges before or during the contest. The penalty will be disqualification from that year's contest. Also, that person will be prohibited from entering the following three (3) contests. Thus, the person would be prohibited from entering a total of four (4) contests. In this same section, we are removing a restriction governing our selection of judges by removing from § 91.21(a) the stipulation that we will announce judges' names on the first day of the contest. This change allows us to announce our judges prior to the start of each year's contest, rather than waiting until the contest actually starts, and thereby allows us to publicize the contest more widely.

Technical Advising for the Contest

In our current regulations at § 91.24, we state that the Bureau of Engraving and Printing analyzes contest finalists' entries and advises us of any serious anatomical problems or design problems from the perspective of an engraver. However, since we wrote those regulations, the Bureau of Engraving and Printing has ceased production of stamps. Therefore, we are revising § 91.24 to note that our technical advisor is now the U.S. Postal Service.

Required Determinations

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order (E.O.) 12866.

1. This rule will not have an annual effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

2. This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The rule deals solely with the contest. No other Federal agency has any role in regulating this endeavor.

3. This rule does not alter budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. There are no entitlements, grants, user fees, or loan programs associated with the regulation of the contest.

4. This rule does not raise novel legal or policy issues. This rule is primarily a reorganization and clarification of existing regulations. New provisions proposed in the rule are in compliance with other laws, policies, and regulations.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The changes are intended primarily to clarify the requirements for the contest. In addition, these changes do not affect the information collected. These changes will affect individuals, not businesses or other small entities as defined in the RFA. The fee increase to $125 per entrant from $100 per entrant represents a $25.00 total increase per entrant. In recent years we have received an average of 250 entries per year. If this average remains constant, then approximately $6,250.00 is the estimated annual increase to the public to participate in the program.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

1. Does not have an annual effect on the economy of $100 million or more.

2. Will not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions.

3. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this rule does not have significant takings implications. A takings implication assessment is not required.

Federalism (E.O. 13132)

In accordance with E.O. 13132, this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. A Federalism Assessment is not required.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This rule does not contain new or revised information collections for which Office of Management and Budget approval is required under the Paperwork Reduction Act. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4371 *et seq.*) is therefore not required.

Government-to-Government Relationship With Tribes

Under the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), and 512 DM 2, we have evaluated possible effects on federally recognized Indian Tribes and have determined that there are no effects.

Energy Supply, Distribution or Use

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. This rule proposes to revise the current regulations in 50 CFR part 91 that govern the contest. This rule is not expected to significantly affect energy supplies, distribution, and use. Therefore, this action is a not a significant energy action and no Statement of Energy Effects is required.

List of Subjects in 50 CFR Part 91

Hunting, Wildlife.

Regulation Promulgation

■ Accordingly, we amend part 91, subchapter G of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 91—[AMENDED]

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 718j; 31 U.S.C. 9701.

■ 2. Amend § 91.1(b) by revising the second sentence and adding a third sentence to read as follows:

§ 91.1 Purpose of regulations.

* * * * *

(b) * * * A copy of the regulations, along with the Reproduction Rights Agreement and Display and Participation Agreement, may be requested from the Federal Duck Stamp Office, U.S. Fish and Wildlife Service, 4401 N. Fairfax Dr. MBSP–4070, Arlington, VA 22203–1622. These documents can also be downloaded from our Web site: *http://www.fws.gov/duckstamps/.*

* * * * *

■ 3. Amend § 91.2 by revising the definition of ''Display and participation agreement'' to read as follows:

§ 91.2 Definitions.

* * * * *

Display and participation agreement—a document that each contestant must complete, sign, and submit with the entry. The signed agreement allows the Service to display the entry at various locations for promotional purposes, and requires the artist to participate in events on behalf of the Federal Duck Stamp Program.

* * * * *

■ 4. Revise § 91.4 to read as follows:

§ 91.4 Eligible species.

Five or fewer of the species listed below will be identified as eligible each year; those eligible species will be provided to each contestant with the information provided in § 91.1.

(a) *Whistling-Ducks.* (1) Fulvous Whistling-Duck (*Dendrocygna bicolor*)
(2) Black-bellied Whistling-Duck (*Dendrocygna autumnalis*)
(b) *Swans.* (1) Trumpeter Swan (*Cygnus buccinator*)
(2) Tundra Swan (*Cygnus columbianus*)
(c) *Geese.* (1) Greater White-fronted Goose (*Anser albifrons*)
(2) Snow Goose (including ''white'' and ''blue'' morphs) (*Chen caerulescens*)
(3) Ross's Goose (*Chen rossii*)
(4) Emperor Goose (*Chen canagica*)
(5) Canada Goose (*Branta canadensis*)
(6) Cackling Goose (*Branta hutchinsii*)
(d) *Brant.* (1) Brant (*Branta bernicla*)
(e) *Dabbling Ducks.* (1) Wood Duck (*Aix sponsa*)
(2) American Wigeon (*Anas americana*)
(3) Gadwall (*Anas strepera*)
(4) American Green-winged Teal (*Anas crecca carolinensis*)
(5) Mallard (*Anas platyrhynchos*)
(6) Mottled Duck (*Anas fulvigula*)
(7) American Black Duck (*Anas rubripes*)
(8) Northern Pintail (*Anas acuta*)
(9) Blue-winged Teal (*Anas discors*)
(10) Cinnamon Teal (*Anas cyanoptera*)
(11) Northern Shoveler (*Anas clypeata*)
(f) *Diving Ducks.* (1) Canvasback (*Aythya valisineria*)
(2) Redhead (*Aythya americana*)
(3) Ring-necked Duck (*Aythya collaris*)
(4) Greater Scaup (*Aythya marila*)
(5) Lesser Scaup (*Aythya affinis*)
(g) *Sea-Ducks.* (1) Common Eider (*Somateria mollissima*)
(2) King Eider (*Somateria spectabilis*)
(3) Spectacled Eider (*Somateria fischeri*)
(4) Steller's Eider (*Polysticta stelleri*)
(5) Harlequin Duck (*Histrionicus histrionicus*)
(6) Long-tailed Duck (*Clangula hyemalis*)
(7) Black Scoter (*Melanitta nigra*)
(8) Surf Scoter (*Melanitta perspicillata*)
(9) White-winged Scoter (*Melanitta fusca*)
(10) Bufflehead (*Bucephala albeola*)
(11) Barrow's Goldeneye (*Bucephala islandica*)
(12) Common Goldeneye (*Bucephala clangula*)
(h) *Mergansers.* (1) Hooded Merganser (*Lophodytes cucullatus*)
(2) Red-breasted Merganser (*Mergus serrator*)
(3) Common Merganser (*Mergus merganser*)
(i) *Stiff Tails.* (1) Ruddy Duck (*Oxyura jamaicensis*)

■ 5. Revise § 91.11 to read as follows:

§ 91.11 Contest opening date and entry deadline.

The contest will officially open on June 1 of each year. Entries must be postmarked no later than midnight, August 15. For the latest information on contest time and place as well as all deadlines, please visit our Web site at *www.fws.gov/duckstamps* or call (703) 358–2000.

■ 6. Revise § 91.12 to read as follows:

§ 91.12 Contest eligibility.

United States citizens, nationals, or resident aliens are eligible to participate in the contest. Any person who has won the contest during the preceding 3 years will be ineligible to submit an entry in the current year's contest. All entrants must be at least 18 years of age by the contest opening date (see § 91.11) to participate in the contest. Contest judges and their relatives are ineligible to submit an entry. All entrants must submit a nonrefundable fee of $125.00 by cashier's check, certified check, or money order made payable to U.S. Fish and Wildlife Service. (Personal checks will not be accepted.) All entrants must submit a signed Reproduction Rights Agreement and a signed Display and Participation Agreement.

■ 7. Revise § 91.13 to read as follows:

§ 91.13 Technical requirements for design and submission of entry.

The design must be a horizontal drawing or painting 7 inches high and 10 inches wide. The entry may be drawn in any medium desired by the contestant and may be either multicolored or black and white. No scrollwork, lettering, bird band numbers, signatures or initials may appear on the design. Each entry must be matted (on the front only) with a 9 inch by 12 inch white mat, 1 inch wide. The matting must be affixed with clear or white tape holding the matting to the picture. Entries must not be framed, or under glass, or have any protective covering (other than the matting) attached to them. The entire entry cannot exceed ¼ inch in total thickness.

■ 8. Revise § 91.14 to read as follows:

§ 91.14 Restrictions on subject matter for entry.

A live portrayal of any bird(s) of the five or fewer identified eligible species must be the dominant feature of the design. The design may depict more than one of the eligible species. Designs may include, but are not limited to, hunting dogs, hunting scenes, use of waterfowl decoys, National Wildlife Refuges as the background of habitat scenes, noneligible species, or other designs that depict uses of the stamp for sporting, conservation, and collecting purposes. The overall mandate will be to select the best design that will make an interesting, useful, and attractive duck stamp that will be accepted and prized by hunters, stamp collectors, conservationists, and others. The design must be the contestant's original hand-drawn creation. The entry design may not be copied or duplicated from previously published art, including photographs, or from images in any format published on the Internet. Photographs, computer-generated art, or art produced from a computer printer or other computer/mechanical output device (airbrush method excepted) are not eligible to be entered into the contest and will be disqualified. An entry submitted in a prior contest that was not selected for a Federal or State stamp design may be submitted in the current contest if the entry meets the above criteria.

■ 9. Revise § 91.16(b) to read as follows:

§ 91.16 Submission procedures for entry.

* * * * *

(b) Each entry should be appropriately wrapped to protect the artwork and then either hand-delivered or sent by registered mail, certified mail, express mail, or overnight delivery service to the address in § 91.1(b) of this part.

■ 10. Revise § 91.17 to read as follows:

§ 91.17 Property insurance for contest entries.

Each contestant is responsible for obtaining adequate insurance coverage for his/her entry. Neither the Service nor the Department of the Interior will insure the entries, nor is the Service or Department responsible for loss or damage unless such is caused by Service or Department negligence or willful misconduct. The Service and Department reserve the right to determine whether negligence or willful misconduct led to artwork being damaged. Entry fees for the subsequent year's contest may be waived for artists whose artwork we determine to be damaged by any negligence on our part. This waiver remains at our discretion.

■ 11. Amend § 91.21 by removing the final sentence from paragraph (a) and adding a new paragraph (c), to read as follows:

§ 91.21 Selection and qualification of contest judges.

* * * * *

(c) *Disqualification.* Any contestant who contacts a judge prior to or during the contest will automatically be disqualified from the current year's contest and barred from entering the three contests that come after the current year's contest.

■ 12. Revise § 91.22 to read as follows:

§ 91.22 Display of contest entries.

The Federal Duck Stamp Office assigns all eligible entries a number as entries are received. That office displays the entries in numerical order at the contest site.

■ 13. Amend § 91.24(f) by removing the words ''Bureau of Engraving and Printing'' and adding the words ''U.S. Postal Service'' in their place.

Dated: June 28, 2006.

Matt Hogan,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E6–10776 Filed 7–10–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216044–6044–01; I.D. 070606A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific Ocean perch in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2006 total allowable catch (TAC) of Pacific Ocean perch in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 6, 2006, through 2400 hrs, A.l.t., December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

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

The 2006 TAC of Pacific Ocean perch in the Central Regulatory Area of the GOA is 7,418 metric tons (mt) as established by the 2006 and 2007 harvest specifications for groundfish of the GOA (71 FR 10870, March 3, 2006).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2006 TAC of Pacific Ocean perch in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 7,218 mt, and is setting aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific Ocean perch in the Central Regulatory Area of the GOA.

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

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific Ocean perch in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 5, 2006.

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

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: July 6, 2006.

James P. Burgess,

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

[FR Doc. 06–6127 Filed 7–6–06; 2:10 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 71, No. 132
Tuesday, July 11, 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 52

[FV–05–379]

RIN 0581–AC56

Processed Fruits and Vegetables

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the regulations governing inspection and certification for processed fruits, vegetables, and processed products. A projected fee increase ranging from 19 to 26 percent is proposed. Furthermore, it is proposed that an applicant entering into a year round inspection contract with AMS will incur costs for the plant survey and sanitation inspection. Finally, it is proposed that an applicant entering into a year round inspection contract, less than year round (four or more consecutive 40 hour weeks) contract, or lot inspection will incur costs for Sunday differential when an employee works on Sunday. These revisions are necessary in order to recover, as nearly as practicable, the costs of performing inspection services under the Agricultural Marketing Act of 1946 and to ensure the program's financial stability. Also affected are the fees charged to persons required to have inspections on imported commodities in accordance with the Agricultural Marketing Act of 1937. In addition, various editorial changes are being proposed to enhance clarity.

DATES: Comments must be postmarked, courier dated, or sent via the internet on or before August 10, 2006.

ADDRESSES: Interested persons are invited to submit comments via the Internet or by mail or courier concerning this proposal. Comments submitted by mail or courier must be sent in duplicate to the Office of the Branch Chief, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0247, Washington, DC 20250–0247, telephone (202) 720–4693, or e-mail *Terry.Bane@usda.gov.* Comments should make reference to the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours and on the Internet at *http://www.ams.usda.gov/fv/ppbdocklist.htm.*

FOR FURTHER INFORMATION CONTACT: Mr. Terry B. Bane at the above address, call (202) 720–4693, or e-mail *Terry.Bane@usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Also, pursuant to the requirements of the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. AMS regularly reviews its user-fee financed programs to determine if the fees are adequate. The Agency has and will continue to identify and implement appropriate changes to reduce its costs. Such actions can reduce the need for fee increases. The processed fruit and vegetable grading and inspection service administers a number of user-fee programs with established fee schedules to offset the cost of the service. The fee schedule for the subject lot, year-round, and less than year-round processed fruit and vegetable inspection programs was last revised on October 30, 2003 (68 FR 61733). However, even with cost control efforts, the existing fee schedule for these programs will not generate sufficient revenues to cover costs and sustain an adequate reserve balance, 4 months of costs, as called for by Agency policy (AMS Directive 408.1).

At the start of Fiscal Year (FY) 2006, the processed fruit and vegetable grading and inspection service had a reserve balance of $8 million, of which, the lot, year-round, and less than year-round programs accounted for $3.5 million. AMS projects that the costs for the services covered by this proposal will rise from $15 million in FY 2005 to $15.4 million in FY 2006. Revenues for FY 2006 are projected to be at $15.0 million. The increase in costs is primarily a result of rising employee salaries and benefits. For example, since the last fee schedule change, employees have received a 3.1 and 3.4 percent pay increase effective January 2005 and January 2006, respectively.

For FY 2006, the end-of-year reserve balance will decline from $3.4 million to $3.0 million, and the months of reserve will fall from 2.6 months to 2.4 months. For FY 2007, without a fee increase, the end-of-year reserve balance would be $2.5 million; the months of reserve would be 1.9; with the projected costs of 15.8 million and revenues of $15.3 million.

With the proposed fee increase these services will generate sufficient revenue so that by the end of FY 2007, the reserve balance would be $5.3 million and 4.0 months. AMS will perform fee analyses to determine if further fee adjustments in FY 2007 are necessary to maintain an adequate reserve and ensure fiscal stability.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. The first action would increase user fee revenue generated under the lot inspection program and the year-round and less than year-round inspection programs by an estimated $1.5 million in FY 2006 and FY 2007. The second action would recoup the cost for a plant survey and sanitation inspection performed in plants entering into an in-plant inspection contract with AMS. Currently, fees that are charged for a plant survey and sanitation inspection under § 52.48 are credited back to plants entering into an in-plant inspection contract with AMS within 60 days of the survey. There are presently 239 plants with an in-plant inspection contract not being charged for the plant survey and sanitation inspection. Billing for the plant survey and sanitation inspection would increase user fee revenue generated under the year-round and less than year-round inspection programs by approximately $143,000 annually. The third action would recoup the cost for Sunday differential for plants entering into a year-round in-plant contract, entering into a less than year-round in-plant (four or more

consecutive 40 hour weeks) contract, and not under contract. During calendar year 2004, there were 3,562 Sunday differential hours not being charged at premium rate to plants. Billing plants for Sunday differential would increase user fee revenue generated under the lot inspection program, the year-round inspection program, and the less than year-round inspection program by approximately $35,000 annually. The forth action would change the word ''approvement'' to ''approved'' in § 52.2, Inspection Services; types of, paragraph (d) Pack certification.

These actions are authorized under the AMA of 1946 [see 7 U.S.C. 1622(h)] which provides that the Secretary of Agriculture assess and collect ''such fees as will be reasonable and as nearly as may be to cover the costs of services rendered * * *''.

There are more than 1,250 users of Processed Products Branch's lot, year-round, and less than year-round inspection services (including applicants who must meet import requirements,[1] inspections which amount to under 2 percent of all lot inspections performed). A small portion of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.201).

There will be no additional reporting, recordkeeping, or other compliance requirements imposed upon small entities as a result of this rule. AMS has not identified any other federal rules which may duplicate, overlap, or conflict with this proposed rule.

The impact on all businesses, including small entities, is very similar. Further, even though fees will be increased, the amount of the increase should not significantly affect these entities. With regard to alternatives, this proposed fee increase will move the program towards an adequate reserve and financial stability. Without the fee increase, this result would not be accomplished. Finally, except for those applicants who are required to obtain inspections in connection with certain imports, these businesses are under no obligation to use these inspection services.

Executive Order 12988

The rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect and will not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Proposed Action

The AMA authorizes official inspection, grading, and certification for processed fruits, vegetables, and processed products made from them. The AMA provides that the Secretary collect reasonable fees from the users of the services to cover, as nearly as practicable, the costs of the services rendered. This rule would amend the schedule for fees for inspection services rendered to the processed fruit and vegetable industry to reflect the costs necessary to operate the program.

AMS regularly reviews its user fee programs to determine if the fees are adequate. While AMS continues to pursue opportunities to reduce its costs, the existing fee schedule will not generate sufficient revenues to cover lot, year-round, and less than year-round inspection program costs while maintaining an adequate reserve balance.

Based on the Agency's analysis of increasing program costs, AMS is proposing to (1) increase the fees relating to lot, year-round, and less than year-round inspection services, (2) bill in-plant applicants for plant survey and sanitation inspection, and (3) bill applicants for Sunday differential when applicable. For inspection services charged under § 52.42, overtime and holiday work would continue to be charged as provided in that section.

At the start of Fiscal Year (FY) 2006, the processed fruit and vegetable grading and inspection service had a reserve balance of $8 million, of which, the lot, year-round, and less than year-round programs accounted for $3.5 million. AMS projects that the costs for the services covered by this proposal will rise from $15 million in FY 2005 to $15.4 million in FY 2006. Revenues for FY 2006 are projected to be at $15.0 million. The increase in costs is primarily a result of rising employee salaries and benefits. For example, since the last fee schedule change, employees have received a 3.1 and 3.4 percent pay increase effective January 2005 and January 2006, respectively.

For FY 2006, the end-of-year reserve balance will decline from $3.4 million to $3.0 million, and the months of reserve will fall from 2.6 months to 2.4 months. For FY 2007, without a fee increase, the end-of-year reserve balance would be $2.5 million; the months of reserve would be 1.9; with the projected costs of $15.8 million and revenues of $15.3 million.

With the proposed fee increase these services will generate sufficient revenue so that by the end of FY 2007, the reserve balance would be $5.3 million and 4.0 months. AMS will perform fee analyses to determine if further fee adjustments in FY 2007 are necessary to maintain an adequate reserve and ensure fiscal stability.

For inspection services charged on a contract basis under § 52.51, overtime work would also continue to be charged as provided in that section. The following fee schedule compares current fees and charges with proposed fees and charges for processed fruit and vegetable inspection as found in 7 CFR §§ 52.42–52.51. Unless otherwise provided for by written agreement between the applicant and the Administrator, the charges in the schedule of fees as found in § 52.42 are:

Current	Proposed
$52.00/hr	$62.00/hr.

Charges for travel and other expenses as found in § 52.50 are:

Current	Proposed
$52.00/hr	$62.00/hr.

Charges for year-round in-plant inspection services on a contract basis as found in § 52.51(c) are:

(1) For inspector assigned on a year-round basis:

Current	Proposed
$39.00/hr	$49.00/hr.

(2) For inspector assigned on less than a year-round basis:

Each inspector:

Current	Proposed
$52.00/hr	$65.00/hr.

Charges for less than year-round in-plant inspection services (four or more consecutive 40 hour weeks) on a contract basis as found in § 52.51(d) are:

(1) Each inspector:

[1] Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–604), requires that whenever the Secretary of Agriculture issues grade, size, quality or maturity regulations under domestic marketing orders for certain commodities, the same or comparable regulations on imports of those commodities must be issued. Import regulations apply only during those periods when domestic marketing order regulations are in effect. Currently, there are 4 processed commodities subject to 8e import regulations: canned ripe olives, dates, prunes, and processed raisins. A current listing of the regulated commodities can be found in 7 CFR parts 944 and 999.

Current	Proposed
$52.00/hr	$65.00/hr.

Furthermore, AMS would recoup the cost for a plant survey and sanitation inspection performed in plants entering into an in-plant inspection contract with AMS. Currently, fees that are charged for a plant survey and sanitation inspection are credited back to plants entering into an in-plant inspection contract with AMS within 60 days of the survey. There are presently 239 plants with an in-plant inspection contract not being charged for the plant survey and sanitation inspection. Billing for the plant survey and sanitation inspection would increase user fee revenue generated under the year-round and less than year-round inspection programs by approximately $143,000 annually. In addition, AMS would recoup the cost for Sunday differential for plants entering into a year-round in-plant contract, entering into a less than year-round in-plant (four or more consecutive 40 hour weeks) contract, and not under contract. During calendar year 2004, there were 3,562 Sunday differential hours not being charged to plants. Billing plants for Sunday differential would increase user fee revenue generated under the lot inspection program, the year-round inspection program, and the less than year-round inspection program by approximately $35,000 annually. Finally, the last action would change the word ''approvement'' to ''approved'' in § 52.2, Inspection Service; types of, paragraph (d) Pack certification.

A thirty day comment period is provided for interested persons to comment on this proposed action. Thirty days is deemed appropriate because any fee increase, if adopted, should be in place as soon as possible in order to move the program towards an adequate reserve and financial stability.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, and Vegetables.

For the reasons set forth in the preamble, 7 CFR part 52 is proposed to be amended as follows:

PART 52—[AMENDED]

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

Authority: 7 U.S.C. 1621–1627.

§ 52.2 [Amended]

2. In § 52.2, paragraph (d) under the term ''pack certification'' the word ''approvement'' is revised to read ''approved''.

3. In § 52.42, the figure ''$52.00'' is revised to read ''$62.00'' and a sentence is added at the end of the section to read as follows:

§ 52.42 Schedule of fees.

* * * A twenty-five (25) percent Sunday differential charge will be made for all work performed on Sunday.

4. Section 52.48 is revised to read as follows:

§ 52.48 Charges for plant survey and inspection.

The fees to be charged for a plant survey and inspection shall be at the rates prescribed in § 52.42 and § 52.51, respectively.

5. In § 52.50, the figure ''$52.00'' is revised to read ''$62.00''.

6. In § 52.51, paragraph (c)(1), the figure ''$39.00'' is revised to read ''$49.00'', in paragraph (c)(2), the figure ''$52.00'' is revised to read ''$65.00'', and in paragraph (d)(1), the figure ''$52.00'' is revised to read ''$65.00'', and new paragraphs (c)(6) and (d)(6) are added to read as follows:

§ 52.51 Charges for inspection services on a contract basis.

* * * * *

(c) * * *

(6) *Sunday differential.* A 25 percent Sunday differential will be charged for all work performed on Sunday.

(d) * * *

(6) *Sunday differential.* A 25 percent Sunday differential will be charged for all work performed on Sunday.

* * * * *

Dated: July 3, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E6–10768 Filed 7–10–06; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 925 and 944

[Docket No. FV03–925–1 PR]

Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Extension of Comment Period on Changing Regulatory Periods

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Reopening and extension of comment period.

SUMMARY: Notice is hereby given that the comment period on proposed changes in the regulatory periods when minimum grade, size, quality, and maturity requirements apply to southeastern California grapes under Marketing Order No. 925 (order), and to imported grapes under the table grape import regulation is reopened and extended.

DATES: Comments must be received by September 11, 2006.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments should 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.* All comments should reference the docket number and the date and page number of this issue, the May 25, 2005, issue, the July 25, 2005, issue, and the September 27, 2005, 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: Terry Vawter, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; Telephone: (559) 487–5901, Fax: (559) 487–5906; E-mail: *terry.vawter@usda.gov* or *kurt.kimmel@usda.gov.*

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: A proposed rule was issued on May 20, 2005, and published in the **Federal Register** on May 25, 2005 (70 FR 30001), that would change the regulatory periods when the minimum grade, size, quality, and maturity requirements apply to southeastern California grapes under the order and to imported grapes under the table grape import regulation.

A notice of extension of comment period was issued July 20, 2005, and published in the **Federal Register** on July 25, 2005 (70 FR 42513), which extended the comment period to September 25, 2005. The comment period was extended again in a notice issued September 23, 2005, and published in the **Federal Register** on September 27, 2005 (70 FR 56378), which further extended the comment period to November 28, 2005.

Prior to the end of the previous comment period, USDA received a request under the Freedom of Information Act (FOIA) for all information cited in the proposed rule. USDA suspended action on the proposal until the FOIA request, and a subsequent appeal to USDA's initial response to the FOIA, could be resolved. USDA has subsequently resolved all issues regarding the FOIA request and released all the information cited in the proposed rule to the requesting party.

On October 31, 2005, USDA received additional requests to again extend the comment period. The additional extension of the comment period was requested to provide additional time to resolve issues surrounding the ongoing FOIA request and to accumulate and analyze data regarding the proposal.

USDA is extending the comment period an additional 60 days to allow interested persons more time to review the proposed rule, perform a more complete analysis, and submit written comments.

This notice is issued pursuant to the Agricultural Marketing Agreement Act of 1937.

Authority: 7 U.S.C. 601–674.

Dated: June 30, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E6–10769 Filed 7–10–06; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23786; Directorate Identifier 2006–CE–11–AD]

RIN 2120–AA64

Airworthiness Directives; CTRM Aviation Sdn. Bhd. (Formerly Eagle Aircraft (Malaysia) Sdn. Bhd.) Model Eagle 150B Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2004–11–04, which applies to all CTRM Aviation Sdn. Bhd. (Formerly Eagle Aircraft (Malaysia) Sdn. Bhd.) Model Eagle 150B airplanes. AD 2004–11–04 currently requires you to inspect certain canard inboard flap hinge support brackets (initially before further flight and repetitively before the first flight of each day) and perform any necessary follow-up action. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Malaysia to require the installation of improved design inboard flap hinge brackets as terminating action for the repetitive inspections. Consequently, this proposed AD would initially retain the requirement that you inspect certain canard inboard flap hinge support brackets (initially before further flight and repetitively before the first flight of each day) and then require that you replace the parts with new design inboard flap hinge brackets as terminating action for the repetitive inspections or if cracks are found. We are issuing this proposed AD to detect and correct cracks in the canard inboard flap hinge support brackets, which could result in loss of retention of controls and consequently, loss of airplane control.

DATES: We must receive comments on this proposed AD by August 10, 2006.

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

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

For service information identified in this proposed AD, contact CTRM Aviation Sdn. Bhd. (formerly known as Eagle Aircraft (Malaysia) Sdn. Bhd.), Locked Bag 1028, Pejabat Pos Besar Melaka, 75150 Melaka, Malaysia; telephone: 06 317 1007; facsimile: 06 317 7023.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, ACE–112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: 816–329–4146; facsimile: 816–329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, ''FAA–2006–23786; Directorate Identifier 2006–CE–11–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive concerning this proposed AD.

Discussion

The Department of Civil Aviation (DCA) for Malaysia issued AD No. CAM AD 001–01–2004, dated January 19, 2004, against Eagle Aircraft (now CTRM Aviation Sdn. Bhd.) Models X–TS, X–TS 150, and 150B airplanes. CAM AD 001–01–2004 required the following for these airplanes that are registered for operation in Malaysia:

- A visual inspection of the gusset weld area of the canard inboard flap hinge support brackets for cracked, lifted, or missing paint in the area of the weld or suspected cracks;
- A more detailed inspection for cracks (using fluorescent penetrant inspection (FPI) methods) if any of the above conditions exist; and
- Replacement of any canard inboard flap hinge support bracket with cracks and continued repetitive inspections of the replacement bracket.

The DCA of Malaysia is currently the country with State of Design responsibilities on the affected airplanes. Before the DCA, the Civil Aviation Safety Authority (CASA) of Australia had the State of Design responsibilities. During this time, the CASA issued CASA AD/X–TS/5, dated October 2003, revised April 2, 2004, to address the unsafe condition and require the above actions on Models

XTS–150 and 150B airplanes registered for operation in Australia.

The Australian and Malaysian ADs were issued based on reports of cracks in the gusset weld area of the canard inboard flap hinge support brackets on several of the affected airplanes. Neither authority has been able to attribute the cracks to a specific cause. The probable causes are:

• *Manufacturing defects:* the part might have suffered from a burn-through during welding or the outperforming stress relieving process after welding;

• *Design problems:* poor distribution of stress concentration could create fatigue hotspots; and

• *Operational problems:* pilot exceeds Vfe (flap extension speed), inducing loads higher than the certificated limit load).

Also, no information exists regarding damage tolerance on these brackets to show the part can absorb any kind of crack without leading to immediate failure.

Based on the above, the CASA and DCA both issued ADs for their respective countries that require, before further flight, initial inspections and, before the first flight of each day, repetitive inspections.

The CTRM Aviation Sdn. Bhd. Model Eagle 150B airplane is the only affected airplane model type certificated for operation in the United States. There are currently 13 of these airplanes on the U.S. registry.

Based on all of this information from the State of Design, the FAA issued AD 2004–11–04, Amendment 39–13649 (69 FR 30189, May 27, 2004). AD 2004–11–04 currently requires that you do the following on CTRM Aviation (formerly Eagle Aircraft (Malaysia) Sdn. Bhd.) Sdn. Bhd. Model Eagle 150B airplanes:

• Inspect certain canard inboard flap hinge support brackets (initially before further flight and repetitively before the first flight of each day); and;

• Perform any necessary follow-up action.

The DCA recently notified FAA of the need to change AD 2004–11–04. The DCA issued CAM AD 001–01–2004 R1, dated December 23, 2005. This revision includes an optional modification as terminating action for the repetitive inspections required by CAM AD 001–01–2004.

This condition, if not corrected, could result in loss of retention of controls and, consequently, loss of airplane control.

Relevant Service Information

We have reviewed:

• Eagle Aircraft Mandatory Service Bulletin SB 1109, Revision Original, Effective Date August 29, 2003; and

• Eagle Aircraft Mandatory Service Bulletin SB 1120, Original, Effective Date June 3, 2005.

The service information describes procedures for:

• Inspecting the gusset weld area of the canard inboard flap hinge support brackets, part number (P/N) 5731D01–05 and P/N 5731D01–02, for cracks; and;

• Replacing any canard inboard flap hinge support brackets, P/N 5731D01–05 and P/N 5731D01–02, with new design inboard flap hinge brackets, P/N 5731D05–01 and P/N 5731D06–01.

Foreign Airworthiness Authority Information

The DCA classified these service bulletins as mandatory and issued Malaysian AD No. CAM AD 001–01–2004 R1, dated December 23, 2005, to ensure the continued airworthiness of these airplanes in Malaysia.

These CTRM Aviation Sdn. Bhd. Model Eagle 150B airplanes are manufactured in Malaysia and are type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

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

FAA's Determination and Requirements of the Proposed AD

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

This proposed AD would supersede AD 2004–11–04 with a new AD that would initially retain the requirement that certain canard inboard flap hinge support brackets be inspected (initially before further flight and repetitively before the first flight of each day) and then require that you replace the parts with new design inboard flap hinge brackets as terminating action for the repetitive inspections or if cracks are found. This proposed AD would require you to use the service information described previously to perform these actions.

Costs of Compliance

We estimate that this proposed AD affects 13 airplanes in the U.S. registry.

We estimate the following costs to do each proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 work-hour × $80 = $80	(*)	$80	13 × $80 = $1,040.

* Not applicable.

We estimate the following costs to do the replacements that would be required as a result of the proposed inspection or the proposed mandatory replacement:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
10 work-hours × $80 = $800	$1,700	$2,500	13 × $2,500 = $32,500.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with

promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the 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 removing Airworthiness Directive (AD) 2004–11–04, Amendment 39–13649 (69 FR 30189, May 27, 2004), and adding the following new airworthiness directive:

CTRM Aviation SDN. BHD. (Formerly Eagle Aircraft (Malaysia) SDN. BHD.): Docket No. FAA–2006–23786; Directorate Identifier 2006-CE–11-AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this proposed airworthiness directive (AD) action by August 10, 2006.

Affected ADs

(b) This AD supersedes AD 2004–11–04; Amendment 39–13649.

Applicability

(c) This AD affects Model Eagle 150B airplanes, all serial numbers, that are certificated in any category.

Unsafe Condition

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Malaysia. The actions specified in this AD are intended to detect and correct cracks in the canard inboard flap hinge support brackets, which could result in loss of retention of controls and consequently, loss of airplane control.

Compliance

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

Actions	Compliance	Procedures
(1) Inspection gusset weld area of the canard inboard flap hinge support brackets, part number (P/N) 5731D01–05 and P/N 5731D01–02, for cracked, lifted, or missing paint in the area of the weld or suspected cracks.	Initially inspect before the next flight after June 4, 2004 (the effective date of AD 2004–11–04). Repetitively inspect thereafter before the first flight of each day.	Follow Eagle Aircraft Mandatory Service Bulletin SB 1109, Revision Original, Effective Date August 29, 2003.
(2) If cracked, lifted, or missing paint in the area of the weld or suspected cracks are found during any inspection required in paragraph (e)(1) of this AD, inspect the affected bracket more fully as specified in the service bulletin.	Before further flight after any inspection required by paragraph (e)(1) where cracked, lifted, or missing paint in the area of the weld or suspected cracks are found.	Follow Eagle Aircraft Mandatory Service Bulletin SB 1109, Revision Original, Effective Date August 29, 2003.
(3) Replace any canard inboard flap hinge support brackets, P/N 5731D01–05 and P/N 5731D01–02, with new design inboard flap hinge brackets, P/N 5731D05–01 and P/N 5731D06–01.	Before further flight after any inspection where cracks are found or within 6 months after the effective date of this AD, whichever occurs first. This action terminates the repetitive inspections required in paragraph (e)(1) of this AD.	Follow Eagle Aircraft Mandatory Service Bulletin SB 1120, Original, Effective Date June 3, 2005.
(4) Do not install any canard inboard flap hinge support brackets, P/N 5731D01–05 and P/N 5731D01–02.	As of the effective date of this AD	Not Applicable.

(f) The Australian AD allows an appropriately trained pilot to perform the visual inspections of the canard inboard flap hinge support brackets. Although the Malaysian AD does not specifically state this, it does refer to the Australian AD. Regardless, the Federal Aviation Regulations (14 CFR 43.3) only allow the pilot to perform preventive maintenance as described in 14 CFR part 43, App. A, paragraph (c). These visual inspections are not considered preventive maintenance under 14 CFR part 43, App. A, paragraph (c). Therefore, an appropriately-rated mechanic must perform all actions of this AD.

Special Flight Permit

(g) Special flight permits are not allowed for this AD. Part 39 of the Federal Aviation Regulations (14 CFR part 39) provides that FAA may issue special flight permits for ADs, unless otherwise specified in the individual AD.s The FAA has determined

that the safety issue is severe enough that failure of the canard inboard flap hinge support brackets must be prevented and cracks in this area must be detected before further operation.

Alternative Methods of Compliance (AMOCs)

(h) The Manager, Standards Office, Small Airplane Directorate, FAA, ATTN: Karl Schletzbaum, Aerospace Engineer, ACE–112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: 816–329–4146; facsimile: 816–329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(i) AMOCs approved for AD 2004–11–04 are approved for this AD.

Related Information

(j) Malaysian AD No. CAM AD 001–01–2004 R1, dated December 23, 2005, and Australian AD No. CASA AD/X–TS/5, dated August 21, 2003, revised April 2, 2004, also address the subject of this AD. To get copies of the documents referenced in this AD, contact CTRM Aviation Sdn. Bhd. (formerly known as Eagle Aircraft Sdn. Bhd.), Locked Bag 1028, Pejabat Pos Besar Melaka, 75150 Melaka, Malaysia; telephone: 06 317 1007; facsimile: 06 317 7023. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, or on the Internet at *http://dms.dot.gov.* The docket number is Docket No. FAA–2006–23786; Directorate Identifier 2006–CE–11–AD.

Issued in Kansas City, Missouri, on July 3, 2006.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–10773 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24825; Directorate Identifier 2006–NE–17–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Formerly Rolls-Royce, plc.) Dart 528, 529, 532, 535, 542, and 555 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Rolls-Royce Deutschland Ltd & Co KG (RRD) Dart 528, 529, 532, 535, 542, and 555 series turbofan engines. This proposed AD would require a dimensional inspection of the intermediate pressure turbine (IPT) disk or an ultrasonic inspection of the seal arm contact between the high pressure turbine (HPT) and the IPT disk seal arm and rework or replacement of the IPT disk if wear outside acceptable limits is found. This proposed AD results from reports of a number of HPT disk failures, some of which resulted in portions of the HPT disk being released. We are proposing this AD to prevent HPT disk failure, which can result in an uncontained engine failure and damage to the airplane.

DATES: We must receive any comments on this proposed AD by September 11, 2006.

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

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

Contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, D–15827 Dahlewitz, Germany; telephone 49 (0) 33–7086–1768; fax 49 (0) 33–7086–3356 for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7747; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2006–24825; Directorate Identifier 2006–NE–17–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

Examining the AD Docket

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

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified us that an unsafe condition may exist on RRD Dart 528, 529, 532, 535, 542, and 555 turbofan engines. The LBA advises that since 1972, there have been a number of HPT disk failures on in-service engines, three of which resulted in release of the HPT turbine disk. Fretting between the HPT disk and the IPT disk seal arms caused the release. We are proposing this AD to prevent HPT disk failure, which can result in an uncontained engine failure and damage to the airplane.

We have reviewed and approved the technical contents of RRD DART Service Bulletin (SB) Da72–536, Revision 1, dated August 25, 2003, and SB Da72–538, dated June 10, 2005. SB Da72–536 describes procedures for conducting an ultrasonic inspection to determine if a gap exists between the HPT and IPT disk seal arms. SB Da72–538 describes procedures for a dimensional inspection of the IPT disk and rework or replacement of the IPT disk if wear

outside acceptable limits is found. The LBA classified this SB as mandatory and issued airworthiness directive D–2005–197, dated June 30, 2005, in order to ensure the airworthiness of these engines in Germany.

Differences Between This Proposed AD and the Manufacturer's Service Information

Because the service information was developed before the proposed AD, the compliance times permitted to conduct the inspections differ.

FAA's Determination and Requirements of the Proposed AD

These engines, manufactured in the United Kingdom, are type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. In keeping with this bilateral airworthiness agreement, the LBA kept us informed of the situation described above. We have examined the LBA's findings, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States. We are proposing this AD, that would require a dimensional inspection of the IPT disk or an ultrasonic inspection of seal arm contact between the HPT and the IPT disk seal arm, and rework or replacement of the IPT disk, if wear outside acceptable limits is found. The proposed AD would require you to use the service information described previously to perform these actions.

Costs of Compliance

We estimate that this proposed AD would affect 30 RRD Dart 528, 529, 532, 535, 542, and 555 series turbofan engines installed on airplanes of U.S. registry. We also estimate that it would take about 50 work-hours per engine to perform the proposed actions, and that the average labor rate is $80 per work-hour. Required parts would cost about $50,000 per IPT disk. We estimate that 25 percent, or eight engines, would require IPT disk replacement. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be $500,000.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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 airworthiness directive:

Rolls-Royce Deutschland Ltd & Co KG (formerly Rolls-Royce, PLc.): Docket No. FAA–2006–24825; Directorate Identifier 2006–NE–17–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by September 11, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) Dart 528, 529, 532, 535, 542, and 555 series turbofan engines. These engines are installed on, but not limited to, Hawker Siddeley, Argosy AW.650, Fairchild Hiller F–27, F–27A, F–27B, F–27F, F–27G, F–27J, FH–227, FH–227B, FH–227C, FH–227D, FH–227E, Fokker F.27 all marks; British Aircraft Corporation Viscount 744, 745D and 810; and Gulfstream G–159 airplanes.

Unsafe Condition

(d) This AD results from reports of a number of high pressure turbine (HPT) disk failures, some of which resulted in portions of the HPT disk being released. We are issuing this AD to prevent HPT disk failure, which can result in an uncontained engine failure and damage to the airplane.

Compliance

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

Intermediate Pressure Turbine (IPT) Disk and HPT/IPT Disk Seal Arm Inspections

(f) Within 60 days after the effective date of the AD, do either of the following:

(1) Perform a dimensional inspection of the IPT disk and repair or replace the IPT disk, if necessary using paragraph 3 of the Accomplishment Instructions of RRD Service Bulletin (SB) Da72–538, dated June 10, 2005; Or

(2) Perform an ultrasonic inspection of the disk seal arm contact between the HPT and the IPT using paragraph 3 of the Accomplishment Instructions of RRD SB Da72–536, Revision 1, dated August 25, 2003.

(i) If wear is outside allowable limits, before December 31, 2006, perform a dimensional inspection and repair or replace the IPT disk, if necessary. Use paragraph 3 of the Accomplishment Instructions of RRD SB Da72–538, dated June 10, 2005.

(ii) If wear is within allowable limits, perform a dimensional inspection of the IPT disk at the next engine shop visit or at next overhaul, whichever occurs first and repair or replace the IPT disk, if necessary, Use paragraph 3 of the Accomplishment Instructions of RRD SB Da72–538, dated June 10, 2005.

Alternative Methods of Compliance (AMOCs)

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

Related Information

(h) LBA airworthiness directive D–2005–197, dated June 30, 2005, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on July 5, 2006.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E6–10772 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NE–40–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc RB211–524 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) for Rolls Royce plc (RR) RB211–524 series turbofan engines with certain part number (P/N) intermediate pressure compressor (IPC) stage 5 disks installed. That AD currently requires new reduced IPC stage 5 disk cyclic limits. This proposed AD would require the same reduced IPC stage 5 disk cyclic limits, the requirement to remove from service affected disks that already exceed the new reduced cyclic limit, and to remove from service other affected disks before exceeding their cyclic limits using a drawdown schedule. This proposed AD also would exempt disks reworked to RR Service Bulletin (SB) RB.211–72–E182, Revision 1, dated July 30, 2004, and would allow an on-wing eddy current inspection (ECI) on RB211–524G and RB211–524H series engines. This proposed AD results from the manufacturer issuing a revised Alert Service Bulletin (ASB) to remove certain disks from applicability, and to allow an on-wing ECI on RB211–524G and RB211–524H series engines. We are proposing this AD to prevent failure of the IPC stage 5 disk, which could result in uncontained engine failure and possible damage to the airplane.

DATES: We must receive any comments on this proposed AD by September 11, 2006.

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

- By mail: Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–NE–40–AD, 12 New England Executive Park, Burlington, MA 01803.
- By fax: (781) 238–7055.
- By e-mail: *9-ane-adcomment@faa.gov.*

You can get the service information identified in this proposed AD from Rolls-Royce plc, P.O. Box 31 Derby, DE248BJ, United Kingdom; telephone 011–44–1332–242424; fax 011–44–1332–249936.

You may examine the AD docket, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7178; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''AD Docket No. 2002–NE–40–AD'' in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. If a person contacts us verbally, and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

Examining the AD Docket

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. See **ADDRESSES** for the location.

Discussion

On July 18, 2005, the FAA issued AD 2005–15–13, Amendment 39–14202 (70 FR 43036, July 26, 2005). That AD requires:

- Establishing new reduced IPC stage 5 disk cyclic limits.
- Removing from service affected disks that already exceed the new reduced cyclic limit.
- Removing from service other affected disks before exceeding their cyclic limits, using a drawdown schedule.
- Allowing optional inspections at each shop visit or an on-wing ECI to extend the disk life beyond the specified life.

Actions Since We Issued AD 2005–15–13

Since we issued that AD, the manufacturer issued a new revision to ASB RB.211–72–AD428 to reference AD G–2005–0008.

Relevant Service Information

We have reviewed and approved the technical contents of RR ASB No. RB.211–72–AD428, Revision 5, dated March 18, 2005, that specifies a drawdown schedule for removing from service affected IPC stage 5 disks, using new RR Time Limits Manual (TLM), 05–10–01 cyclic limits. The ASB also describes procedures for optional inspections at each shop visit to extend the disk life beyond the lives specified. The Civil Aviation Authority (CAA), the airworthiness authority of the United Kingdom (U.K.), has classified this service bulletin as mandatory and issued AD G–2005–0008 to ensure the airworthiness of these RR turbofan engines in the U.K. We have also reviewed and approved the technical contents of the following SBs:

- SB No. RB.211–72–E148, dated March 13, 2003,
- SB No. RB.211–72E150, Revision 1, dated June 4, 2003, and
- SB No. RB.211–72–E171, Revision 1, dated February 8, 2005.

These SBs provide an optional on-wing ECI of the affected disks, to extend the disk life beyond the lives specified.

Differences Between the Proposed AD and the Service Information

This proposed AD adds a requirement to comply with the reduced cyclic life limits not later than 30 days after the effective date of this AD.

Bilateral Agreement Information

This engine model is manufactured in the U.K., 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 airworthiness agreement. Under this bilateral airworthiness agreement, the CAA has kept us informed of the situation described above.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. We are proposing this AD, which would require:

- Establishing new reduced IPC stage 5 disk cyclic limits.
- Removing from service affected disks that already exceed the new reduced cyclic limit.
- Removing from service other affected disks before exceeding their cyclic limits, using a drawdown schedule.
- Allowing optional inspections at each shop visit or an on-wing ECI to extend the disk life beyond the specified life.

The proposed AD would require you to use the service information described previously to perform these actions.

Changes to 14 CFR Part 39—Effect on the Proposed AD

On July 10, 2002, we issued a new version of 14 CFR part 39 (67 FR 47998, July 22, 2002), which governs the FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

We estimate this proposed AD would not affect any engines installed on airplanes of U.S. registry. Based on this, we estimate this proposed AD will not have any cost to U.S. operators.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this proposal and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''AD Docket No. 2002–NE–40–AD'' in your request.

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 removing Amendment 39–14202 (70 FR 43036, July 26, 2005) and by adding a new airworthiness directive, to read as follows:

Rolls-Royce plc: Docket No. 2002–NE–40–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by September 11, 2006.

Affected ADs

(b) This AD supersedes AD 2005–15–13, Amendment 39–14202.

Applicability

(c) This AD applies to the Rolls-Royce plc (RR) RB211–524 series turbofan engines listed in the following Table 1, with intermediate pressure compressor (IPC) stage 5 disk part numbers (P/Ns) listed in Table 2 of this AD, installed.

TABLE 1.—ENGINE MODELS AFFECTED

–524B–02	–524B–B–02	–524B3–02	–524B4–02	–524B4–D–02
–524B2–19	–524B2–B–19	–524C2–19	–524C2–B–19	–524D4–19
–524D4–B–19	–524D4X–19	–524D4X–B–19	–524D4–39	–524D4–B–39
–524G2–19	–524G2–T–19	–524G3–19	–524G3–T–19	–524H2–19
–524H2–T–19	–524H–36	–524H–T–36		

These engines are installed on, but not limited to, Boeing 747, 767, and Lockheed L–1011 airplanes.

TABLE 2.—IPC STAGE 5 DISK P/NS AFFECTED

LK60130	LK65932	LK69021	LK81269	LK83282
LK83283	UL12290	UL15743	UL15744	UL15745
UL19132	UL20785	UL20832	UL23291	UL25011
UL36821	UL36977	UL36978	UL36979	UL36980
UL36981	UL36982	UL36983	UL37078	UL37079

TABLE 2.—IPC STAGE 5 DISK P/NS AFFECTED—Continued

UL37080	UL37081	UL37082	UL37083	UL37084

Unsafe Condition

(d) This AD results from the manufacturer issuing a revised Alert Service Bulletin (ASB) to remove certain disks from applicability and to allow an on-wing eddy current inspection (ECI) on RB211–524G and RB211–524H series engines. The actions specified in this AD are intended to prevent failure of the IPC stage 5 disk, which could result in uncontained engine failure and possible damage to the airplane.

Compliance

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

Exempted Disks

(f) For engines with an IPC stage 5 disk P/N listed in Table 2 of this AD, reworked to RR SB No. RB.211–72–E182, Revision 1, dated July 30, 2004, no further action is necessary.

Cycle Limits

(g) Comply with the reduced cyclic life limits in Table 3 of this AD or conduct qualifying nondestructive test (NDT) inspections to extend the IPC stage 5 disk life within 30 days after the effective date of this AD, but before December 1, 2008.

TABLE 3.—CYCLIC LIFE LIMITS WITHOUT QUALIFYING NDT INSPECTION

Date of reduced life limit	Engine models			
	–524G2, G2–T, G3, G3–T, H2, H2–T, H–36, H–T–36	–524D4, D4–B, D4–B–39, D4X, D4X–B, D4–39	–524B2, B2–B, C2, C2–B	–524B–02, B–B–02, B3–02, B4–02, B4–D–02
November 30, 2002	13,500 cycles-in-service (CIS)	16,150 CIS	16,000 CIS	16,200 CIS
April 1, 2003	13,500 CIS	13,500 CIS	13,500 CIS	14,000 CIS
December 1, 2003	12,000 CIS	13,500 CIS	13,500 CIS	14,000 CIS
December 1, 2004	11,000 CIS	13,500 CIS	12,000 CIS	12,000 CIS
December 1, 2005	11,000 CIS	12,000 CIS	12,000 CIS	12,000 CIS

(h) On December 1, 2008, the revised cyclic life limits specified in Table 4 of this AD become effective. Incorporate the revised cyclic life limits specified in Table 4 of this AD into the RR Time Limits Manual, 05–10–01.

TABLE 4.—CYCLIC LIFE LIMITS ON DECEMBER 1, 2008

Date of reduced life limit	Engine models			
	–524G2, G2–T, G3, G3–T, H2, H2–T, H–36, H–T–36	–524D4, D4–B, D4–B–39, D4X, D4X–B, D4–39	–524B2, B2–B, C2, C2–B	–524B–02, B–B–02, B3–02, B4–02, B4–D–02
December 1, 2008	7,830 CIS	8,700 CIS	8,900 CIS	9,000 CIS

Optional Inspections

(i) Before December 1, 2008, you may perform an optional NDT inspection on-wing or at each shop visit to extend the disk life. Guidance for these inspections is provided in paragraphs (j) or (k) of this AD.

Optional Inspections at Shop Visit

(j) Perform optional inspections at shop visit, as follows:

(1) Remove corrosion protection from IPC stage 5 disk. Information on corrosion protection removal can be found in the Engine Maintenance Manual.

(2) Perform a visual inspection and a binocular inspection of the IPC stage 5 disk for corrosion pitting at the cooling air holes and defender holes in the disk front spacer arm. Follow paragraph 3.C. of the Accomplishment Instructions of RR ASB No. RB.211–72–AD428, Revision 5, dated March 18, 2005. The RR Engine Maintenance Manual, Inspection Check–00 (ATA 72–32–31–200–000), contains limits for corrosion pitting of the IPC stage 5 disk.

(3) If the disk has corrosion pitting in excess of limits, remove the disk from service.

(4) If the disk is free from corrosion pitting, perform a magnetic penetrant inspection (MPI) of the entire disk as follows:

(i) For RB211–524G2–T, RB211–524G3–T, and RB211–524H–T series engines, the RR Engine Maintenance Manual, Inspection Check 08 (ATA 72–32–31–200–008), contains limits for corrosion pitting of the IPC stage 5 disk.

(ii) For RB211–524G2, RB211–524G3, and RB211–524H series engines, the RR Engine Maintenance Manual, Inspection Check 09 (ATA 72–32–31–200–009), contains limits for corrosion pitting of the IPC stage 5 disk.

(iii) If the disk passes the MPI and you find no cracks, complete all other inspections, re-apply corrosion protection to the disk, and return the disk to service using the cyclic limits allowed by paragraph (m) of this AD. RR Repair FRS5900 contains information on re-applying corrosion protection.

(5) If the disk has corrosion pitting that is within limits, do the following:

(i) Perform an ECI on all disk cooling air holes, defender holes, and inner and outer faces. Use paragraph 3.D. of the Accomplishment Instructions of RR ASB No. RB.211–72–AD428, Revision 5, dated March 18, 2005. The RR Engine Maintenance Manual, Inspection Check–00 (ATA 72–32–31–200–000), contains limits for corrosion pitting of the IPC stage 5 disk.

(ii) If the disk passes the ECI and you find no cracks, perform an MPI on the entire disk.

(iii) If the disk passes the MPI and you find no cracks, re-apply corrosion protection to the disk, and return the disk to service using the cyclic limits allowed by paragraph (m) of this AD.

Optional On-Wing Eddy Current Inspections

(k) You may perform an optional on-wing ECI of the IPC stage 5 disk only once between shop visit inspections as follows:

(1) For RB211–524B2/C2 and RB211–524B4/D4 series engines, use paragraphs 3.A.

through 3.F. of the Accomplishment Instructions of RR SB No. RB.211–72–E148, dated March 13, 2003, and RR SB No. RB.211–72–E150, Revision 1, dated June 4, 2003.

(2) For RB211–524G2, RB211–524G2–T, RB211–524G3, RB211–524G3–T, RB211–524H, and RB211–524H–T series engines, use paragraphs 3.A. through 3.M. of the Accomplishment Instructions of RR SB No. RB.211–72–E171, Revision 1, dated February 8, 2005.

(3) If the disk passes the ECI and you find no cracks, you may extend the cycle life as specified in paragraph (m) of this AD.

Definition of Shop Visit

(l) The manufacturer defines a shop visit as the separation of an engine major case flange. This definition excludes shop visits when only field maintenance type activities are performed in lieu of performing them on-wing (such as to perform an on-wing inspection of a tail engine installation on a Lockheed L–1011 airplane).

Cyclic Life Extension

(m) Disks that pass an optional inspection may remain in service after that inspection for the additional cycles listed in the following Table 5, until the next inspection, until the cyclic life limit published in the RR Time Limits Manual, 05–10–01, is reached, or December 1, 2008, whichever occurs first.

TABLE 5.—CYCLIC LIFE EXTENSION

Type of extension	Engine models			
	–524G2, G2–T, G3, G3–T, H2, H2–T, H–36, H–T–36	–524D4, D4–B, D4–B–39, D4X, D4X–B, D4–39	–524B2, B2–B, C2, C2–B	–524B–02, B–B–02, B3–02, B4–02, B4–D–02
Extension After Passing MPI	1,600 cycles	2,000 cycles	2,000 cycles	2,000 cycles
Extension After Passing In-Shop ECI	3,800 cycles	4,500 cycles	4,500 cycles	4,500 cycles
Extension After Passing On-Wing ECI	1,000 cycles	1,200 cycles	1,200 cycles	1,200 cycles

Disks That Have Been Intermixed Between Engine Models

(n) The RR Time Limits Manual, 05–00–01, contains information on intermixing disks between engine models.

Alternative Methods of Compliance

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

Credit for Previous Inspections

(p) Inspections done using RR SB No. RB.211–72–E150, dated April 17, 2003, SB No. RB.211–72–E171, dated December 14, 2004, SB No. RB.211–72–D428, Revision 3, dated June 30, 2003, and ASB No. RB.211–72–AD428, Revision 4, dated March 7, 2005, meet the requirements of this AD.

Reporting Requirement

(q) Report findings of all inspections of the IPC stage 5 disk using paragraph 3.B.(2) of the Accomplishment Instructions of RR No. ASB RB.211–72–AD428, Revision 5, dated March 18, 2005. The Office of Management and Budget (OMB) has approved the reporting requirements specified in Paragraph 3.B. of the Accomplishment Instructions of RR No. ASB RB.211–72–AD428, Revision 5, dated March 18, 2005, and assigned OMB control number 2120–0056.

Related Information

(r) CAA airworthiness directive G–2005–0008, dated March 8, 2005, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on June 30, 2006.

Thomas A. Boudreau,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E6–10771 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–06–051]

RIN 1625–AA09

Drawbridge Operation Regulations; Saugus River, Lynn and Revere, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the drawbridge operating regulations governing the operation of the General Edwards SR1A Bridge, at mile 1.7, across the Saugus River between Lynn and Revere, Massachusetts. This change to the drawbridge operation regulations would allow the bridge to remain in the closed position from November 1, 2006 through April 30, 2007. This action is necessary to facilitate structural maintenance at the bridge.

DATES: Comments and related material must reach the Coast Guard on or before August 10, 2006.

ADDRESSES: You may mail comments and related material to Commander (dpb), First Coast Guard District Bridge Branch, 408 Atlantic Avenue, Boston, Massachusetts 02110, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except, Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request or Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–06–051), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting; however, you may submit a request for a meeting by writing to the First Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold

one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The General Edwards SR1A Bridge at mile 1.7, across the Saugus River, has a vertical clearance of 27 feet at mean high water and 36 feet at mean low water. The existing regulations at 33 CFR 117.618(b) require the draw to open on signal, except that, from April 1 through November 30, midnight to 8 a.m. an eight-hour notice is required. From December 1 through March 31, an eight-hour notice is required at all times for bridge openings.

The bridge owner, the Department of Conservation and Recreation (DCR), asked the Coast Guard to temporarily change the drawbridge operation regulations to allow the bridge to remain in the closed position from November 1, 2006 through April 30, 2007, to complete structural rehabilitation construction at the bridge. The bridge was closed during the same time period from November 2005 through April 2006, to perform the first phase of this rehabilitation work. Work could not be completed during the closure period in 2005–2006, necessitating a second closure period in 2006–2007.

Discussion of Proposed Rule

This proposed change would suspend the existing drawbridge operation regulations, listed at 33 CFR 117.618(b), and add a new temporary paragraph (d) to allow the bridge to remain in the closed position from November 1, 2006 through April 30, 2007.

The Coast Guard believes this proposed rule is reasonable because bridge openings are rarely requested during the time period the SR1A Bridge will be closed for these repairs November through April.

In fact, there were only seven requests to open the bridge in November of 2004, and no requests to open the bridge between December 2004 and March of 2005. The bridge was closed for repairs from November 2005 through April of 2006. The Coast Guard received no comments or complaints during the closure period.

In addition, this work is vital, necessary, and must be performed in order to assure the continued safe and reliable operation of the bridge.

Regulatory Evaluation

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

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

This conclusion is based on the fact that the bridge rarely opens during the November through April time period.

Small Entities

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

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

This conclusion is based on the fact that the bridge rarely opens during the November through April time period.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact, Commander (dpb), First Coast Guard District, Bridge Branch, One South Street, New York, NY, 10004. The telephone number is (212) 668–7165. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

responsibilities between the Federal Government and Indian tribes.

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation as this action relates to the promulgation of operating regulations or procedures for drawbridges. Under figure 2–1, paragraph (32)(e) of the Instruction, an ''Environmental Analysis Checklist'' is not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. From, November 1, 2006 through April 30, 2007, § 117.618(b) is suspended and a new paragraph (d) is added to read as follows:

§ 117.618 Saugus River.

* * * * *

(d) The draw of the General Edwards SR1A Bridge at mile 1.7, need not open for the passage of vessel traffic from November 1, 2006 through April 30, 2007.

Dated: June 16, 2006.

Mark J. Campbell,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. E6–10760 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2006–0059; FRL–8192–8]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; State Implementation Plan Revision for Burlington Industries, Clarksville, VA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision pertains to the removal of a Consent Agreement from the Virginia SIP. The Consent Agreement was written for the control of emissions of sulfur dioxide from the Burlington Industries facility located in Clarksville, Mecklenburg County, Virginia. This Agreement has been superseded by a federally enforceable state operating permit dated May 17, 2004, which imposes operating restrictions on the facility's boilers and the subsequent shutdown of the remainder of the facility. This action is being taken under the Clean Air Act (CAA or the Act).

DATES: Written comments must be received on or before August 10, 2006.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2006–0059 by one of the following methods:

A. *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. *E-mail: campbell.david@epa.gov*

C. *Mail:* EPA–R03–OAR–2006–0059, David J. Campbell, Chief, Permits and Technical Assistance Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2006–0059. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid

the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

FOR FURTHER INFORMATION CONTACT: Sharon McCauley, (215) 814–3376, or by e-mail at *mccauley.sharon@epa.gov.*

SUPPLEMENTARY INFORMATION: On July 12, 2004, the Virginia Department of Environmental Quality submitted a revision request to its SIP entitled ''SIP Revision for Burlington Industries''. The request was for the removal of a Consent Agreement incorporated into the Virginia SIP. This agreement was written to regulate the control of emissions of sulfur dioxide from the Burlington Industries facility located in Clarksville, Virginia.

I. Background

The need to restrict the operation and reduce the allowable sulfur dioxide emissions of the Burlington Industries facility was discovered through an Air Quality Impact Analysis supporting a Prevention of Significant Deterioration permit application submitted by the Mecklenburg Cogeneration Limited Partnership. The analysis indicated that Burlington Industries had the potential to exceed the primary and secondary National Ambient Air Quality Standards (NAAQS) for sulfur dioxide when operating at its maximum allowable levels. As a result, Burlington Industries voluntarily agreed to a control program with the Virginia State Air Pollution Control Board.

In 1991, Burlington Industries submitted a plan (including proposed operating restrictions and a dispersion modeling demonstration) for mitigating any potential NAAQS violations. Because no regulations for issuing operating permits existed at that time in Virginia, the plan was incorporated into a legally enforceable Consent Agreement on November 19, 1991 between the Commonwealth and Burlington Industries. In order to then make the provisions federally enforceable, Virginia submitted the Consent Agreement to EPA as part of a SIP revision, and EPA subsequently approved this SIP revision on March 18, 1992 (57 FR 9388).

II. Summary of SIP Revision

EPA is proposing to approve this SIP revision submitted by the Commonwealth of Virginia. Burlington Industries' federal operating (Title V) permit which included conditions from the Consent Agreement was issued on December 14, 2001. In 2002, Burlington Industries closed its facility and all of the manufacturing equipment was removed; however, the boilers remained operable. Burlington Industries requested that the Commonwealth impose additional operating restrictions at the facility. As a result of these additional restrictions, the facility is no longer considered a major source with respect to the Title V program. In order to make these new restrictions state and Federally enforceable, it is necessary to include Burlington Industries in a new Federally enforceable state operating permit, which would then become the legally enforceable mechanism for implementing the restrictions.

The new Federally enforceable state operating permit issued on May 17, 2004 vacated the original Consent Agreement from Nov. 19, 1991 and automatically rendered it ineffective at the state level. In order to vacate the Agreement at the federal level, the Virginia SIP must be revised to remove the Consent Agreement previously approved at 40 CFR 52.2420(c)(96), and currently cited at 40 CFR 52.2420(d) and 52.2465(c)(96). EPA is proposing to remove the Consent Agreement from the Virginia SIP.

III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. * * *.'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, state audit privilege or immunity law.

IV. Proposed Action

EPA is proposing to approve the removal of the vacated Consent Agreement for Burlington Industries from the Virginia SIP. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This proposed rule to approve the Virginia Department of Environmental Quality State Implementation Plan revision request for the removal of the Consent Agreement for the Burlington Industries facility located in Clarksville, Mecklenburg County, VA, does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: June 27, 2006.

William T. Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. 06–6149 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–8195–4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the T. H. Agriculture and Nutrition Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 9 announces the intent to delete the T. H. Agriculture and Nutrition site (''the site'') from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA and the State of California, through the California Department of Toxic Substances Control, have determined that the remedial action for the site has been successfully executed.

DATES: Comments concerning the proposed deletion of this Site from the NPL may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–1986–0005, by one of the following methods:

- *http://www.regulations.gov*. Follow the on-line instruction for submitting comments.
- E-mail the superfund docket center (specify docket ID number)—e-mail address: *superfund.docket@epa.gov*.
- Fax the docket center (specify docket number)—fax number: 202–566–0224
- Mail hardcopy to the docket center (specify docket number) address:

Environmental Protection Agency, EPA Docket Center (EPA/DC), Superfund, Mailcode 5202T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

• For Fedex/Courier delivery, the following address should be added (specify docket number): address: 1301 Constitution Ave., NW., EPA West Building, USEPA Docket Center, Reading Room B–102, Washington, DC 20460.

Hand deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–SFUND–1986–0005. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Publicly available docket materials are available in hard copy at the EPA's Region 9 Superfund Records Center, 95 Hawthorne Street, Suite 403S, San Francisco, CA 94105, (415) 536–2000. Available hours: by appointment, 8 a.m. to 5 p.m., M–F, excluding legal holidays. The deletion document is also available for public viewing at the following local information repositories for the site: Fresno County Library, Sunnyside Branch, 5562 E. Kings Canyon Rd., Fresno, CA 93727, (559) 255–6594. Available hours: M–T, 9 a.m.–9 p.m.; F–Sat. 9–5 p.m.; Sun. 12–5, and California Department of Toxic Substances Control, Clovis Office, File Room, 1515 Tollhouse Road, Clovis, CA 93612, (559) 297–3961. Available hours: by appointment only, fax request to Barbara Doehring at (559) 297–3904.

FOR FURTHER INFORMATION CONTACT: Lynn Suer, Remedial Project Manager, U.S. EPA 9 (SFD–7–2), 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3148, or 1–800–231–3075.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis of Intended Site Deletion

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region 9 announces its intent to delete the T. H. Agriculture and Nutrition Site, Fresno County, California, from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. EPA and the State of California Cal/EPA Department of Toxic Substances Control have determined that the remedial action for the site has been successfully executed. EPA will accept comments on the proposal to delete this site for thirty (30) days after publication of this document in the **Federal Register**. Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures EPA is using for this action. Section IV discusses the T. H. Agriculture and Nutrition site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e)(1) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and restricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate additional remedial actions. Whenever there is a significant release from a deleted site from the NPL, the site may be restored to the NPL without application of the Hazard Ranking System. In the case of this site, the selected remedy is protective of human health and the environment.

III. Deletion Procedures

The following procedures were used for the intended deletion of this site: (1) All appropriate response under CERCLA has been implemented and no further action by EPA is appropriate; (2) The State of California has concurred with the proposed deletion decision; (3) a notice has been published in the local newspapers and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and (4) all relevant documents have been made available in the local site information repositories.

Deletion of the site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in section II of this notice, § 300.425(e)(3) of the NCP states that the deletion of a

site from the NPL does not preclude eligibility for future response actions.

For deletion of this site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received.

A deletion occurs when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional Office.

IV. Basis of Intended Site Deletion

The following site summary provides the Agency's rationale for the proposal to delete this site from the NPL.

Site Background and History

The T. H. Agriculture and Nutrition (THAN) site consists of an approximately 5-acre parcel located at 7183 East McKinley Avenue, approximately three miles northeast of the City of Fresno, California. Between 1951 and 1981, several owners utilized the Site for the formulation, packaging, and warehousing of agricultural chemicals (i.e., pesticides). Successive owners included Ciba-Geigy Corporation, Olin Corporation, De Pester Western, Inc. (Nevada), De Pester Western, Inc. (California), and THAN (known as the Thompson-Hayward Chemical Company prior to 1981). From 1959 until present, the Site has been owned or operated by THAN. In 1981, THAN discontinued operations, and the facility closed completely in 1983.

In addition to the approximately 5-acre parcel, THAN currently owns an adjacent 20-acre orchard parcel that borders on the south, east, and west sides of the Site. Properties surrounding THAN's 25 acres of land consist of farms, orchards, and low-density residential developments.

Contamination at the site was discovered in 1980. Water sampling from domestic wells located near the site, conducted by the Cal/EPA Department of Toxic Substances Control (DTSC), then known as the Department of Health Services, revealed low levels of agricultural chemicals. Subsequently, DTSC, the Fresno County Health Department, and the State of California Central Valley Regional Water Quality Control Board (Regional Board) requested and supervised an investigation by THAN to determine the extent of environmental contamination in soil and groundwater related to the site. Based on results of this investigation, the site was placed on the State Priority Ranking List in 1985. EPA added the site to the National Priorities List (NPL) in June 1986 (51 FR 21,054, June 10, 1986). Although EPA provides technical assistance to DTSC concerning the site, DTSC remains the lead agency.

The risk assessment for the site identified several chemicals of concern (COCs), including: organochlorine pesticides (dichlorodiphenyltrichloroethane [DDT], dichlorodiphenyldichloroethane [DDD], dichlorodiphenyldichloroethylene [DDE], dieldrin, lindane, and toxaphene), volatile organic compounds (VOCs) (chloroform, xylenes, and ethylbenzene), and the nematocide Dibromochloropropane (DBCP). The COCs in onsite and offsite groundwater included 1, 2-Dichloroethane (DCA), carbon tetrachloride, chloroform, dieldrin, DBCP and 1,2,3-trichloropropane (1,2,3-TCP). Lindane, alpha-benzenehexachloride (BHC), and delta-BHC have also been historically detected.

In the Fresno area, DBCP has been detected at elevated concentrations in regional groundwater as a result of its regional application to crops. Concentrations of DBCP in wells down-gradient of the site are not significantly different from the range of regional DBCP concentrations. Recent groundwater studies indicate that 1,2,3-TCP is also a regional pollutant similar to DBCP.

Remedial investigation activities revealed several onsite chemical source areas, including the former landfill area, the former railroad loading dock, the former south loading dock, certain former subsurface drainage systems, and the former solvent storage area.

Prior to implementation of the site remedial action, the primary chemicals contributing to the cancer risk from exposure to soils were toxaphene, DDT, and dieldrin. Dermal contact with soil was the most significant exposure pathway. The primary chemicals contributing to non-cancer health effects from exposure to soils were DDT, DDE, DDD, and dieldrin.

Prior to remedial action, cumulative cancer risks from exposure to groundwater (combining ingestion, bathing, and swimming pathways) ranged from 3×10^{-3} for future onsite adult residents to 4×10^{-5} for current offsite child residents. The primary chemicals contributing to both cancer risk and non-cancer hazard from exposure to groundwater were DBCP, chloroform, and dieldrin.

The Remedial Action Plan (RAP), which is the State's equivalent to EPA's Record of Decision, was adopted in 1999. EPA concurred with the RAP and the Final Remedy. The construction activities for implementing the Final Remedy were completed in early 2003, and all remedial actions were fully implemented in 2005.

Response Actions

Remedial activities occurred before and after adoption of the RAP. Activities prior to 1999 RAP included excavation and off-site disposal of more than 24,000 cubic yards of chemically-affected soil (1984 and 1989), demolition and removal of structures and chemically affected debris and soil, installation and operation of a soil vapor extraction system to treat soils, provision of alternative drinking water supplies to nearby residents, and installation of groundwater monitoring wells.

Activities to achieve Final Remedy, as established by the 1999 RAP, included further demolition and removal of structures, excavation of contaminated soils and incorporation beneath an engineered cap, construction of composite cap and perimeter fence, re-vegetation of engineered cap to prevent erosion, establishment of long-term Operations, Maintenance and Monitoring Agreement, development of contingency plan for action (e.g., groundwater extraction and/or treatment), in the event that groundwater monitoring indicates that one or more Contaminants of Concern (COCs) exceed Final Remediation Goals, continued provision (and expansion, as appropriate) of alternative water supply by connections to public water supply system, point-of-use treatment, or bottled water, land use restriction, and financial assurances to ensure long-term maintenance and operation of the Final Remedy.

Numeric Final Remediation Goals for Carbon tetrachloride, chloroform, 1,2–DCA and dieldrin, were based on regulatory and health-based criteria. Final Remediation Goals for 1,2,3 TCP and DBCP were non-numeric, because the presence of these chemicals in groundwater is regional.

The Remedial Design, for implementing the Final Remedy, was approved by DTSC in 2002 and the majority of the construction work was completed by January 24, 2003, including construction of site access restrictions (fence and signs). A Preliminary Close Out Report was signed by U.S. EPA on June 24, 2004, documenting Construction Completion. Implementation of the Final Remedy

was completed in 2005 with the execution of the Operation, Maintenance and Monitoring (OM&M) Agreement between DTSC and THAN and recording of the Deed Restriction, for which EPA is a third-party beneficiary. The Deed Restriction, limiting the uses of the property, is the primary institutional control for the site.

Cleanup Standards

The remedial action cleanup activities at the T. H. Agriculture and Nutrition Site are consistent with the objectives of the NCP and provide protection to human health and the environment. Contaminated soils were excavated and consolidated beneath a cap, and chemically affected structures were demolished and removed. Groundwater monitoring results indicate that concentrations of COCs in groundwater samples are generally declining due to natural biological, chemical, and physical attenuation processes that are likely to continue, and the site-specific COCs have not exceeded Final Remediation Goals in any wells since July 2002. Further, is likely that this trend will continue, since receding groundwater levels reduce the chance that contaminated soils beneath the cap will become saturated. In addition, provision (and expansion, as appropriate) of alternative water supply by connections to public water supply system, point-of-use treatment, or bottled water ensures that humans are not exposed to contaminated drinking water. Annual inspections have verified the integrity of the cap and access controls.

Operation and Maintenance

Operation, Maintenance and Monitoring (OM&M) activities were generally outlined in the RAP, and further detailed and finalized in the OM&M Plan and OM&M Agreement, approved and signed by DTSC and THAN in 2005. DTSC is the oversight agency for the OM&M. OM&M activities are groundwater monitoring, natural attenuation monitoring, contingent groundwater treatment system monitoring, monitoring and maintenance of the soil cap and access controls (e.g., fencing), maintenance of the institutional controls (e.g., land use restrictions, as required by the Deed Restriction).

Five-Year Review

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund) requires a five-year review of all sites with hazardous substances remaining above the health-based levels for unrestricted use of the site. Since the cleanup of the T. H. Agriculture and Nutrition site utilized containment of the hazardous materials as the method to reduce the risk, the five-year review process will be used to insure that the cap is still intact and blocking exposure pathways for human health and the environment. EPA will conduct the first statutory five-year review in 2007.

Community Involvement

A Community Relations Plan was established in 1986 and updated in 1992. Numerous fact sheets and public announcements were mailed to the surrounding community and other interested parties during various phases of the site investigation and cleanup. In addition, at least seven public meetings were held to receive input from community stakeholders.

A Community Advisory Committee (CAC) was formed in 1988 to provide a forum for greater public input to the project decision making process. This group consisted of concerned residents, community activists, local and state government officials, and THAN representatives. This group initially met on a monthly basis reducing to bi-monthly in the early 1990s. The last formal meeting held by the CAC was in January 1995.

Applicable Deletion Criteria/State Concurrence

EPA has determined that all appropriate responses under CERCLA have been completed and that no further response actions under CERCLA are necessary, and institutional controls are in place. In a letter dated March 27, 2006, the State of California through DTSC concurred with EPA that all appropriate responses under CERCLA have been completed. Therefore, EPA is proposing deletion of this site from the NPL. Documents supporting this action are available from the docket.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: June 22, 2006.

Wayne Nastri,

Regional Administrator, Region 9.

[FR Doc. E6–10856 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2005–0036; FRL–7733–9]

RIN 2070–AJ19

Mercury Switches in Motor Vehicles; Proposed Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for elemental mercury (CAS No. 7439–97–6) used in convenience light switches, anti-lock braking system (ABS) switches, and active ride control system switches in certain motor vehicles. This action would require persons who intend to manufacture (including import) or process mercury for these uses, including when mercury is imported or processed as part of an article, to notify EPA at least 90 days before commencing such activity. EPA believes that this action is necessary because manufacturing, processing, use, or disposal of mercury switches may produce significant changes in human and environmental exposures. The required notice would provide EPA with the opportunity to evaluate the use of mercury in these switches, and, if necessary, to prohibit or limit such activity before it occurs to prevent unreasonable risk of injury to human health or the environment.

DATES: Comments must be received on or before September 11, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2005–0036, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery:* OPPT Document Control Office (DCO), EPA East, Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID number EPA–HQ–OPPT–2005–0036. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special

arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2005–0036. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, 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 regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the OPPT Docket, EPA Docket Center (EPA/DC), EPA West, Rm. B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280.

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

For technical information contact: Benjamin Lim, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 566–0481; e-mail address: *lim.benjamin@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, (defined by statute to include import) or process elemental mercury for use in certain motor vehicle switches. Persons who intend to import any chemical substance subject to TSCA must comply with the TSCA section 13 (15 U.S.C. 2612) import certification requirements, and the regulations codified at 19 CFR 12.118 through 12.127 and 127.28. Those persons must certify that they are in compliance with applicable rules or orders under TSCA including any SNUR. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this proposed rule on or after August 10, 2006 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see 40 CFR 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D. Potentially affected entities may include, but are not limited to:

- Manufacturers and processors of automotive electrical switches (NAICS 335931), e.g., manufacturers and processors of mercury switches in convenience lights, ABS acceleration sensors, and ride control sensors.
- Manufacturers and processors of transportation equipment (NAICS 336), e.g., manufacturers of motor vehicles and motor vehicle parts containing mercury switches.
- Automotive repair and maintenance (NAICS 8111), e.g., auto mechanics who replace or install new mercury switches as part of repair and maintenance of vehicles.
- Motor vehicle part (used) wholesalers (NAICS 4211), e.g., auto dismantlers who dismantle motor vehicles and sell used parts.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR 721.5 for SNUR-related obligations. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket number and other identifying information (subject heading, **Federal Register** date, and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at the estimate.

vi. Provide specific examples to illustrate your concerns and suggested alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

This proposed SNUR would require persons to notify EPA at least 90 days before commencing the manufacture or processing of elemental mercury for use in convenience light switches, ABS switches, and ride control switches in certain motor vehicles, including when mercury is imported or processed as part of such an article. EPA believes this action is necessary because manufacturing, processing, use, or disposal of mercury in these switches may produce significant changes in human and environmental exposures.

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

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2) of TSCA. Once EPA determines that a use of a chemical substance is a significant new use and a SNUR is effective, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the substance for that use.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule. However, § 721.45(f) would not apply to this proposed SNUR. As a result, persons subject to the provisions of this rule would not be exempt from significant new use reporting if they imported or processed elemental mercury as part of an article (see § 721.5).

Provisions relating to user fees appear at 40 CFR part 700. Persons subject to this proposed SNUR are required to comply with the same notice requirements and EPA regulatory procedures as submitters of premanufacture notices (PMNs) under section 5(a)(1)(A) of TSCA. Those requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (2), (3), and (5) and the regulations at 40 CFR part 720 (see 40 CFR 721.1(c)). Once EPA receives a significant new use notice (SNUN), EPA may take regulatory action under TSCA sections 5(e), 5(f), 6 or 7, as appropriate, to control the activities described in the SNUN. If EPA does not take action after receipt of a SNUN, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a chemical substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that implement TSCA section 12(b) appear at 40 CFR part 707, subpart D. Persons who intend to import a chemical substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, which appear at 19 CFR 12.118 through 12.127 and 127.28. Such persons must certify that they are in compliance with TSCA requirements. The EPA policy on import certification appears at 40 CFR part 707, subpart B.

III. Summary of Proposed Rule

A. Background

Because of its unique properties, elemental mercury has been used in many industrial processes and consumer products. Mercury switches exploit the ability of small quantities of mercury to conduct electricity and remain one of the largest categories of mercury product uses. In addition to its unique properties, mercury also may cause adverse effects in humans and wildlife under certain conditions. These effects can vary depending on the form of mercury to which a person is exposed and the severity, level, and length of exposure. Most human and wildlife exposure to mercury comes from eating fish contaminated with methylmercury, an organic mercury compound that is formed when certain microorganisms and other natural processes convert mercury to methylmercury, which can accumulate in fish. Methylmercury is a highly toxic organic form of mercury and can cause neurological impairment. Fetuses, infants, and young children are more sensitive to mercury than adults.

Mercury switches were used for many years in motor vehicles in hood and trunk convenience lights, ABS, and ride control systems. In the U.S., most motor vehicles that reach the end of their useful life are dismantled, so that the useful parts can be reused, and steel and other materials can be recycled. During the recycling process, the vehicles are dismantled, crushed, shredded, and vehicle scrap is separated into the ferrous, nonferrous, and auto shredder residue fractions. All of these fractions have the potential to be contaminated with mercury released when switches are ruptured during processing. The steel fractions are sent to electric arc furnaces (EAFs) and other scrap consumers to be melted and refined for use in steel products. These processes use intense heat which can vaporize mercury. Mercury can then be released in air emissions from these facilities. Motor vehicles are believed to be the largest single source of mercury in EAF emissions. EAFs are the largest manufacturing source of mercury air emissions in the U.S. and the fourth largest of all U.S. sources.

Mercury in the air eventually settles into water or onto land where it can be washed into water. Once mercury is deposited in sediment, certain microorganisms and other processes in the environment can convert some of it into methylmercury. Methylmercury persists in the environment and can build up in fish, shellfish, and animals that eat fish. The primary way that people and wildlife are exposed to mercury is by eating methylmercury-contaminated fish. By 2004, forty-four states, one territory, and two Indian tribes had issued fish consumption advisories recommending that some people limit their consumption of fish from certain waterbodies as a result of methylmercury found in fish. The nervous system is particularly sensitive to the adverse effects of methylmercury, with the developing fetus and young child among those particularly at risk from exposure to high amounts of methylmercury. For this reason, in 2004, EPA and the Food and Drug Administration (FDA) jointly issued a national advisory providing advice to women of childbearing age and young children on mercury in fish and shellfish.

Because of increasing concerns about exposure to man-made sources of mercury and the availability of suitable mercury-free alternatives, attempts have been made at the Federal and state level to limit the use of mercury in certain products. American automakers voluntarily eliminated use of mercury switches in automobiles as of January 1, 2003. Those foreign auto manufacturers that had used mercury switches have also eliminated this use. Over the next 20 years, most of the automobiles containing mercury switches will reach

the end of their life and be recycled, ultimately passing through EAFs and other scrap consumers. Many states and non-governmental organizations have taken actions to remove or encourage the removal of mercury switches from automobiles before they are recycled. For these reasons, the potential for mercury emissions being released from scrap consumption will decrease as fewer automobiles containing mercury switches remain to be processed into scrap.

While new automobiles are no longer being manufactured containing mercury switches, some mercury switches are still available as aftermarket replacement parts. Mercury switches generally last the lifetime of the automobile; however, replacement is needed if a collision or other action damages the component containing the switch. Mercury switches are not still available for replacement in hood and trunk convenience lights, because mercury-free switches can be easily substituted as replacement parts. However, there is no existing mercury-free alternative for mid-life replacement of ABS and ride control switches. Therefore, a limited number of mercury ABS and ride control switches will remain available as replacement parts for pre-2003 automobiles. EPA is proposing to exclude from this proposed SNUR mercury switches manufactured as aftermarket replacement parts for ABS and ride control systems in vehicles manufactured before January 1, 2003. In addition to the fact that there are no feasible mercury-free alternatives, EPA is aware that the demand for mercury switches as aftermarket replacement parts is currently low and will become negligible when most pre-2003 vehicles containing mercury switches in ABS and ride control systems have reached the end of their lives.

B. Proposed Action

EPA believes that any resumption of manufacture or processing of mercury for the significant new use would lead to an increase in mercury emissions at EAFs and other facilities involved in scrap recycling and consumption. Therefore, EPA is proposing to designate as significant new uses manufacture or processing of elemental mercury for the following:

- Use in convenience light switches in new motor vehicles.
- Use in convenience light switches as new aftermarket replacement parts for motor vehicles.
- Use in switches in ABS in new motor vehicles.
- Use in switches in ABS as new aftermarket replacement parts for motor vehicles that were manufactured after January 1, 2003.
- Use in switches in active ride control systems in new motor vehicles.
- Use in switches in active ride control systems as new aftermarket replacement parts for motor vehicles that were manufactured after January 1, 2003.

EPA defines *motor vehicle* for this proposed SNUR by referencing the definition used in the emissions control regulations developed under the Clean Air Act (CAA). That definition, which is found at 40 CFR 85.1703, is as follows:

(a) For the purpose of determining the applicability of section 216(2), a vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle and excluded from the operation of the Act:

(1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or

(2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or

(3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

(b) The Administrator will, from time to time, publish in the Federal Register a list of vehicles which have been determined to be excluded. This list will be in appendix VI of 40 CFR part 85.

This definition, which includes passenger cars, light duty trucks, heavy duty vehicles, and motorcycles, encompasses most motor vehicles intended for highway use. In addition to typical passenger cars such as sedans and station wagons, the motor vehicle definition also includes categories such as pickups, passenger and cargo vans, minivans, and sport utility vehicles. The larger passenger carrying vehicles such as buses as well as the larger freight carrying vehicles such as semi trucks are also included. EPA believes that it is important to take advantage of the regulated community's familiarity with the Air Program's interpretation of ''motor vehicles.'' Should the current definition of *motor vehicle* at 40 CFR 85.1703 be amended, the definition used for this SNUR would change as a result. Should that occur, and should EPA determine that the definition is no longer appropriate for use in this SNUR, EPA could take appropriate action to amend the regulatory text at § 721.10068.

The Alliance of Automobile Manufacturers (AAM) is a trade association representing nine new car and light truck manufacturers. The AAM reports that all cars and light trucks built since 2003 are free of mercury switches (Ref. 1). Foreign automobile manufacturers not represented by the AAM discontinued the use of mercury auto switches in the 1990s. The Truck Manufacturers Association has also indicated that trucks have discontinued their use of all types of mercury switches (Ref. 2). Passenger cars and light trucks account for about 96% of the vehicles on the road and have been the primary focus of most efforts to remove mercury switches from vehicles (Ref. 2). Although the other types of motor vehicles have received less attention, EPA believes that mercury switches are not being used in convenience lights, ABS, or ride control systems in any new motor vehicles and that it is appropriate to include them in this proposed SNUR. EPA requests comment on whether there are mercury switches being used for convenience lights, ABS, or ride control systems in any new vehicles that would be covered by the proposed motor vehicle definition.

For this SNUR, EPA is proposing to lift the exemption at § 721.45(f) so that persons importing or processing mercury as part of an article would be subject to § 721.5. EPA believes this exemption is not appropriate to this SNUR because mercury-containing switches are articles and should be covered by the SNUR. Furthermore, it is possible to reclaim mercury from certain articles and use that mercury to produce automotive switches. EPA is asking for comments on this proposed approach. See Unit VII.D.

This proposed rule, when finalized, would require persons who intend to manufacture or process elemental mercury for the significant new uses identified in this action to submit a SNUN at least 90 days before commencing such activity. The required notice would provide EPA with the opportunity to evaluate the intended use, and if necessary, to prohibit or limit that use before it occurs. Given that

mercury switches are no longer being used in new motor vehicles and given the availability of effective mercury-free alternatives, the declining use of mercury in products, and the growing number of states that have banned the use of mercury automotive switches, EPA believes it is unlikely that companies would resume the use of automotive mercury switches (Ref. 3). In the event that the decline in the use of mercury switches as replacement parts in ABS and ride control systems of pre-2003 motor vehicles does not progress as described in this proposed rule, EPA may pursue additional regulatory action as appropriate under TSCA sections 4, 6, and 8.

IV. Overview of Mercury and Mercury Auto Switches

There are several documents available which summarize the extensive literature that exists on mercury. EPA's Mercury Report to Congress (Ref. 4) provides a complete discussion of mercury as it was understood in 1997. A ''Toxicological Profile for Mercury,'' which covers all forms of mercury, is available from the Agency for Toxic Substances and Disease Registry (ATSDR) (Ref. 5). EPA's Integrated Risk Information System (IRIS), an electronic database of computer files containing descriptive and quantitative information, peer-reviewed summaries, and toxicological reviews, includes an entry for methylmercury (Ref. 6). A thorough review of the human health effects of methylmercury can be found in the National Research Council (NRC) of the National Academies of Science report titled ''Toxicological Effects of Methylmercury'' (Ref. 7). More recently, the Regulatory Impact Analysis (RIA) of the Clean Air Mercury Rule (CAMR) (Ref. 8), published in March 2005, provides an update of much of the science as it relates to the effects of mercury emissions. These documents are the major sources of the information summarized in this unit.

A. Chemistry

This proposed rule applies to elemental mercury, which is a naturally occurring element, CAS registry number 7439–97–6. The properties and behavior of mercury are related to its three forms: Elemental or metallic mercury, inorganic mercury compounds, and organic mercury compounds. Elemental or metallic mercury, which is a silver-white metal, is the pure form of mercury, not combined with any other elements. Although elemental mercury is liquid at room temperature and pressure, it vaporizes readily when exposed to air. Most of the mercury in the atmosphere is elemental mercury vapor. Inorganic mercury compounds take the form of mercury salts and are generally white powder or crystals, with the exception of mercuric sulfide (cinnabar), which is red. Organic mercury compounds, such as methylmercury, are formed when mercury combines with carbon. In the air, elemental mercury vapor can be transported, changed into other forms of mercury, and deposited in water or soils in rain or snow. Most of the mercury in water, soil, sediments, or biota are in the forms of inorganic mercury salts and organic forms of mercury. Microscopic organisms convert inorganic mercury into methylmercury, which is the most common organic mercury compound found in the environment. Methylmercury is the form of mercury that accumulates in the food chain. It can reach levels in fish that can be toxic to people and wildlife who consume mercury-contaminated fish (Ref. 5).

B. Environmental Fate

Mercury is well known as a highly persistent, bioaccumulative, toxic pollutant that is widespread in the environment. Because it is a naturally occurring element, it is present in the environment from natural sources, such as weathering of rocks, as well as from anthropogenic (human) activities, such as industrial combustion. Mercury in the air eventually settles into water or onto land where it can be washed into water. Once mercury is deposited in sediments, certain microorganisms and other natural processes can convert some portion of it into methylmercury, a highly toxic organic form of mercury. While all forms of mercury can bioaccumulate, methylmercury generally accumulates to a greater extent then other forms of mercury. Methylmercury can build up (bioconcentrate) in fish, shellfish, and animals that eat fish. The concentrations of methylmercury in organisms higher in the food chain can be 10^4 - 10^6 times higher than the original concentration of methylmercury in the water (Ref. 8). The primary way people in the U.S. are exposed to mercury is by eating fish containing methylmercury. By 2004, forty-four states, one territory, and two Indian tribes had issued fish consumption advisories recommending that some people limit their consumption of fish from certain water bodies as a result of methylmercury found in fish (Ref. 9).

Studies have indicated that because mercury persists in the environment and methylmercury biomagnifies up the foodchain, a wide variety of species and ecosystems may be exposed to excessive levels of mercury in the environment. Because of the complexity of the mercury cycle, it is difficult to predict the original source of mercury found at a given location. Mercury levels may be due to contributions from a mix of local, regional, and long range mercury sources. Mercury from all of these sources will be from both natural and anthropogenic emissions. Although there is uncertainty as to the exact amount, EPA has estimated that about 17% of U.S. mercury deposition is from U.S. and Canadian man-made sources and about 83% is from global sources, including natural, re-emitted, and international man-made sources (Ref. 10). A large anthropogenic source of mercury emissions is EAFs, which release mercury vapor when they process scrap from old cars containing mercury switches, among other items.

Mercury cycles through the atmosphere and ends up in watersheds, in water bodies and sediment, and ultimately can accumulate in fish. Mercury-contaminated fish may potentially be consumed by humans and wildlife. Despite recent advances, current understanding does not allow the prediction of specific ecosystem responses to mercury emissions. The analyses conducted for the CAMR are based on the best available information and are applicable here. Both the CAMR and this proposed rule are concerned with the effects of mercury emissions from anthropogenic sources. The CAMR RIA developed estimates for its benefits analysis based on three elements:

- Results from an ecosystem scale exposure model.
- Results from an analysis of U.S. fishing activity.
- Results from a study of mercury concentrations in consumer fish species.

One of the conclusions of the ecosystem scale modeling was that the best available science suggests that over the long term, changes in mercury concentrations in freshwater fish will be proportional to changes in mercury inputs. In water bodies where atmospheric deposition of inorganic mercury is the major source of mercury, it is expected that long term reductions in fish mercury concentrations will be proportional to declines in atmospheric mercury deposition (Ref. 8). While it is not currently possible to quantify ecological benefits, it can be qualitatively stated that reduction in mercury emissions from various sources could lead to improvements in overall ecosystem health (Ref. 8). Applying similar logic, it can be qualitatively stated that increases in mercury emissions could lead to increases in mercury concentrations in the

environment and reduction in overall ecosystem health.

C. Exposure Pathways

Mercury exists in various forms and people are exposed to each in different ways. Consumption of methylmercury-contaminated fish is the most important nonoccupational source of mercury exposure to people in the U.S. Episodes of severe methylmercury poisoning in Japan and Iraq indicated that consumption of food contaminated with methylmercury could be highly toxic to adults, children, and developing fetuses. Mothers showing few if any signs of nervous system damage gave birth to infants with severe disabilities, confirming that developing fetuses were more sensitive to methylmercury than adults. Although these situations described exposures to methylmercury far greater than those from typical dietary consumption in the U.S., data from those episodes as well as epidemiological studies have been used by EPA to support its concerns about potential methylmercury exposures (Ref. 7).

In 2001, EPA confirmed its 1995 oral Reference Dose (RfD) for methylmercury of 0.1 micrograms/kilogram (μg/kg) body weight-day (bw/d) as an exposure without recognized adverse effects (Ref. 6). Consumption of fish with higher methylmercury levels can lead to elevated mercury levels in the bloodstream and hair. Mercury in blood and hair was measured as part of the 1999–2002 National Health and Nutrition Examination Survey (NHANES). The 1999–2002 NHANES data showed that about 6% of women of childbearing age (16–49 years of age) had blood mercury concentrations greater than 5.8 μg/L (which is a blood mercury level equivalent to the current RfD) (Ref. 11).

Another less common human exposure pathway for mercury is breathing elemental mercury vapor. This exposure can occur when elemental mercury is released or when products that contain elemental mercury break and release mercury to the air, particularly in warm or poorly-ventilated indoor spaces. Inhalation of elemental mercury vapor is the main source of occupational exposure to mercury. Industries that use elemental mercury in their processes have had the largest occupational mercury exposure; however, the imposition of workplace exposure limits on mercury is expected to reduce worker exposure (Ref. 5). Workers may also transport mercury home on contaminated clothing and shoes. There have been reports of increased mercury exposure to children of workers who are exposed in the workplace. Persons living near mercury production, use, and disposal sites may be exposed to mercury that has been released from these sites to the surrounding air, water, and soil (Ref. 5).

Bioaccumulation of methylmercury up through the food chain is also the most important exposure pathway for both aquatic and terrestrial wildlife; although methylmercury bioaccumulates more strongly in aquatic than in terrestrial ecosystems. In fish, methylmercury tissue concentrations increase with increasing age and size of the fish. Methylmercury-contaminated fish are then consumed by fish-eating wildlife, which accumulate methylmercury to levels above those in the original prey items. The methylmercury continues to concentrate as fish-eating wildlife are consumed by larger predators. A well known example of bioaccumulation through the food chain is the endangered Florida panther, which was found to have elevated methylmercury levels due to consumption of raccoons that were contaminated with methylmercury from eating methylmercury-contaminated fish and shellfish (Ref. 4).

Birds, particularly coastal species or those eating prey that feed in estuaries, are most impacted by mercury contamination (Ref. 12). In birds, tissue mercury concentrations associated with toxicity have been found to be relatively similar, regardless of bird species, dietary exposure level, and length of exposure. Frank neurological signs are generally associated with brain mercury concentrations of 15 μg/gram (g) (wet weight) or higher and 30 μg/g or more in liver and kidney (Ref. 4). In mammals, levels of exposure that induce mercury poisoning vary among species. Death occurs in sensitive land mammal species at 0.1–0.5 μg/g bw/d, or 1.0–5.0 μg/g in the diet (Ref. 4).

D. Health and Environmental Effects

The factors that determine how severe the health effects are from mercury exposure include the chemical form of mercury, the dose, the duration of exposure, the route of exposure (e.g., breathing, eating) and the age and health of the person exposed. Both dietary and non-dietary exposure to mercury can result in a variety of health effects. In the extreme cases of methylmercury poisoning that occurred in Japan and Iraq, some people who consumed methylmercury-contaminated food developed permanent damage to the brain and kidneys (Ref. 5). Nondietary exposure to elemental mercury vapors also affects the nervous system. Different forms of mercury have different effects on the nervous system, because they move through the body in different ways. However, both ingestion of methylmercury and inhalation of elemental mercury vapors can cause a variety of symptoms, including personality changes (irritability, nervousness), tremors, changes in vision, deafness, muscle incoordination, loss of sensation, and difficulties with memory (Ref. 5). The nervous system of the developing fetus appears to be the most sensitive target for adverse effects of methylmercury. Prenatal mercury exposure may cause children to perform poorly on neurobehavioral tests that measure attention, fine motor function, language skills, visual-spatial abilities, and verbal memory (Ref. 7).

Recent epidemiological studies exploring the relationship between methylmercury and cardiovascular impacts in men have yielded conflicting conclusions; however, there is enough information to justify additional research on this topic. Some research also suggests that exposure to methylmercury may lessen the beneficial effects of fish consumption. Methylmercury has been classified as a ''possible'' human carcinogen, based on limited human and animal data. Additional research is needed to corroborate studies that have suggested that methylmercury exposure could result in genetic, reproductive, renal, hematologic or immune system impacts (Ref. 4).

Both short-term exposure to high levels or long-term exposure to lower levels of elemental mercury vapor can irritate the lining of the mouth and the lungs. Other effects from exposure to elemental mercury vapor include nausea, vomiting, diarrhea, increase in blood pressure or heart rate, skin rashes, and eye irritation (Ref. 5).

In wildlife, mercury contamination has been shown to cause death as well as sublethal effects. Although mercury consumption can result in bird death, a variety of sublethal effects on reproduction and behavior have been found to occur in birds at dietary concentrations well below those that can cause overt toxicity (Ref. 4). Methylmercury contamination in birds can adversely affect breeding by causing reduction in the number of eggs laid and increased embryo mortality (Ref. 12). Methylmercury attacks the central nervous system in mammalian wildlife as well as in humans. Methylmercury ingestion can also cause reduced food intake, weight loss, muscular atrophy and damage to an animal's heart, lungs, liver, kidneys and stomach (Ref. 4). Mercury contamination has been documented in endangered species,

such as the Florida panther and the wood stork, as well as in populations of loons, eagles, and furbearers such as mink and otters. Recent assessments have concluded that mercury exposures may have contributed to the decline in the endangered Florida panther in the Florida Everglades, most likely from decreased reproductive success in addition to death (Ref. 4).

E. Use Information

Mercury has been widely used in industry and consumer products because of its diverse properties, such as conducting electricity, responding to temperature and pressure changes, and forming alloys with almost all other metals. Use of mercury has declined because its toxicity has resulted in state and Federal limits on its use in various products and safe, mercury-free alternatives are available for many products. One of the larger remaining product uses is in switches. Mercury tilt switches are small tubes with electrical contacts at one end of the tube. As the tube tilts, the mercury collects at one end, providing a conductive path to complete the circuit. When the switch is tilted back, the circuit is broken. Tilt switches have been used in automobiles for convenience lights in the trunk and hood, in ABS and ride control systems. While convenience lights were used in all types of automobiles, ABS and ride control systems were primarily used in higher end, four-wheel drive vehicles. As of 1996, convenience light switches, ABS system switches, and ride control system switches accounted for 87, 12, and 1 percent, respectively, of mercury switch usage in automobiles (Ref. 2). The mercury content of mercury switches varied from 0.7 to 1.5 grams, with an average of 0.8 grams per switch. Automakers used mercury light switches in convenience lighting (one switch per light), such as underhood and trunk lighting. Mercury ABS switches were usually made up of three individual switches, containing about one gram of mercury each. For ride control systems, most commonly two and up to four mercury switches were used, containing approximately one gram of mercury per switch (Ref. 13).

There are two general categories for use of mercury switches in motor vehicles:

- Installed in new motor vehicles.
- Available as an aftermarket replacement part.

While these switches normally last the lifetime of a vehicle, it is possible that they could be damaged, for example in a collision, and need to be replaced. In general, replacement parts can be purchased through a dealer, auto service shop, or auto parts retailer. In the case of mercury switches, which are unlikely to need replacement, the original equipment manufacturer usually agrees to supply the replacement part for about seven years after the vehicle is sold (Ref. 2).

American automobile manufacturers voluntarily discontinued the use of mercury switches in new models as of January 1, 2003 (Ref. 1). Those foreign automobile manufacturers that had used mercury switches discontinued their use of mercury switches in new models in the 1990s. Since mercury-free switches can be used as aftermarket parts to replace mercury switches in convenience lights, mercury convenience light switches are no longer available as aftermarket replacement parts. EPA believes that there are no feasible non-mercury alternatives for mid-life replacement in ABS and ride control systems that contain mercury switches. EPA solicits comment on this issue.

Mercury switches are still being manufactured as replacement parts for pre-2003 cars containing ABS and ride control systems with mercury switches. Because ABS and ride control systems containing mercury switches are only found on a few models of pre-2003 vehicles, and the mercury switches would likely only need to be replaced if they were damaged in a collision, there is a very small market for replacement mercury switches for ABS and ride control systems. Available information indicates that mercury switches needed as replacement parts are not being regularly manufactured but must be specially ordered (Ref. 2). This market should continue to decline as the pre-2003 vehicles reach the end of their lives. Automobiles have a life expectancy of about ten to fifteen years. Once those vehicles are no longer in use, there will be only a very minimal market for mercury switches for ABS and ride control systems.

It is unlikely that auto manufacturers would resume the use of automotive mercury switches. The ability to use mercury switches in new vehicles would be limited to vehicles for sale in certain states. There are a number of states that have banned the use of automotive mercury switches, which prompted auto manufacturers to discontinue their use. As evidenced by their nationwide discontinuation of mercury switch use following the Maine state ban, it is not generally cost effective for auto manufacturers to make vehicles with one set of components for sale in some states and another set of components for vehicles for sale in a different state (Ref. 3).

V. Significant New Use Determination

Section 5(a)(2) of TSCA provides that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance. 15 U.S.C. 2604(2)(A)-(D).

EPA construes the statute to allow consideration of any other relevant factors, in addition to those enumerated in section 5(a)(2)(A) through (D) of TSCA.

To determine what would constitute a significant new use of elemental mercury, EPA has considered relevant information about the toxicity of mercury, the likely exposures and releases associated with the life cycle of elemental mercury manufactured for use in automotive switches, and the four factors listed in section 5(a)(2) of TSCA. The life cycle steps include the following:

- Mercury switch manufacturing.
- Automobile manufacturing.
- Automobile collision, repair, and maintenance.
- End-of-life vehicle recycling.

U.S. auto manufacturers discontinued the use of mercury switches in convenience lights, ABS and ride control systems in new automobiles as of January 1, 2003. Those foreign automobile manufacturers that had used mercury switches discontinued their use of mercury switches in new models in the 1990s. New mercury switches are still available as mid-life replacement parts only for pre-2003 ABS and ride control systems that originally contained mercury switches. However, available information indicates these replacement parts are not being regularly manufactured, but must be specially ordered. Therefore, this market is very small and will continue to decline as vehicles containing these switches reach the end of their useful life.

Given that few mercury switches are being manufactured and none are being installed in new automobiles as part of convenience lights, ABS and ride

control systems, the resumption of use of mercury switches for these uses in new automobiles would require a significant increase in the manufacture and processing of mercury switches. This would result in an increase in the magnitude and duration of exposure to workers and the surrounding environment at facilities of all types in the life cycle, as well as an increase in releases which could contribute additional mercury to the atmosphere for long range transport. This could also result in exposures to workers at automobile manufacturing and automobile collision, repair and maintenance facilities who had not previously worked in these facilities when mercury switches were commonly used in automobiles, as well as exposures to workers who are not currently being exposed to mercury switches.

Over the next twenty years, mercury emissions due to mercury switches in automotive scrap will decrease, because automobile manufacturers stopped installing mercury switches for convenience lights, ABS, and ride control systems as of January 1, 2003. Automobiles have a life expectancy of about ten to fifteen years. Reintroduction of mercury switches for automotive uses would thus result in future increases of mercury emissions at EAFs, if most end of life vehicles would continue to be recycled as scrap in the future as they are today. Once again, increases in mercury emissions could lead to increases in mercury concentrations in the environment and reduction in overall ecosystem and human health from consumption of mercury-contaminated fish. Based on these considerations, EPA has determined that any manufacturing or processing of elemental mercury for the uses designated in this proposed rule is a significant new use.

VI. Effects and Objectives of this Proposed Rule

In determining what would constitute significant new uses for mercury auto switches, EPA considered relevant information on the toxicity of mercury, likely exposures associated with the uses, and the four factors listed in TSCA section 5(a)(2) and discussed in Unit V.

If this proposed rule is finalized, it will allow EPA to provide the following assurances:

- EPA would receive a SNUN indicating a person's intent to manufacture or process elemental mercury for a designated significant new use before that activity begins.
- EPA would have an opportunity to review and evaluate data and information submitted in a SNUN before the notice submitter begins manufacturing or processing elemental mercury for a designated significant new use.
- EPA would have an opportunity to regulate prospective manufacturers and processors of elemental mercury before a significant new use occurs, provided such regulation is warranted pursuant to TSCA section 5(e) or (f).

As summarized in Unit IV., EPA has concerns regarding the environmental fate and the exposure pathways that lead to the presence of methylmercury in fish and the consumption of mercury-contaminated fish by humans and wildlife. American automakers voluntarily discontinued use of mercury switches in new vehicles by January 1, 2003. Although production of ABS and ride control systems containing mercury switches will continue as long as pre-2003 models containing them need mid-life replacement parts, that market is very limited. It should cease once pre-2003 vehicles containing mercury switches are no longer available. However, EPA is concerned that manufacture or processing of mercury for use in auto switches in new vehicles could be reinitiated in the future and wants the opportunity to evaluate and control, if appropriate, occupational and other exposures associated with those activities. The notice that would be provided by the SNUN would provide EPA with the opportunity to evaluate activities associated with a significant new use as proposed herein and an opportunity to protect against unreasonable risks, if any, from exposure to mercury.

In the event the decline in the use of mercury switches as replacement parts in ABS and ride control systems of pre-2003 motor vehicles does not proceed as described in this proposed rule, EPA may pursue additional regulatory action as appropriate under TSCA sections 4, 6, and 8.

VII. Alternatives/Other Options Considered

Before proposing this SNUR, EPA considered the following alternative regulatory actions for elemental mercury.

A. Promulgate a Regulation Under the Clean Air Act

Section 112(d) of the CAA requires EPA to establish emission standards for all categories and subcategories of major sources of hazardous air pollutant (HAP) emissions and for area sources listed for regulation under section 112(c). Mercury compounds are metal HAPs. In terms of industries that consume scrap, EPA has promulgated national emissions standards for hazardous air pollutants (NESHAPs) for iron and steel foundries in the **Federal Register** of April 22, 2004 (69 FR 21905) (FRL–7554–5) and integrated iron and steel mills in the **Federal Register** of May 20, 2003 (68 FR 27645) (FRL–7460–2) and is in the process of developing an area source rule for EAFs. The industry for these source categories melts steel scrap that can contain automotive mercury switches. EPA believes that removing mercury switches from scrap before it is melted is the most effective way for most EAF facilities to reduce mercury emissions resulting from automotive mercury switches. Under the CAA, EPA may regulate only the listed source category, such as EAFs used in producing steel and, therefore, EPA does not regulate the manufacture, use, or disposal of mercury switches per se. The iron and steel foundries NESHAP addresses mercury emissions by requiring scrap selection and inspection programs to remove mercury switches from automotive scrap. However, under TSCA, EPA can regulate mercury switches earlier in their life cycle, by using the authorities of TSCA section 5 to consider human and environmental hazards during the manufacturing, processing, and use, as well as the disposal of mercury switches and to take immediate regulatory action under TSCA section 5(e) or 5(f) to prohibit or limit the manufacture, processing, or distribution in commerce of mercury switches before it begins. If the elimination of the use of mercury switches in ABS and ride control replacement parts does not occur as anticipated, EPA may reevaluate its options for addressing automotive scrap under the CAA and pursue additional regulatory action as appropriate.

B. Promulgate a TSCA section 8(a) Reporting Rule

Under a TSCA section 8(a) rule, EPA could generally require manufacturers and processors to report information to the Agency when they intend to manufacture or process elemental mercury. However, the use of TSCA section 8(a) rather than the SNUR authority, would not provide the opportunity for EPA to review human and environmental hazards and exposures associated with the new use of elemental mercury and, if necessary, to take immediate regulatory action under TSCA section 5(e) or section 5(f) to prohibit or limit the activity before it begins. In addition, EPA may not receive important information from small businesses, because those firms are generally exempt from TSCA section

8(a) reporting requirements. In view of EPA's concerns about elemental mercury and the uses subject to this proposed rule and EPA's interest in having the opportunity to review these uses and regulate them as appropriate, pending the development of exposure and/or hazard information should a significant new use be initiated, the Agency believes that a TSCA section 8(a) rule for elemental mercury would not meet all of EPA's regulatory objectives.

C. Regulate Elemental Mercury Used in Certain Automotive Switches Under TSCA section 6

EPA must regulate under TSCA section 6 if ''there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture...presents or will present an unreasonable risk of injury to health or the environment'' (TSCA section 6(a)). Given that mercury switches are no longer being used in convenience lights, ABS, and ride control systems installed in new automobiles, are no longer used in convenience light replacement parts, and are of very limited availability in ABS and ride control replacement parts for some pre-2003 models, EPA concluded that risk management action under TSCA section 6 is not necessary at this time. This proposed SNUR would allow the Agency to address the potential risks associated with the significant new uses of elemental mercury. If the elimination of the use of mercury switches in ABS and ride control replacement parts does not occur as anticipated, EPA may reconsider this decision and pursue additional regulatory action as appropriate.

D. Allow the Exemption for Persons that Import or Process Elemental Mercury as Part of Articles that Could be Subject to the SNUR

Under the SNUR exemption provision at 40 CFR 721.45(f), a person that imports or processes a substance covered by a SNUR identified in subpart E of part 721 as part of an article is not generally subject to the notification requirements of § 721.25 for that substance. However, EPA is concerned that exempting articles would render the SNUR less effective because of the possibility that switches containing elemental mercury could be imported or processed for uses subject to this proposed SNUR without the submission of a SNUN. Because mercury-containing automotive switches are the primary concern in this SNUR, EPA wishes to include not only elemental mercury but also articles containing elemental mercury. Thus, EPA is proposing to promulgate this rule without the exemption generally provided for in § 721.45(f).

Alternatively, EPA could lift the exemption provisions of 40 CFR 721.45(f) solely for articles containing automotive switches; however, EPA believes it is appropriate to include all articles within the scope of this SNUR, because it is possible to reclaim mercury from articles containing elemental mercury and use that mercury to produce automotive switches. Furthermore, a limited lifting of the exemption could be confusing and of limited benefit, because persons importing or processing mercury-containing articles would not be required to submit a SNUN if they can meet the requirements of § 721.5(a)(2) or § 721.5(c). Therefore, EPA is proposing to promulgate this SNUR without the exemption provided in § 721.45(f). EPA is specifically seeking comments on the issue of whether the exemption under § 721.45(f) should be lifted in whole or in part, or whether the exemption should remain. EPA would particularly like to hear from persons that import or process elemental mercury as part of articles on how the proposed alternative will affect them.

E. Define a Narrower Scope of Motor Vehicles

EPA is considering narrowing the scope of motor vehicles subject to the SNUR. A narrower definition might limit the SNUR to vehicles intended primarily for noncommercial transport of passengers, such as passenger cars, pickup trucks, sport-utility vehicles, minivans, and passenger vans. These types of passenger automobiles comprise an estimated 96% of the vehicles on the road, and it is well known that the use of mercury switches in convenience lights, ABS, and ride control systems in new passenger automobiles was voluntarily discontinued as of January 1, 2003. Passenger automobiles have been the primary focus of most efforts to remove mercury switches from vehicles. There is less certainty about the status of mercury switch usage in some of the larger passenger and freight carrying vehicles, such as buses and semi trucks. Nevertheless, EPA believes that mercury switches are not currently being used for convenience lights, ABS, or ride control systems in all types of new motor vehicles, and that the broader definition encompassing all motor vehicles more appropriately addresses EPA's concerns about elemental mercury and the uses subject to this proposed rule. EPA requests comments on narrowing the scope of vehicles covered to limit it to passenger automobiles and on whether mercury switches are being installed in any types of new motor vehicles.

VIII. Applicability of Rule to Uses Occurring Before Effective Date of the Final Rule

To establish a significant ''new'' use, EPA determines that the use is not ongoing. EPA has decided that the intent of section 5(a)(1)(B) of TSCA is best served by designating a use as a significant new use as of the date of publication of the proposed rule, rather than as of the effective date of the final rule. Thus, persons who begin commercial manufacture, import, or processing of elemental mercury for the significant new use described by this SNUR will have to cease any such activity before the effective date of the final rule. To resume their activities, these persons would have to comply with all applicable SNUN requirements and wait until the notice review period, including all extensions, expires.

EPA has promulgated provisions to allow persons to comply with this SNUR before the effective date. If a person were to meet the conditions of advance compliance under § 721.45(h), the person would be considered to have met the requirements of the final SNUR for those activities. If persons who begin commercial manufacture, import, or processing of the substance between publication and the effective date of the SNUR do not meet the conditions of advance compliance, they must cease that activity before the effective date of the final rule. To resume their activities, these persons would have to comply with all applicable SNUN requirements and wait until the notice review period, including all extensions, expires.

IX. Risk and Market Information

EPA recognizes that section 5 of TSCA does not require the development of any particular test data or information before submission of a SNUN. Persons are required only to submit test data and information in their possession or control and to describe any other data known to or reasonably ascertainable by them (15 U.S.C. 2604(d); 40 CFR 721.25).

However, SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on:

- Human exposure and environmental releases that may result from the significant new uses of elemental mercury.

• Potential benefits of the use of the elemental mercury.

• Information on risks posed by the use of elemental mercury in automotive switches relative to risks posed by mercury-free substitutes.

• Information on how the concerns about mercury emissions during disposal of end-of-life vehicles could be mitigated (e.g., rebates for switches removed before shredding).

Submitters should consider including with a SNUN any other available studies on elemental mercury or studies on analogous substances which may demonstrate that the significant new uses being reported are unlikely to present an unreasonable risk.

In view of the potential risks posed by manufacture, processing, distribution, and disposal of elemental mercury for use in automotive switches, EPA would recommend in the final rule that potential SNUN submitters include data and other information that would permit a reasoned evaluation of risks posed by elemental mercury. EPA encourages persons to consult with the Agency before submitting a SNUN for these uses. As part of this optional pre-notice consultation, EPA would discuss specific data and information it believes are necessary to evaluate a significant new use. A SNUN submitted without sufficient data and information to reasonably evaluate risks posed by a significant new use of elemental mercury may increase the likelihood that EPA will take action under TSCA section 5(e) to prohibit or limit activities associated with elemental mercury and these uses. EPA recommends that potential SNUN submitters contact the Agency early enough that they will be able to conduct any appropriate tests and develop any appropriate information.

X. SNUN Submissions

SNUNs should be mailed to the Environmental Protection Agency, OPPT Document Control Office (7407M), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460–0001. Information must be submitted in the form and manner set forth in EPA Form No. 7710–25. This form is available from the Environmental Assistance Division (7408M), OPPT, Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460–0001 (see 40 CFR 721.25(a) and 720.40(a)(2)(i)).

XI. Economic Considerations

A. SNUNS

EPA has evaluated the potential costs of establishing SNUR reporting requirements for potential manufacturers and processors of the chemical substances included in this proposed rule. While there is no precise way to calculate the total annual cost of compliance with the final rule, given the uncertainties related to predicting the number of SNUN's that would be submitted as a result of this SNUR, EPA estimates that the cost for preparing and submitting a SNUN is $7,302, including a $2,500 user fee required by 40 CFR 700.45(b)(2)(iii) (Ref. 3). Small businesses with annual sales of less than $40 million when combined with those of the parent company (if any) are subject to a reduced user fee of $100 (40 CFR 700.45(b)(1)). Based on past experience with SNURs and the low number of SNUNs which are submitted on an annual basis, EPA believes that there will be few, if any, SNUNs submitted as a result of this SNUR. In this case, it is unlikely that a SNUN would be submitted, because there are a number of states that have banned the use of mercury in vehicle switches, thus the ability to use mercury switches in new motor vehicles would be limited to vehicles for sale only in certain states. The costs of submission of SNUNs will not be incurred by any company unless a company decides to pursue a significant new use as defined in this SNUR. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovations, that impact would be limited because such factors are unlikely to discourage an innovation that has high potential value. EPA's complete economic analysis is available in the public docket for this proposed rule (Ref. 3).

B. Export Notification

As noted in Unit II.C., persons who intend to export a chemical substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)). These provisions require that, for chemicals subject to a proposed or final SNUR, a company notify EPA of the first shipment to a particular country in a calendar year of an affected chemical substance. EPA estimated that the one-time cost of preparing and submitting an export notification to be $93.02. The total costs of export notification will vary per chemical, depending on the number of required notifications (i.e., number of countries to which the chemical is exported).

EPA is unable to estimate the total number of TSCA section 12(b) notifications that will be received as a result of this SNUR, or the total number of companies that will file these notices. However, EPA expects that the total cost of complying with the export notification provisions of TSCA section 12(b) will be limited based on historical experience with TSCA section 12(b) notifications and the fact that no companies have currently been identified that currently market any of the chemical substances that are the subject of this rule commercially. If companies were to manufacture for export only any of the chemical substances covered by this SNUR, such companies would incur the minimal costs associated with export notification despite the fact they would not be subject to the SNUR notification requirements. See TSCA section 12(a) and 40 CFR 721.45(g). EPA is not aware of any companies in this situation.

XII. References

The public docket for this action, EPA–HQ–OPPT–2005–0036, currently includes the following documents:

1. Alliance of Automobile Manufacturers, 2003. Facts About Mercury Switches, December, 2003. Accessible online at: *http://www.autoalliance.org/archives/Mercury.pdf*.

2. EPA, 2005a. Market Study: Mercury Use in Automotive Switches. Washington, D.C. EPA/OPPTS/EETD/EPAB, August, 2005.

3. EPA, 2005b. Economic Analysis of the Significant New Use Rule for Mercury Containing Automotive Switches. Washington, D.C. EPA/OPPTS/EETD/EPAB, January 12, 2006.

4. EPA, 1997. U.S. Environmental Protection Agency. Mercury Study Report to Congress. EPA–452/R–97–003, December 1997. Accessible at: *http://www.epa.gov/ttn/oarpg/t3/reports/volume1.pdf*.

5. ATSDR, 1999. Agency for Toxic Substances and Disease Registry, Public Health Service, U.S. Department of Health and Human Services. Toxicological Profile for Mercury (update). Accessible online at: *http://www.atsdr.cdc.gov/toxprofiles/tp46.html*.

6. EPA, 2002. U.S. Environmental Protection Agency. Integrated Risk Information System (IRIS). Methylmercury. Oral RfD and inhalation RfC assessments last revised 7/27/01; Carcinogenicity assessment last revised 5/1/95; most recent revision of on-line materials, 2002; website accessed May 2005. Accessible online at: *http://www.epa.gov/iris/subst/0073.htm*.

7. NRC, 2000. National Research Council. Toxicological Effects of Methylmercury. Committee on the Toxicological Effects of Methylmercury,

Board on Environmental Studies and Toxicology, Commission on Life Sciences, National Research Council. National Academy Press, Washington, D.C. Accessible online at: *http://books.nap.edu/books/0309071402/html/1.html*.

8. EPA, 2005c. U.S. Environmental Protection Agency. Regulatory Impact Analysis of the Clean Air Mercury Rule, Final Report. EPA–452/R–05–003, March 2005. Accessible online at: *http://www.epa.gov/ttn/atw/utility/ria_final.pdf*.

9. EPA, 2005d. 2004 National Listing of Fish Advisories. Fact Sheet, Sept. 2005. EPA–823–F–05–004. Accessible at: *http://epa.gov/waterscience/fish/advisories/fs2004.pdf*.

10. EPA, 2005e. Technical Support Document, Revision of December 2000 Finding on the Emissions of Hazardous Air Pollutants from Electric Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units From the Section 112 (c) List: Reconsideration, October 21, 2005. Accessible online at *http://www.epa.gov/ttn/atw/utility/TSD-112-final.pdf*.

11. CDC, 2004. Centers for Disease Control and Prevention. Blood Mercury Levels in Young Children and Childbearing Aged-Women - United States, 1999–2002. Morbidity and Mortality Weekly Report, November 5, 2004/53(43):1018–1020. Accessible online at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5343a5.htm*.

12. Boening, D.W. 2000. Ecological effects, transport, and fate of mercury: A general review. Chemosphere 40: 1335–1351.

13. EPA, 2005f. Screening Level Workplace Release and Exposure Assessment for Mercury Switches in New Automobiles. Washington, D.C. EPA/OPPTS/EETD/CEB, September 6, 2005.

XIII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Office of Management and Budget (OMB) has determined that this proposed SNUR is not a ''significant regulatory action'' because this rule does not meet the criteria in section 3(f) of the Executive Order.

B. Paperwork Reduction Act

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0038 (EPA ICR No. 1188). This action would not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average 105 hours per submission. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that promulgation of this SNUR would not have a significant adverse economic impact on a substantial number of small entities. The rationale supporting this conclusion is as follows. A SNUR applies to any person (including small or large entities) who intends to engage in any activity described in the rule as a ''significant new use.'' By definition of the word ''new,'' and based on all information currently available to EPA, it appears that no small or large entities presently engage in such activity. Since a SNUR only requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN, no economic impact would even occur until someone decides to engage in those activities. Although some small entities may decide to conduct such activities in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of over 1,000 SNURs, the Agency receives on average only 10 notices per year. Of those SNUNs submitted, none appear to be from small entities in response to any SNUR. In addition, the estimated reporting cost for submission of a SNUN (see Unit XI.), are minimal regardless of the size of the firm. Therefore, EPA believes that the potential economic impact of complying with this SNUR is not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published on June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that proposed and final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government would be impacted by this rulemaking. As such, EPA has determined that this regulatory action would not impose any enforceable duty, contain any unfunded mandate, or otherwise have any affect on small governments subject to the requirements of sections 202, 203, 204, or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

E. Executive Order 13132: Federalism

This action would not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999).

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

This proposed rule would not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This proposed rule would not significantly or uniquely affect the communities of Indian Tribal governments, nor would it involve or impose any requirements that affect Indian Tribes. Accordingly, the

requirements of Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000), do not apply to this proposed rule.

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

This action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because the impact of this SNUR will be less than $100 million. Executive Order 13045 only requires analysis of impacts on children for rules that will have an impact of $100 million or more.

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

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

I. National Technology Transfer Advancement Act

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

J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

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

K. Executive Order 12988: Civil Justice Reform

In issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

List of Subjects in 40 CFR Part 721

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

Dated: July 5, 2006.

Charles M. Auer,

Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

2. By adding new § 721.10068 to subpart E to read as follows:

§ 721.10068 Elemental mercury.

(a) *Definitions*. The definitions in § 721.3 apply to this section. In addition, the following definition applies: *Motor vehicle* has the meaning found at 40 CFR 85.1703.

(b) *Chemical substances and significant new uses subject to reporting*. (1) The chemical substance elemental mercury (CAS. No. 7439–97–6) is subject to reporting under this section for the significant new uses described in paragraph (b)(2) of this section.

(2) The significant new uses are:

(i) Manufacture or processing of elemental mercury for use in convenience light switches in new motor vehicles.

(ii) Manufacture or processing of elemental mercury for use in convenience light switches as new aftermarket replacement parts for motor vehicles.

(iii) Manufacture or processing of elemental mercury for use in switches in anti-lock brake systems (ABS) in new motor vehicles.

(iv) Manufacture or processing of elemental mercury for use in switches in ABS as new aftermarket replacement parts for motor vehicles that were manufactured after January 1, 2003.

(v) Manufacture or processing of elemental mercury for use in switches in active ride control systems in new motor vehicles.

(vi) Manufacture or processing of elemental mercury for use in switches in active ride control systems as new aftermarket replacement parts for motor vehicles that were manufactured after January 1, 2003.

(c) *Specific requirements*. The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Revocation of article exemption*. The provisions of § 721.45(f) do not apply to this section. A person who imports or processes the substance as part of an article for the significant new use must submit a significant new use notice.

(2) [Reserved]

[FR Doc. E6–10858 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060606148–6148–01; I.D. 112805A]

RIN 0648–AU52

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Proposed Revision to the Final 2006 and 2007 Harvest Specifications for Groundfish

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to revise the final 2006 and 2007 harvest specifications for the ''other species'' complex in the Gulf of Alaska (GOA) by reducing the total allowable catch (TAC) for the complex to 4,500 metric tons (mt) annually. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments must be received by August 10, 2006.

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

- Mail to P.O. Box 21668, Juneau, AK 99802;
- Hand Delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, AK;
- E-mail to *2006AKGOA.tacspecs@noaa.gov* and include in the subject line of the e-mail comments the document identifier: ''2006 GOA Amend Harvest Specifications'' (E-mail comments, with or without attachments, are limited to 5 megabytes);
- Fax to 907–586–7557; or

• Webform at the Federal eRulemaking Portal: *www.regulations.gov*. Follow the instructions at that site for submitting comments.

Copies of the Initial Regulatory Flexibility Analysis (IRFA) prepared for this action and the final Environmental Assessment/Regulatory Impact Review/ Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for Amendment 69 are available from NMFS at the mailing address above or from the Alaska Region website *www.fakr.noaa.gov*. A copy of the EA/ IRFA prepared for the 2006 and 2007 harvest specifications for the Bering Sea and Aleutian Islands and Gulf of Alaska groundfish fisheries also is available from the same address and website.

FOR FURTHER INFORMATION CONTACT: Tom Pearson, Sustainable Fisheries Division, Alaska Region, 907–481–1780 or e-mail at *tom.pearson@noaa.gov*.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone off Alaska under the Fishery Management Plan for Groundfish of the GOA (FMP). The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801, *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

On February 13, 2006, the Secretary of Commerce approved Amendment 69 to the FMP. A final rule implementing the amendment was published in the **Federal Register** on March 13, 2006 (71 FR 12626). Amendment 69 and its implementing rule modify the TAC calculation for the ''other species'' complex from a fixed 5 percent of the sum of target species annual TACs to an amount less than or equal to this percentage. The intent of this adjustment is to prevent overfishing of species within the ''other species'' complex. The actual TAC amount for the ''other species'' complex will continue to be established during the annual harvest specification process set forth in regulations at § 679.20. Under this process, the Council recommends a TAC amount consistent with the provisions set forth under Amendment 69 that then is forwarded to the Secretary of Commerce for review and approval.

The final 2006 and 2007 harvest specifications for groundfish in the GOA were published in the **Federal Register** on March 3, 2006 (71 FR 10870). Under these specifications, the 2006 and 2007 TACs for the ''other species'' complex are 13,856 mt and 12,229 mt, respectively. These amounts are equal to 5 percent of the sum of the target species TACs. In December 2005, the Council recommended that the ''other species'' TAC be reduced to 4,500 mt pending the approval of Amendment 69. This proposed rule would implement the Council's recommendation for the ''other species'' TAC and revise the 2006 and 2007 harvest specifications accordingly.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify the TAC for each target species and for the ''other species'' category, the sum of which must be within the optimum yield range of 116,000 mt to 800,000 mt. Section 679.20(c)(1) further requires NMFS to publish and solicit public comment on the proposed harvest specifications. As mentioned above, this proposed action would lower the TAC for the ''other species'' complex in the 2006 and 2007 fishing years to 4,500 mt. If approved, this adjustment would reduce the cumulative 2006 TAC amount to 291,948 mt, a difference of 9,356 mt. Similarly, the cumulative 2007 TAC amount would be reduced to 273,911 mt, a difference of 7,729 mt. Under § 679.20(c)(3), NMFS will publish the final revised 2006 and 2007 harvest specifications for the ''other species'' complex after considering comments received within the comment period (see **DATES**).

The Council's recommendation in December 2005 was based on the GOA Plan Team's 4,000 mt estimate of the annual incidental catch of ''other species'' in the targeted groundfish and Pacific halibut fisheries, the Council's Advisory Panel's recommendation, and public testimony. A 4,500 mt TAC for the ''other species'' complex would allow for incidental catch needs and a small directed fishery for ''other species'' of approximately 500 mt in each year.

As a result of lowering the TAC for ''other species,'' NMFS also proposes to proportionally lower the 2006 and 2007 ''other species'' harvest sideboard limitations for non-exempt American Fisheries Act (AFA) catcher vessels and non AFA crab vessels. For 2006 and 2007, the ''other species'' harvest sideboard limitation for non-exempt AFA catcher vessels would be reduced to 40 mt from 125 mt in 2006 and 110 mt in 2007. For 2006 and 2007 the ''other species'' harvest sideboard limitation for non AFA crab vessels would be reduced to 79 mt from 244 mt in 2006 and 215 mt in 2007.

Classification

An IRFA was prepared to evaluate the impacts of the 2006 and 2007 proposed harvest specifications on directly regulated small entities following Secretarial approval of Amendment 69 to the GOA FMP. This IRFA is intended to meet the statutory requirements of the Regulatory Flexibility Act. A copy of the IRFA is available from NMFS (see **ADDRESSES**). The reason for the action, a statement of the objective of the action, and the legal basis are discussed in the IRFA and in the preamble of the proposed rule and are not repeated here.

The 2006 and 2007 harvest specifications establish harvest limits for the groundfish species and species groups in the GOA. Entities directly impacted are those fishing for groundfish in the exclusive economic zone, or in parallel fisheries in State of Alaska waters (in which harvests are counted against the Federal TAC). An estimated 782 small catcher vessels and 18 small catcher processors may be directly regulated by these harvest specifications in the GOA. The catcher vessel estimate in particular is subject to various uncertainties. It may provide an underestimate because it does not count vessels that fish only within State of Alaska waters. This may be offset by upward biases introduced by the use of preliminary price estimates (which do not fully account for post-season price adjustments) and by a failure to account for affiliations, other than AFA cooperative affiliations, among entities. For these reasons the catcher vessel estimate must be considered an approximation.

This regulation does not impose new recordkeeping or reporting requirements on the regulated small entities. This analysis did not reveal any Federal rules that duplicate, overlap, or conflict with the proposed action.

This IRFA analysis prepared for this proposed action examined the status quo, or no action alternative in relation to the proposed action to reduce the TAC for the ''other species'' complex to 4,500 mt. A TAC of 4,500 mt exceeds the estimated annual incidental catch needs in the groundfish and Pacific halibut fisheries while allowing for a limited (approximately 500 mt annually) directed fishery for the ''other species'' complex and the development of markets for these species.

The EA/RIR/FRFA prepared for Amendment 69 examined a range of TAC setting alternatives. Alternative 1 would have been the status quo, or no action alternative, and the TAC for the ''other species'' complex would continue to be set at 5 percent of the

sum of other targeted species TACs. This alternative was not selected for conservation reasons. If the TAC were set at this level (and fully harvested) it would most likely not be sustainable, further, if a single species in the complex were targeted to the exclusion of other species in the complex that targeted species would likely experience overfishing. Alternative 3 would have set the TAC at a level anticipated to meet anticipated incidental catch needs in other directed fisheries. This alternative was not selected because, while it would have allowed retention of up to 20 percent of marketable ''other species,'' it would have precluded the possibility the possibility of future development of directed fisheries targeting ''other species.'' Alternative 2, the alternative selected by the Council and implemented by final rule gave the Council the greatest amount of flexibility to recommend a TAC up to 5 percent of the sum of the target species TACs. Presumably the Council would recommend a TAC sufficient to meet incidental catch needs in other directed fisheries while allowing for the development of sustainable fisheries targeting ''other species.'' The FRFA prepared for Amendment 69 determined that any of the alternatives considered would not adversely impact small entities.

The IRFA prepared for this proposed rule specifically examined the impacts of setting the TAC for the ''other species'' complex at 4,500 mt, as recommended by the Council, versus 5 percent of the sum of targeted species TACs which was in effect at the time the final harvest specifications for groundfish in the GOA for the fishing years 2006 and 2007 were implemented. The IRFA concluded that the proposed action does not appear to create adverse impacts on directly regulated small entities.

This action is authorized under § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 773 *et seq.*; 1540(f); 1801 *et seq.*; 1851 note; and 3631 *et seq.*

Dated: July 6, 2006.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. E6–10855 Filed 7–10–06; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 71, No. 132

Tuesday, July 11, 2006

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 5, 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.

Rural Utilities Service

Title: Certification of Authority.

OMB Control Number: 0572–0074.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture (USDA). It makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.,* as amended, (RE ACT) and as prescribed by Office of Management and Budget (OMB) Circular A–129, Policies for Federal Credit Programs and Non-Tax Receivables, which states that agencies must, based on a review of a loan application, determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance. A major factor in managing loan programs is controlling the advancement of funds. RUS Form 675 allows this control to be achieved by providing a list of authorized signatures against which signatures requesting funds are compared.

Need and Use of the Information: RUS will collect information to ensure that only authorized representatives of the borrowers signs the lending requisition form. Without the information RUS would not know if the request for a loan advance was legitimate or not and so the potential for waste, loss, unauthorized use, and misappropriation would be increased.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 350.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 35.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–10764 Filed 7–10–06; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 6, 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.

Rural Utility Service

Title: 7 CFR 1780, Water and Waste Loan and Grant Program.

OMB Control Number: 0572–0121.

Summary of Collection: Section 306 of the Consolidated Farm and Rural Development Act (CONACT), 7 U.S.C.

1926, authorizes Rural Utilities Service (RUS) to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of water and waste disposal facilities primarily servicing rural residents with populations up to 10,000 residents.

Need and Use of the Information: Rural Development's field offices will collect information from applicants/borrowers and consultants to determine eligibility and project feasibility. The information will help to ensure borrowers operate on a sound basis and use loan funds for authorized purposes. There are agency forms required as well as other requirements that involve certifications from the borrower, lenders, and other parties. Failure to collect proper information could result in improper determinations of eligibility, use of funds and or unsound loans.

Description of Respondents: State, local or tribal government; Not-for-profit institutions.

Number of Respondents: 7,000.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Annually; Weekly.

Total Burden Hours: 131,469.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–10791 Filed 7–10–06; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Child and Adult Care Food Program: National Average Payment Rates, Day Care Home Food Service Payment Rates, and Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes for the Period July 1, 2006–June 30, 2007

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the annual adjustments to: The national average payment rates for meals and supplements served in child care centers, outside-school-hours care centers, at-risk afterschool care centers, and adult day care centers; the food service payment rates for meals and supplements served in day care homes; and the administrative reimbursement rates for sponsoring organizations of day care homes, to reflect changes in the Consumer Price Index. Further adjustments are made to these rates to reflect the higher costs of providing meals in the States of Alaska and Hawaii. The adjustments contained in this notice are made on an annual basis each July, as required by the statutes and regulations governing the Child and Adult Care Food Program (CACFP).

DATES: *Effective Date:* July 1, 2006.

FOR FURTHER INFORMATION CONTACT: Keith Churchill, Section Chief, Child and Adult Care and Summer Programs Section, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 305–2590.

SUPPLEMENTARY INFORMATION:

Definitions

The terms used in this notice shall have the meanings ascribed to them in the regulations governing the CACFP (7 CFR part 226).

Background

Pursuant to sections 4, 11 and 17 of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1753, 1759a and 1766), section 4 of the Child Nutrition Act of 1966 (CNA) (42 U.S.C. 1773) and §§ 226.4, 226.12 and 226.13 of the regulations governing the CACFP (7 CFR part 226), notice is hereby given of the new payment rates for institutions participating in CACFP. These rates shall be in effect during the period July 1, 2006 through June 30, 2007.

As provided for under the NSLA and the CNA, all rates in the CACFP must be revised annually on July 1 to reflect changes in the Consumer Price Index (CPI) for the most recent 12-month period. In accordance with this mandate, the Department last published the adjusted national average payment rates for centers, the food service payment rates for day care homes, and the administrative reimbursement rates for sponsors of day care homes on July 18, 2005, at 70 FR 41196 (for the period July 1, 2005–June 30, 2006).

CHILD AND ADULT CARE FOOD PROGRAM (CACFP)—PER MEAL RATES IN WHOLE OR FRACTIONS OF U.S. DOLLARS

[Effective from July 1, 2006–June 30, 2007]

Centers	Breakfast	Lunch and supper [1]	Supplement
Contiguous States:			
Paid	.24	.23	.06
Reduced price	1.01	2.00	.32
Free	1.31	2.40	.65
Alaska:			
Paid	.35	.37	.09
Reduced price	1.78	3.48	.53
Free	2.08	3.88	1.06
Hawaii:			
Paid	.27	.27	.07
Reduced Price	1.22	2.40	.38
Free	1.52	2.80	.77

Day care homes	Breakfast		Lunch and supper		Supplement	
	Tier I	Tier II	Tier I	Tier II	Tier I	Tier II
Contiguous States	1.06	.39	1.97	1.19	.58	.16
Alaska	1.69	.61	3.20	1.93	.95	.26
Hawaii	1.24	.45	2.31	1.39	.69	.19

Administrative reimbursement rates for sponsoring organizations of day care homes per home/per month rates in U.S. dollars	Initial 50	Next 150	Next 800	Each additional
Contiguous States	95	72	56	50

Administrative reimbursement rates for sponsoring organizations of day care homes per home/per month rates in U.S. dollars	Initial 50	Next 150	Next 800	Each additional
Alaska	153	117	91	80
Hawaii	111	84	66	58

[1] These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to participants under the program. A notice announcing the value of commodities and cash-in-lieu of commodities is published separately in the **Federal Register**.

The changes in the national average payment rates for centers reflect a 3.16 percent increase during the 12-month period, May 2005 to May 2006, (from 192.6 in May 2005 to 198.7 in May 2006) in the food away from home series of the CPI for All Urban Consumers.

The changes in the food service payment rates for day care homes reflect a 0.84 percent increase during the 12-month period, May 2005 to May 2006, (from 190.3 in May 2005 to 191.9 in May 2006) in the food at home series of the CPI for All Urban Consumers.

The changes in the administrative reimbursement rates for sponsoring organizations of day care homes reflect a 4.16 percent increase during the 12-month period, May 2005 to May 2006, (from 194.4 in May 2005 to 202.5 in May 2006) in the series for all items of the CPI for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

The total amount of payments available to each State agency for distribution to institutions participating in the program is based on the rates contained in this notice.

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act. This notice has been determined to be exempt under Executive Order 12866.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.558 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3518).

Authority: Sections 4(b)(2), 11a, 17(c) and 17(f)(3)(B) of the Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1753(b)(2), 1759a, 1766(f)(3)(B)) and section 4(b)(1)(B) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773(b)(1)(B)).

Dated: July 5, 2006.

Roberto Salazar,

Administrator.

[FR Doc. 06–6130 Filed 7–10–06; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

National School Lunch, Special Milk, and School Breakfast Programs, National Average Payments/Maximum Reimbursement Rates

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the annual adjustments to the ''national average payments,'' the amount of money the Federal Government provides States for lunches, afterschool snacks and breakfasts served to children participating in the National School Lunch and School Breakfast Programs; to the ''maximum reimbursement rates,'' the maximum per lunch rate from Federal funds that a State can provide a school food authority for lunches served to children participating in the National School Lunch Program; and to the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in the Special Milk Program for Children. The payments and rates are prescribed on an annual basis each July. The annual payments and rates adjustments for the National School Lunch and School Breakfast Programs reflect changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers. The annual rate adjustment for the Special Milk Program reflects changes in the Producer Price Index for Fluid Milk Products. These payments and rates are in effect from July 1, 2006 through June 30, 2007.

DATES: These rates are effective from July 1, 2006 through June 30, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. William Wagoner, Section Chief, School Programs Section, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 640, Alexandria, VA 22302 or phone (703) 305–2590.

SUPPLEMENTARY INFORMATION:

Background

Special Milk Program for Children—Pursuant to section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), the Department announces the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution that participates in the Special Milk Program for Children. This rate is adjusted annually to reflect changes in the Producer Price Index for Fluid Milk Products, published by the Bureau of Labor Statistics of the Department of Labor.

For the period July 1, 2006 through June 30, 2007, the rate of reimbursement for a half-pint of milk served to a nonneedy child in a school or institution which participates in the Special Milk Program is 14.5 cents. This reflects a decrease of 6.08 percent in the Producer Price Index for Fluid Milk Products from May 2005 to May 2006 (from a level of 169.4 in May 2005 to 159.1 in May 2006).

As a reminder, schools or institutions with pricing programs that elect to serve milk free to eligible children continue to receive the average cost of a half-pint of milk (the total cost of all milk purchased during the claim period divided by the total number of purchased half-pints) for each half-pint served to an eligible child.

National School Lunch and School Breakfast Programs—Pursuant to sections 11 and 17A of the Richard B. Russell National School Lunch Act, (42 U.S.C. 1759a and 1766a), and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the Department annually announces the adjustments to the National Average Payment Factors and to the maximum Federal reimbursement rates for lunches and afterschool snacks served to children participating in the National School Lunch Program and breakfasts served to children participating in the School Breakfast Program. Adjustments are prescribed each July 1, based on changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of

Labor. The changes in the national average payment rates for schools and residential child care institutions for the period July 1, 2006 through June 30, 2007 reflect a 3.16 percent increase in the Consumer Price Index for All Urban Consumers during the 12-month period May 2005 to May 2006 (from a level of 192.6 in May 2005 to 198.7 in May 2006). Adjustments to the national average payment rates for all lunches served under the National School Lunch Program, breakfasts served under the School Breakfast Program, and afterschool snacks served under the National School Lunch Program are rounded down to the nearest whole cent.

Lunch Payment Levels—Section 4 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753) provides general cash for food assistance payments to States to assist schools in purchasing food. The Richard B. Russell National School Lunch Act provides two different section 4 payment levels for lunches served under the National School Lunch Program. The lower payment level applies to lunches served by school food authorities in which less than 60 percent of the lunches served in the school lunch program during the second preceding school year were served free or at a reduced price. The higher payment level applies to lunches served by school food authorities in which 60 percent or more of the lunches served during the second preceding school year were served free or at a reduced price.

To supplement these section 4 payments, section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759(a)) provides special cash assistance payments to aid schools in providing free and reduced price lunches. The section 11 National Average Payment Factor for each reduced price lunch served is set at 40 cents less than the factor for each free lunch.

As authorized under sections 8 and 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1757 and 1759a), maximum reimbursement rates for each type of lunch are prescribed by the Department in this Notice. These maximum rates are to ensure equitable disbursement of Federal funds to school food authorities.

Afterschool Snack Payments in Afterschool Care Programs—Section 17A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766a) establishes National Average Payments for free, reduced price and paid afterschool snacks as part of the National School Lunch Program.

Breakfast Payment Factors—Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) establishes National Average Payment Factors for free, reduced price and paid breakfasts served under the School Breakfast Program and additional payments for free and reduced price breakfasts served in schools determined to be in ''severe need'' because they serve a high percentage of needy children.

Revised Payments

The following specific section 4, section 11 and section 17A National Average Payment Factors and maximum reimbursement rates for lunch, the afterschool snack rates, and the breakfast rates are in effect from July 1, 2006 through June 30, 2007. Due to a higher cost of living, the average payments and maximum reimbursements for Alaska and Hawaii are higher than those for all other States. The District of Columbia, Virgin Islands, Puerto Rico and Guam use the figures specified for the contiguous States.

National School Lunch Program Payments

Section 4 National Average Payment Factors—In school food authorities which served less than 60 percent free and reduced price lunches in School Year 2004–05, the payments for meals served are: *Contiguous States*—paid rate—23 cents, free and reduced price rate—23 cents, maximum rate—31 cents; *Alaska*—paid rate—37 cents, free and reduced price rate—37 cents, maximum rate—48 cents; *Hawaii*—paid rate—27 cents, free and reduced price rate—27 cents, maximum rate—35 cents.

In school food authorities which served 60 percent or more free and reduced price lunches in School Year 2004–05, payments are: *Contiguous States*—paid rate—25 cents, free and reduced price rate—25 cents, maximum rate—31 cents; *Alaska*—paid rate—39 cents, free and reduced price rate—39 cents, maximum rate—48 cents; *Hawaii*—paid rate—29 cents, free and reduced price rate—29 cents, maximum rate—35 cents.

Section 11 National Average Payment Factors—Contiguous States—free lunch—217 cents, reduced price lunch—177 cents; *Alaska*—free lunch—351 cents, reduced price lunch—311 cents; *Hawaii*—free lunch—253 cents, reduced price lunch—213 cents.

Afterschool Snacks in Afterschool Care Programs—The payments are: *Contiguous States*—free snack—65 cents, reduced price snack—32 cents, paid snack—06 cents; *Alaska*—free snack—106 cents, reduced price snack—53 cents, paid snack—09 cents; *Hawaii*—free snack—77 cents, reduced price snack—38 cents, paid snack—07 cents.

School Breakfast Program Payments

For schools ''not in severe need'' the payments are: *Contiguous States*—free breakfast—131 cents, reduced price breakfast—101 cents, paid breakfast—24 cents; *Alaska*—free breakfast—208 cents, reduced price breakfast—178 cents, paid breakfast—35 cents; *Hawaii*—free breakfast—152 cents, reduced price breakfast—122 cents, paid breakfast—27 cents.

For schools in ''severe need'' the payments are: *Contiguous States*—free breakfast—156 cents, reduced price breakfast—126 cents, paid breakfast—24 cents; *Alaska*—free breakfast—249 cents, reduced price breakfast—219 cents, paid breakfast—35 cents; *Hawaii*—free breakfast—182 cents, reduced price breakfast—152 cents, paid breakfast—27 cents.

Payment Chart

The following chart illustrates the lunch National Average Payment Factors with the sections 4 and 11 already combined to indicate the per lunch amount; the maximum lunch reimbursement rates; the reimbursement rates for afterschool snacks served in afterschool care programs; the breakfast National Average Payment Factors including ''severe need'' schools; and the milk reimbursement rate. All amounts are expressed in dollars or fractions thereof. The payment factors and reimbursement rates used for the District of Columbia, Virgin Islands, Puerto Rico and Guam are those specified for the contiguous States.

SCHOOL PROGRAMS MEAL, SNACK AND MILK PAYMENTS TO STATES AND SCHOOL FOOD AUTHORITIES—EXPRESSED IN DOLLARS OR FRACTIONS THEREOF

[Effective from July 1, 2006–June 30, 2007]

National school lunch program *	Less than 60%	60% or more	Maximum rate
Contiguous States:			
Paid	0.23	0.25	0.31
Reduced price	2.00	2.02	2.17
Free	2.40	2.42	2.57
Alaska:			
Paid	0.37	0.39	0.48
Reduced price	3.48	3.50	3.75
Free	3.88	3.90	4.15
Hawaii:			
Paid	0.27	0.29	0.35
Reduced price	2.40	2.42	2.60
Free	2.80	2.82	3.00

School breakfast program	Non-severe need	Severe need
Contiguous States:		
Paid	0.24	0.24
Reduced price	1.01	1.26
Free	1.31	1.56
Alaska:		
Paid	0.35	0.35
Reduced price	1.78	2.19
Free	2.08	2.49
Hawaii:		
Paid	0.27	0.27
Reduced price	1.22	1.52
Free	1.52	1.82

Special milk program	All milk	Paid milk	Free milk
Pricing programs without free option	0.145	N/A	N/A
Pricing programs with free option	N/A	0.145	(1)
Nonpricing programs	0.145	N/A	N/A

Afterschool Snacks Served in Afterschool Care Programs	
Contiguous States:	
Paid	0.06
Reduced price	0.32
Free	0.65
Alaska:	
Paid	0.09
Reduced price	0.53
Free	1.06
Hawaii:	
Paid	0.07
Reduced price	0.38
Free	0.77

* Payment listed for Free and Reduced Price Lunches include both section 4 and section 11 funds.
[1] Average cost per ½ pint of milk.

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This action is exempted from review by the Office of Management and Budget under Executive Order 12866.

National School Lunch, School Breakfast and Special Milk Programs are listed in the Catalog of Federal Domestic Assistance under No. 10.555, No. 10.553 and No. 10.556, respectively, and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983.)

Authority: Sections 4, 8, 11 and 17A of the Richard B. Russell National School Lunch Act, as amended, (42 U.S.C. 1753, 1757, 1759a, 1766a) and sections 3 and 4(b) of the Child Nutrition Act, as amended, (42 U.S.C. 1772 and 42 U.S.C. 1773(b)).

Dated: July 5, 2006.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. 06–6131 Filed 7–10–06; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Lost River Watershed, Hardy County, WV

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Natural Resources Conservation Service Guidelines (7 CFR part 650); the Natural Resources Conservation Service (NRCS), U. S. Department of Agriculture, is giving notice that an environmental impact statement (EIS) will be prepared regarding Site 16, Lower Cove Run, in the Lost River Subwatershed of the Potomac River Watershed, Hardy County, West Virginia. (This Notice of Intent supersedes a previously published **Federal Register** in the Notices Section on April 10, 2006 (71 FR 18603), and includes an announcement of a public scoping meeting.)

FOR FURTHER INFORMATION CONTACT: Ronald L. Hilliard, State Conservationist, Natural Resources Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone (304) 284–7545.

SUPPLEMENTARY INFORMATION: In October 1974, the Lost River Subwatershed Work Plan—Final Environmental Impact Statement was prepared and was approved for operations on February 11, 1975, under authority of the Flood Control Act, Public Law 534. The approved work plan included provisions for land treatment measures covering 94,750 acres, four single-purpose floodwater retarding impoundments and one multiple-purpose floodwater retarding and recreation impoundment. Two of the single-purpose floodwater retarding impoundments (Site 4, Kimsey Run and Site 27, Upper Cove Run) have been installed. In March 2001, the watershed plan was amended to add 400 acre-feet of rural water supply storage as a purpose for Site 10 (Camp Branch). The impoundment at Site 10 was completed in September 2005. Site 23, Culler Run, was determined to be not feasible due to engineering and geological concerns and will be eliminated as a component of the Lost River Watershed Project.

Planning is now underway for Site 16, Lower Cove Run which will be the subject of the EIS. Site 16 was originally planned as a multiple-purpose floodwater retarding and recreation structure. At the request of the local sponsoring organizations, the recreation component of Site 16 has been eliminated (other than incidental recreational uses) and the purpose of rural water supply has been added for this impoundment. Alternatives currently identified to be addressed in this EIS include the No Action Alternative and Alternative 1, Construction of Dam at Site 16.

The NRCS has determined that this federally assisted action may have the potential for significant local, regional, or national impacts on the environment. As a result of these findings, and due to the age of the original EIS for the watershed, Ronald L. Hilliard, State Conservationist, has determined that the preparation and review of a new environmental impact statement is warranted. Since one of the current identified alternatives would impound water on a small portion of National Forest System Land, the U. S. Forest Service will be a cooperating agency.

A draft environmental impact statement (DEIS) will be prepared and circulated for review by agencies and the public. The Natural Resources Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the DEIS. A scoping meeting (workshop) will be held on Tuesday August 1, 2006, at the East Hardy High School in Baker, WV. The workshop will be held from 4 p.m. through 7 p.m. Those attending will have the opportunity to inquire about the project and to provide input to determine the scope of the evaluation of the proposed action. The goals of the workshop will be to identify public and agency concerns, environmental issues, and other possible alternatives to be discussed in the DEIS. Further information on the proposed action may be obtained from Ronald L. Hilliard, State Conservationist, at the above address or telephone (304) 284–7545.

July 3, 2006.

Ronald L. Hilliard,

State Conservationist.

[FR Doc. E6–10882 Filed 7–10–06; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Meeting With Interested Public on the Proposed Rule: Revisions and Clarification of Export and Reexport Controls for the People's Republic of China (PRC); New Authorization Validated End-User

ACTION: Notice.

SUMMARY: The Bureau of Industry and Security (BIS) will hold a meeting on July 17, 2006 for those companies, organizations, and individuals that have an interest in understanding the United States' revised policy for exports and reexports of dual-use items to the People's Republic of China (PRC) as presented in the proposed rule published in the **Federal Register** on July 6, 2006. U.S. Government officials will explain the amendments proposed in the rule and answer questions from the public.

DATES: The meeting will be held on July 17, 2006 at 2 p.m.

ADDRESSES: The meeting will be held at the U.S. Department of Commerce, Herbert C. Hoover Building, Main Auditorium, 14th Street between Pennsylvania Avenue and Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: In order for BIS to prepare for those who plan to attend the meeting, please provide your name and company or organizational affiliation to fax number (202) 482–4094, Attn: China Policy Briefing. For further information, please contact Judith Peterson at BIS on (202) 482–0092.

Status: This meeting will be open to the public.

SUPPLEMENTARY INFORMATION:

Background

On July 6, 2006, the Bureau of Industry and Security published a rule in the **Federal Register** that proposed amendments to the Export Administration Regulations (EAR) that would revise and clarify the United States' policy for exports and reexports of dual-use items to the People's Republic of China (PRC). Specifically, the proposed rule states that it is the policy of the United States Government to prevent exports that would make a material contribution to the military capability of the PRC, while facilitating U.S. exports to legitimate civil end-users in the PRC. Consistent with this policy, BIS proposes to amend the EAR by revising and clarifying United States licensing requirements and licensing

policy on exports and reexports of goods and technology to the PRC.

The proposed amendments include a revision to the licensing review policy for items controlled on the Commerce Control List (CCL) for reasons of national security, including a new control based on knowledge of a military end-use on exports to the PRC of certain CCL items that otherwise do not require a license to the PRC. The items subject to this license requirement will be set forth in a list. This rule further proposes to revise the licensing review policy for items controlled for reasons of chemical and biological proliferation, nuclear nonproliferation, and missile technology for export to the PRC, requiring that applications involving such items be reviewed in conjunction with the revised national security licensing policy.

This rule proposes the creation of a new authorization for validated end-users in certain destinations, including the PRC, to whom certain, specified items may be exported or reexported. Such validated end-users would be placed on a list in the EAR after review and approval by the United States Government.

Finally, this rule proposes to require exporters to obtain End-User Certificates, issued by the PRC Ministry of Commerce, for all items that both require a license to the PRC for any reason and exceed a total value of $5,000. The current PRC End-Use Certificate applies only to items controlled for national security reasons. This rule also proposes to eliminate the current requirement that exporters submit PRC End-User Certificates to BIS with their license applications but provides that they must retain them for five years.

Bernard Kritzer,

Acting Deputy Assistant Secretary for Export Administration.

[FR Doc. E6–10753 Filed 7–10–06; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 070506D]

RIN 0648–AU25

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

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

ACTION: Notice; request for comments.

SUMMARY: The Regional Administrator, Southwest Region, NMFS has made a preliminary determination that an application for an exempted fishing permit (EFP) warrants further consideration. The application was submitted to NMFS by the Federation of Independent Seafood Harvesters (FISH), requesting an exemption from the fishing prohibitions within the Pacific Leatherback Conservation Area in the exclusive economic zone (EEZ) off California and Oregon. The 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 Highly Migratory Species (HMS) Fishery Management Plan (FMP). However, further review and consultation is necessary before a final determination is made to issue the EFP. Therefore, NMFS proposes to review the EFP and requests public comment on the application.

DATES: Comments must be received by August 10, 2006.

ADDRESSES: You may submit comments on this notice, identified by ''I.D. 070506D'' by any of the following methods:

- E-mail: *0648–AU25.SWR@noaa.gov*. Include the I.D. number in the subject line of the message.
- Mail: Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.
- Fax: (562) 980–4047.

FOR FURTHER INFORMATION CONTACT: Mark Helvey, Southwest Region, NMFS, (562) 980–4040.

SUPPLEMENTARY INFORMATION: An application for an EFP was submitted by FISH on April 16, 2006. The EFP would exempt a limited number of drift gillnet federally permitted commercial fishing vessels from the following requirement of the FMP: prohibition on fishing drift gillnet gear from August 15 through November 15 in the area as specified at 50 CFR 660.713(c)(1).

At its June 2005 meeting, the Council directed its HMS Management Team (MT) and HMS Advisory Subpanel (AS) to begin developing proposals to change the Federal regulatory structure for the drift gillnet (DGN) fishery. It was determined that there was insufficient information available to support a regulatory amendment eliminating the Pacific leatherback conservation area closure. FISH applied for an EFP that is intended as a means to gather information under controlled conditions, specifically about levels of fishing effort that would occur and the impact of that fishing to leatherback sea turtles. The HMS MT developed a suite of alternatives for the EFP and prepared a draft Environmental Assessment (EA). In March 2006, the Council adopted a preferred alternative for conditioning the EFP and forwarded that alternative to NMFS, recommending that the agency review the proposed EFP and, if consistent with Federal law, issue the permit.

The EFP would authorize approximately 30 vessels to fish from August 15, 2006, to November 15, 2006, in an area off the U.S. West Coast of California and Oregon defined as the Pacific Leatherback Conservation Area within the Federal EEZ. The EFP would allow a maximum of 300 DGN sets, and would require 100 percent observer coverage for all fishing under the EFP. The fishery would be managed through limits on the amount of incidental take of protected species. The proposed EFP would impose a limit of two leatherback sea turtles that may be incidentally taken during the course of fishing under the EFP and limit to one the number of serious injuries or mortalities to humpback whale (*Megaptera novaeangliae*), short-finned pilot whale (*Globicephala macrorhynchus*), or sperm whale (*Physeter macrocephalus*). If any one of these limits is reached by the fishery authorized by the EFP, the EFP would be immediately revoked.

Aside from the exemption described above, vessels fishing under the EFP would be subject to all other regulations implementing the HMS FMP, including measures to protect sea turtles, marine mammals, and sea birds.

The EFP application is for 2006 only. The applicant has requested preliminary consideration by the Council of a similar EFP fishery in 2007. Pending results of the 2006 EFP fishery, the EFP may be renewed in 2007, however a final decision will not be made until summer of 2007.

In accordance with NOAA Administrative Order 216–6, an appropriate National Environmental Policy Act document will be completed prior to the issuance of the EFP. A draft EA on the EFP was presented to the Council and public in March 2006. Further review and consultation is necessary before a final determination is made to issue the EFP. As required in Section 7(a)(2) of the Endangered Species Act (16 U.S.C. § 1531 *et seq.*), NMFS is engaged in formal consultation to determine if the proposed action is likely to jeopardize the continued existence and recovery of any

endangered or threatened species or result in the destruction or adverse modification of critical habitat.

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

Dated: July 6, 2006.

James P. Burgess,

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

[FR Doc. E6–10770 Filed 7–10–06; 8:45 am]

BILLING CODE 3510–22–S

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Collection; Comment Request; Clothing Textiles, Vinyl Plastic Film

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Consumer Product Safety Commission requests comments on a proposed extension of approval of a collection of information from manufacturers and importers of clothing, and textiles and related materials intended for use in clothing. This collection of information is required in regulations implementing the Standard for the Flammability of Clothing Textiles (16 CFR part 1610) and the Standard for the Flammability of Vinyl Plastic Film (16 CFR part 1611). These regulations establish requirements for testing and recordkeeping for manufacturers and importers who furnish guaranties for products subject to the flammability standards for clothing textiles and vinyl plastic film. The Commission will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from the Office of Management and Budget.

DATES: Written comments must be received by the Office of the Secretary not later than September 11, 2006.

ADDRESSES: Written comments should be captioned ''ClothingTextiles and Film, Collection of Information'' and e-mailed to the Office of the Secretary at *cpsc-os@cpsc.gov,* or mailed to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland, 20814. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504–0127.

FOR FURTHER INFORMATION CONTACT: For information about the proposed extension of the collection of information, or to obtain a copy of 16 CFR parts 1610 and 1611, call or write Linda L. Glatz, Office of Planning and Evaluation, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland; telephone (301) 504–7671; e-mail *lglatz@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Clothing and fabrics intended for use in clothing (except children's sleepwear in sizes 0 through 14) are subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610). Clothing made from vinyl plastic film and vinyl plastic film intended for use in clothing (except children's sleepwear in sizes 0 through 14) are subject to the Standard for the Flammability of Vinyl Plastic Film (16 CFR part 1611). These standards prescribe a test to assure that articles of wearing apparel, and fabrics and film intended for use in wearing apparel, are not dangerously flammable because of rapid and intense burning. (Children's sleepwear and fabrics and related materials intended for use in children's sleepwear in sizes 0 through 14 are subject to other, more stringent flammability standards, codified at 16 CFR parts 1615 and 1616.) The flammability standards for clothing textiles and vinyl plastic film were made mandatory by the Flammable Fabrics Act of 1953 (FFA) (Pub. L. 83–88, 67 Stat. 111; June 30, 1953).

Section 8 of the FFA (15 U.S.C. 1197) provides that a person who receives a guaranty in good faith that a product complies with an applicable flammability standard is not subject to criminal prosecution for a violation of the FFA resulting from the sale of any product covered by the guaranty. Section 8 of the FFA requires that a guaranty must be based on ''reasonable and representative tests.'' The Commission estimates that about 1,000 manufacturers and importers of clothing, and of textiles and vinyl film intended for use in clothing, issue guaranties that the products they produce or import comply with the applicable standard.

B. Testing and Recordkeeping

Regulations implementing the flammability standards for clothing textiles and vinyl plastic film prescribe requirements for testing and recordkeeping by firms that issue guaranties. See 16 CFR part 1610, subpart B, and 16 CFR part 1611, subpart B.

The Commission uses the information compiled and maintained by firms that issue these guaranties to help protect the public from risks of injury or death associated with clothing and fabrics and vinyl film intended for use in clothing. More specifically, the information helps the Commission arrange corrective actions if any products covered by a guaranty fail to comply with the applicable standard in a manner that creates a substantial risk of injury or death to the public. The Commission also uses this information to determine whether the requisite testing was performed to support the guaranties.

The Office of Management and Budget (OMB) approved the collection of information in the enforcement regulations implementing the standards for clothing textiles and vinyl plastic film under control number 3041–0024. OMB's most recent extension of approval will expire on September 30, 2006. The Commission proposes to request an extension of approval without change for the collection of information in those regulations.

C. Estimated Burden

The Commission staff estimates that about 1,000 firms that manufacture or import products subject to the flammability standards for clothing textiles and vinyl plastic film issue guaranties that the products they produce or import comply with the applicable standard. The Commission staff estimates that these standards and implementing regulations will impose an average annual burden of about 101.6 hours on each of those firms. That burden will result from conducting the testing and maintaining records required by the implementing regulations. The total annual burden imposed by the standards and regulations on all manufacturers and importers of clothing textiles and vinyl plastic film will be about 101,600 hours.

The hourly wage for the testing and recordkeeping required by the standards and regulations is about $42.84, for an estimated annual cost to the industry of nearly $4.4 million.

D. Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

—Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;

—Whether the estimated burden of the proposed collection of information is accurate;

—Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
—Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: July 5, 2006.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E6–10752 Filed 7–10–06; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[No. DoD–2006–OS–0045]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, for the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by August 10, 2006.

Title, Associated Forms, and OMB Number: Acquisition Management Systems and Date Requirements Control List (AMSDL); Numerous Forms; OMB Control Number 0704–0188.

Type of Request: Extension.

Number of Respondents: 921.

Responses Per Respondent: 432.

Annual Responses: 397,872.

Average Burden Per Response: 66 hours.

Annual Burden Hours: 26,259,552.

Needs and Uses: The Acquisition Management Systems and Data Requirements Control List (AMSDL) is a list of data requirements used in Department of Defense contracts. Information collection requests are contained in DoD contract actions for supplies, services, hardware, and software. This information is collected and used by DoD and its component Military Departments and Agencies to support the design, test, manufacture, training, operation, maintenance, and logistical support of procured items, including weapons systems. The collection of such data is essential to accomplishing the assigned mission of the Department of Defense. Failure to collect this information would have a detrimental effect on the DoD acquisition programs and the National Security.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Hillary Jaffe.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jaffe at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

• Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contract information.

DoD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD/Information Management Division, 1777 North Kent Street, RPN, Suite 11000, Arlington, VA 22209–2133.

Dated: June 30, 2006.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 06–6121 Filed 7–10–06; 8:45am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 06–11]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/DBO/ADM. (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 06–11 with attached transmittal and policy justification.

Dated: July 3, 2006.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
WASHINGTON, DC 20301-2800

2 5 JUN 2006

In reply refer to:
I-06/006199

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 06-11, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services estimated to cost $151 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard J. Millies
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification

Same ltr to:

House	Senate
Committee on International Relations	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 06-11

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Pakistan

(ii) Total Estimated Value:

Major Defense Equipment*	$ 0 million
Other	$151 million
TOTAL	$151 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: modification/overhaul of 14 F100-PW-220E engines, 14 Falcon UP/STAR F-16 structural upgrade kits, de-modification and preparation of 26 aircraft, support equipment, software development/integration, modification kits, spares and repair parts, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to support the program.

(iv) Military Department: Air Force (SCC)

(v) Prior Related Cases, if any: none

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None

(viii) Date Report Delivered to Congress: [illegible]

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Pakistan – F-16 Modification for Engines and Falcon UP/STAR Structural Upgrades

The Government of Pakistan has requested a possible sale for modification/overhaul of 14 F100-PW-220E engines, 14 Falcon UP/STAR F-16 structural upgrade kits, de-modification and preparation of 26 aircraft, support equipment, software development/integration, modification kits, spares and repair parts, flight test instrumentation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to support the program. The estimated cost is $151 million.

Given its geo-strategic location and partnership in the Global War on Terrorism (GWOT), Pakistan is a vital ally of the United States, as reflected in the June 2004 designation of Pakistan as a Major Non-North Atlantic Treaty Organization Ally. This proposed sale will contribute to the foreign policy and national security of the United States by helping an ally meet its legitimate defense requirements. The modification of the engines and Falcon UP/STAR structural updates will provide capable F-16's that can be used for close air support in ongoing operations contributing to the GWOT.

Consistent with U.S. conventional arms transfer policy and arms control initiatives, this potential sale will allow the Pakistani Air Force to modernize aircraft thereby enabling Pakistan to support both its own air defense needs and coalition operations.

Release of these systems would not significantly reduce India's quantitative or qualitative military advantage. Release of these modifications to Pakistan will neither affect the regional balance of power nor introduce a new technology as this level of capability or higher already exists in other countries in the region.

The principal contractors will be :

Lockheed Martin Aeronautics Company	Fort Worth, Texas
Pratt & Whitney United Technology Company	East Hartford, Connecticut

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips to Pakistan involving U.S. Government and contractor representatives for technical review/support, program management, and modification of the aircraft.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 06–6116 Filed 7–10–06; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 06–10)

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/DBO/ADM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 06–10 with attached transmittal and policy justification.

July 3, 2006.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
WASHINGTON, DC 20301-2800

2 5 JUN 2006

In reply refer to:
I-06/005676

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 06-10 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services estimated to cost $1.3 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of the unclassified portion of this proposed sale.

Sincerely,

Richard J. Millies
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification

Separate Cover:
Classified Annex

Same ltr to:

House	Senate
Committee on International Relations	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 06-10

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Pakistan

(ii) Total Estimated Value:

Major Defense Equipment*	$ .937 billion
Other	$ .363 billion
TOTAL	$1.300 billion

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 60 F-16A/B Mid-Life Update (MLU) modification and Falcon Star Structural service Life Enhancement kits consisting of:

MDE included in the MLU Modification Kits

APG-68(V)9 with Synthetic Aperture Radar or APG-66(V)2 radars;
Joint Helmet Mounted Cueing Systems;
AN/APX-113 Advanced Identification Friend or Foe Systems;
AN/ALE-47 Advanced Countermeasures Dispenser Systems;
Have Quick I/II Radios;
Link-16 Multifunctional Information Distribution System-Low Volume Terminals;
SNIPER (formerly known as AN/AAQ-33 PANTERA) targeting pod capability;
Reconnaissance pod capability;
Advanced Air Combat Maneuvering Instrumentation Units;

Additional Major Defense Equipment (MDE)

21 ALQ-131 Block II Electronic Countermeasures Pods without the Digital Radio Frequency Memory (DRFM) or ALQ-184 Electronic Countermeasures Pods without DRFM;
60 ALQ-213 Electronic Warfare Management Systems;
1 Unit Level Trainer; and
10 APG-68(V)9 spare radar sets.

* as defined in Section 47(6) of the Arms Export Control Act.

Also included are radars, modems, receivers, installation, avionics, spare and repair parts, support equipment, CONUS-personnel training and training equipment, technical assistance, publications and technical documentation, system drawings, U.S. Government and contractor engineering, and other related logistics elements necessary for full program support.

(iv) Military Department: Air Force (NAP)

(v) Prior Related Cases, if any: none

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex under separate cover.

(viii) Date Report Delivered to Congress: 2 5 JUN 2006

POLICY JUSTIFICATION

Pakistan – F-16A/B Mid-Life Update Modification Kits

The Government of Pakistan has requested a possible sale of 60 F-16A/B Mid-Life Update (MLU) modification and Falcon Star Structural service Life Enhancement kits consisting of:

APG-68(V)9 with Synthetic Aperture Radar or APG-66(V)2 radar;
Joint Helmet Mounted Cueing Systems;
AN/APX-113 Advanced Identification Friend or Foe Systems;
AN/ALE-47 Advanced Countermeasures Dispenser Systems;
Have Quick I/II Radios;
Link-16 Multifunctional Information Distribution System-Low Volume Terminals;
SNIPER (formerly known as AN/AAQ-33 PANTERA) targeting pod capability;
Reconnaissance pod capability;
Advanced Air Combat Maneuvering Instrumentation Units;

MDE included in the MLU modification and structural upgrade kits

21 ALQ-131 Block II Electronic Countermeasures Pods without the Digital Radio Frequency Memory (DRFM) or ALQ-184 Electronic Countermeasures Pods without DRFM;
60 ALQ-213 Electronic Warfare Management Systems;
1 Unit Level Trainer; and
10 APG-68(V)9 spare radar sets.

Also included are radars, modems, receivers, installation, avionics, spare and repair parts, support equipment, CONUS-personnel training and training equipment, technical assistance, publications and technical documentation, system drawings, U.S. Government and contractor engineering, and other related logistics elements necessary for full program support. The estimated cost is $1.3 billion.

Given its geo-strategic location and partnership in the Global War on Terrorism (GWOT), Pakistan is a vital ally of the United States, as reflected in the June 2004 designation of Pakistan as a Major Non-North Atlantic Treaty Organization Ally. This proposed sale will contribute to the foreign policy and national security of the United States by helping an ally meet its legitimate defense requirements. The upgraded aircraft also will be used for close air support in ongoing operations contributing to the GWOT.

Pakistan intends to purchase the MLU Program equipment to enhance survivability, communications connectivity, and extend the useful life of its F-16A/B fighter aircraft. The modifications and upgrades in this proposed sale will permit Pakistan's F-16A/B squadron to operate safely, and enhance Pakistan's conventional deterrent capability. Pakistan's air fleet can readily use these updates to enhance and extend the life of its aircraft.

Consistent with U.S. conventional arms transfer policy and arms control initiatives, this potential sale will allow the Pakistani Air Force to modernize its aging fighter inventory, thereby enabling Pakistan to support both its own air defense needs and coalition operations.

Purchase of this MLU Program equipment would not significantly reduce India's quantitative or qualitative military advantage. Release of the MLU Program equipment to Pakistan will neither affect the regional balance of power nor introduce a new technology as this level of capability or higher already exists in other countries in the region.

The principal contractors will be:

BAE Advanced Systems	Greenlawn, New York
Lockheed Martin Aeronautics Company	Fort Worth, Texas
Lockheed Martin Missile and Fire Control	Dallas, Texas
Northrop-Grumman Electro-Optical Systems	Garland, Texas
Northrop-Grumman Electronic Systems	Baltimore, Maryland

There are no known offset agreements in connection with this proposed sale.

Implementation of this proposed sale will require multiple trips to Pakistan involving U.S. Government and contractor representatives for technical review/support, program management, and modification of the aircraft.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 06–6117 Filed 7–10–06; 8:45 am]
BILLING CODE 6001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 06–09]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/DBO/ADM, (703) 604–6575.

The following is a copy of a letter to the speaker of the House of Representatives, Transmittal 06–09 with attached transmittal and policy justification.

Dated: July 3, 2006.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
WASHINGTON, DC 20301-2800

2 3 JUN 2006

In reply refer to:
I-06/005674

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 06-09 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services estimated to cost $3 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of the unclassified portion of this proposed sale.

Sincerely,

Richard J. Millies
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification

Separate Cover:
Classified Annex

Same ltr to:

House	Senate
Committee on International Relations	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 06-09

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Pakistan

(ii) Total Estimated Value:

Major Defense Equipment*	$2.065 billion
Other	$ .935 billion
TOTAL	$3.000 billion

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE)

36 F-16C/D Block 50/52 aircraft with either the F100-PW-229 or F110-GE-129 Increased Performance Engines (IPEs) and APG-68(V)9 radars;
7 spare F100-PW-229 IPE or F110-GE-129 IPE engines;
7 spare APG-68(V)9 radar sets;
36 Joint Helmet Mounted Cueing Systems;
36 AN/ARC-238 SINCGARS radios with HAVE QUICK I/II;
36 Conformal Fuel Tanks (pairs);
36 Link-16 Multifunctional Information Distribution System-Low Volume Terminals;
36 Global Positioning Systems (GPS) and Embedded GPS/ Inertial Navigation Systems (INS);
36 APX-113 Advanced Identification Friend or Foe systems;
36 Advanced Integrated Defensive Electronic Warfare Suite without Digital Radio Frequency Memory (DRFM) or AN/ALQ-184 Electronic Counter Measures pod without DRFM or AN/ALQ-131 Electronic Counter Measures pod without DRFM or AN/ALQ-187 Advanced Self-Protection Integrated Suites without DRFM; or AN/ALQ-178 Self-Protection Electronic Warfare Suites without DRFM; and
1 Unit Level Trainer.

* as defined in Section 47(6) of the Arms Export Control Act.

Associated support equipment, software development/integration, modification kits, capability to employ a wide variety of munitions, spares and repair parts, flight test instrumentation, publications and technical documentation, CONUS-personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability will also be provided.

(iv) Military Department: Air Force (SAF)

(v) Prior Related Cases, if any:
FMS case SHD - $460 million - 27Sep89 - undelivered
FMS case SHC - $189 million - 21Dec88 - undelivered
FMS case SEA - $716 million - 17Dec81 - accepted
FMS case SCA - $157 million - 04Dec81 accepted

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex under separate cover.

(viii) Date Report Delivered to Congress: 28 JUN 2006

POLICY JUSTIFICATION

Pakistan - F-16C/D Block 50/52 Aircraft

The Government of Pakistan has requested a possible sale of:

Major Defense Equipment (MDE)

36 F-16C/D Block 50/52 aircraft with either the F100-PW-229 or F110-GE-129 Increased Performance Engines (IPEs) and APG-68(V)9 radars;
7 spare F100-PW-229 IPE or F110-GE-129 IPE engines;
7 spare APG-68(V)9 radar sets;
36 Joint Helmet Mounted Cueing Systems;
36 AN/ARC-238 SINCGARS radios with HAVE QUICK I/II;
36 Conformal Fuel Tanks (pairs);
36 Link-16 Multifunctional Information Distribution System-Low Volume Terminals;
36 Global Positioning Systems (GPS) and Embedded GPS/Inertial Navigation Systems;
36 APX-113 Advanced Identification Friend or Foe Systems;
36 Advanced Integrated Defensive Electronic Warfare Suite without Digital Radio Frequency Memory (DRFM) or AN/ALQ-184 Electronic Counter Measures pod without DRFM or AN/ALQ-131 Electronic Counter Measures pod without DRFM or AN/ALQ-187 Advanced Self-Protection Integrated Suites without DRFM; or AN/ALQ-178 Self-Protection Electronic Warfare Suites without DRFM and
1 Unit Level Trainer;

Associated support equipment, software development/integration, modification kits, capability to employ a wide variety of munitions, spares and repair parts, flight test instrumentation, publications and technical documentation, CONUS-personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability will also be provided. The estimated cost is $3 billion.

Given its geo-strategic location and partnership in the Global War on Terrorism (GWOT), Pakistan is a vital ally of the United States, as reflected in the June 2004 designation of Pakistan as a Major Non-North Atlantic Treaty Organization Ally. This proposed sale will contribute to the foreign policy and national security of the United States by helping an ally meet its legitimate defense requirements. The aircraft also will be used for close air support in ongoing operations contributing to the GWOT.

Consistent with U.S. conventional arms transfer policy and arms control initiatives, this potential sale will allow the Pakistani Air Force to modernize its aging fighter inventory, thereby enabling Pakistan to support both its own air defense needs and coalition operations.

Release of this system would not significantly reduce India's quantitative or qualitative military advantage. Release of the F-16C/D Block 50/52 aircraft to Pakistan will neither affect the regional balance of power nor introduce a new technology as this level of capability or higher already exists in other countries in the region.

The principal contractors will be:

BAE Advanced Systems	Greenlawn, New York
Boeing Corporation	Seattle, Washington
Boeing Integrated Defense Systems	St Louis, Missouri
(three locations)	Long Beach, California
	San Diego, California
Raytheon Company	Lexington, Massachusetts
(two locations)	Goleta, California
Raytheon Missile Systems	Tucson, Arizona
Lockheed Martin Aeronautics Company	Fort Worth, Texas
Lockheed Martin Missile and Fire Control	Dallas, Texas
Northrop-Grumman Electro-Optical Systems	Garland, Texas
Northrop-Grumman Electronic Systems	Baltimore, Maryland
Pratt & Whitney United Technology Company	East Hartford, Connecticut
General Electric Aircraft Engines	Cincinnati, Ohio

There are no known offset agreements in connection with this proposed sale.

Implementation of this proposed sale will require multiple trips to Pakistan involving U.S. Government and contractor representatives for technical review/support and program management of the aircraft.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 06–6118 Filed 7–10–06; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 06–34]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/DBO/ADM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 06–34 with attached transmittal and policy justification.

Dated: July 3, 2006.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
WASHINGTON, DC 20301-2800

2 3 JUN 2006

In reply refer to:
I-06/005678

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 06-34 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services estimated to cost $650 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of the unclassified portion of this proposed sale.

Sincerely,

Enclosures:
1. Transmittal
2. Policy Justification

Separate Cover:
Classified Annex

Same ltr to:

House	Senate
Committee on International Relations	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 06-34

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Pakistan

(ii) Total Estimated Value:

Major Defense Equipment*	$590 million
Other	$ 60 million
TOTAL	$650 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE)

500 AIM-120C5 Advanced Medium Range Air-to-Air Missiles (AMRAAM) (See paragraph 3 - Sensitivity of Technology);
12 AMRAAM training missiles;
240 LAU-129/A Launchers;
200 AIM-9M-8/9 SIDEWINDER missiles;
500 Joint Direct Attack Munition (JDAM) Guidance Kits: GBU-31/38 Guided Bomb Unit (GBU) kits;
1,600 Enhanced-GBU-12/24 GBUs;
800 MK-82 500 pound General Purpose (GP) and MK-84 2,000 pound GP bombs; and
700 BLU-109 2,000 pound with FMU-143 Fuze.

Associated support equipment, software development/integration, modification kits, capability to employ a wide variety of munitions, spares and repair parts, flight test instrumentation, publications and technical documentation, CONUS-personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability will also be provided.

(iv) Military Department: Air Force (YAD) and Navy (ADC)

* as defined in Section 47(6) of the Arms Export Control Act.

(v) **Prior Related Cases, if any:**

FMS case ACW - $32 million - 29Jun05 - undelivered
FMS case ACC - $25 million - 29Sep88 - accepted
FMS case ABU - $34 million - 24May85 - accepted
FMS case SEA - $716 million - 17Dec81 - accepted
FMS case YAA - $6 million - 24Nov76 - accepted

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex under separate cover.**

(viii) **Date Report Delivered to Congress:** 28 JUN 2006

POLICY JUSTIFICATION

Pakistan - Weapons for F-16C/D Block 50/52 Aircraft

The Government of Pakistan has requested a possible sale of:

Major Defense Equipment (MDE)

500 AIM-120C5 Advanced Medium Range Air-to-Air Missiles (AMRAAM) (See paragraph 3 - Sensitivity of Technology);
12 AMRAAM training missiles;
240 LAU-129/A Launchers;
200 AIM-9M-8/9 SIDEWINDER missiles;
500 Joint Direct Attack Munition (JDAM) Guidance Kits: GBU-31/38 Guided Bomb Unit (GBU) kits;
1,600 Enhanced-GBU-12/24 GBUs;
800 MK-82 500 pound General Purpose (GP) and MK-84 2,000 pound GP bombs; and
700 BLU-109 2,000 pound with FMU-143 Fuze.

Associated support equipment, software development/integration, modification kits, capability to employ a wide variety of munitions, spares and repair parts, flight test instrumentation, publications and technical documentation, CONUS-personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability will also be provided. The estimated cost is $650 million.

Given its geo-strategic location and partnership in the Global War on Terrorism (GWOT), Pakistan is a vital ally of the United States, as reflected in the June 2004 designation of Pakistan as a Major Non-North Atlantic Treaty Organization Ally. This proposed sale will contribute to the foreign policy and national security of the United States by helping an ally meet its legitimate defense requirements. These weapon systems will be used for close air support in ongoing operations contributing to the GWOT.

Consistent with U.S. conventional arms transfer policy and arms control initiatives, this potential sale will allow the Pakistani Air Force to modernize its aging fighter and weapons inventory, thereby enabling Pakistan to support both its own air defense needs and coalition operations.

Purchase of these weapons systems would not significantly reduce India's quantitative or qualitative military advantage. Release of the weapons systems will neither affect the regional balance of power nor introduce a new technology as this level of capability or higher already exists in other countries in the region.

The principal contractors will be:

BAE Advanced Systems	**Greenlawn, New York**
Lockheed Martin Aeronautics Company	**Fort Worth, Texas**
Lockheed Martin Missile and Fire Control	**Dallas, Texas**
Northrop-Grumman Electro-Optical Systems	**Garland, Texas**
Northrop-Grumman Electronic Systems	**Baltimore, Maryland**

There are no known offset agreements in connection with this proposed sale.

Implementation of this proposed sale will require multiple trips to Pakistan involving U.S. Government and contractor representatives for technical review/support, program management, and modification of the aircraft.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 06–6119 Filed 7–10–06; 8:45 am]

BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the Board of Regents of the Uniformed Services University of the Health Sciences

AGENCY: Uniformed Services University of the Health Sciences (USU), DoD.

ACTION: Quarterly Meeting Notice.

SUMMARY: The actions that will take place include the approval of minutes from the Board of Regents Meeting held May 19, 2006; acceptance of administrative reports; approval of faculty appointments and promotions; and the awarding of post-baccalaureate masters and doctoral degrees in the biomedical sciences and public health. The President, USU; Dean, USU School of Medicine; and Acting Dean, USU Graduate School of Nursing will also present reports. These actions are necessary for the University to remain an accredited medical school and to pursue our mission, which is to provide trained health care personnel to the Uniformed Services.

DATES: July 31, 8 a.m. to 2 p.m.

ADDRESSES: Henry M. Jackson Foundation for the Advancement of Military Medicine, 1401 Rockville Pike, Suite 600, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Capt Jane E. Mead, NC, USN, Executive Secretary, Board of Regents, 301.295.0962.

Dated: July 3, 2006.

L.M. Bynum,

OSD Federal Register Liaison Officer, DoD.

[FR Doc. 06–6120 Filed 7–10–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

Waiver of 10 U.S.C. 2534 for Certain Defense Items Produced in the United Kingdom

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice of waiver of 10 U.S.C. 2534 for certain defense items produced in the United Kingdom.

SUMMARY: The Under Secretary of Defense (Acquisition, Technology, and Logistics) is waiving the limitation of 10 U.S.C. 2534 for certain defense items produced in the United Kingdom (UK). 10 U.S.C. 2534 limits DoD procurement of certain items to sources in the national technology and industrial base. The waiver will permit procurement of items enumerated from sources in the UK, unless otherwise restricted by statute.

DATES: *Effective Date:* This waiver is effective for one year, beginning July 26, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Dowling, OUSD(AT&L), Director of Defense Procurement and Acquisition Policy, Program Acquisition and International Contracting, Room 5E581, 3060 Defense Pentagon, Washington, DC 20301–3060, telephone (703) 697–9352.

SUPPLEMENTARY INFORMATION: Subsection (a) of 10 U.S.C. 2534 provides that the Secretary of Defense may procure the items listed in that subsection only if the manufacturer of the item is part of the national technology and industrial base. Subsection (i) of 10 U.S.C. 2534 authorizes the Secretary of Defense to exercise the waiver authority in subsection (d), on the basis of the applicability of paragraph (2) or (3) of that subsection, only if the waiver is made for a particular item listed in subsection (a) and for a particular foreign country. Subsection (d) authorizes a waiver if the Secretary determines that application of the limitation ''would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items'' and if he determines that ''that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.'' The Secretary of Defense has delegated the waiver authority of 10 U.S.C. 2534(d) to the Under Secretary of Defense (Acquisition, Technology, and Logistics).

DoD has had a Reciprocal Defense Procurement Memorandum of Understanding (MOU) with the UK since 1975, most recently renewed on December 16, 2004.

The Under Secretary of Defense (Acquisition, Technology, and Logistics) finds that the UK does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in the UK, and

also finds that application of the limitation in 10 U.S.C. 2534 against defense items produced in the UK would impede the reciprocal procurement of defense items under the MOU.

Under the authority of 10 U.S.C. 2534, the Under Secretary of Defense (Acquisition, Technology, and Logistics) has determined that application of the limitation of 10 U.S.C. 2534(a) to the procurement of any defense item produced in the UK that is listed below would impede the reciprocal procurement of defense items under the MOU with the UK.

On the basis of the foregoing, the Under Secretary of Defense (Acquisition, Technology, and Logistics) is waiving the limitation in 10 U.S.C. 2534(a) for procurements of any defense item listed below that is produced in the UK. This waiver applies only to the limitations in 10 U.S.C. 2534(a). It does not apply to any other limitation, including section 8016 of the DoD Appropriations Act for Fiscal Year 2006 (Pub. L. 109–148). This waiver applies to procurements under solicitations issued during the period from July 26, 2006, to July 25, 2007. Similar waivers have been granted since 1998, most recently in 2005 (70 FR 37333, June 29, 2005). For contracts resulting from solicitations issued prior to August 4, 1998, this waiver applies to procurements of the defense items listed below under—

(1) Subcontracts entered into during the period from July 26, 2006, to July 25, 2007, provided the prime contract is modified to provide the Government adequate consideration such as lower cost or improved performance; and

(2) Options that are exercised during the period from July 26, 2006, to July 25, 2007, if the option prices are adjusted for any reason other than the application of the waiver, and if the contract is modified to provide the Government adequate consideration such as lower cost or improved performance.

List of Items to Which This Waiver Applies

1. Air circuit breakers.
2. Welded shipboard anchor and mooring chain with a diameter of four inches or less.
3. Gyrocompasses.
4. Electronic navigation chart systems.
5. Steering controls.
6. Pumps.
7. Propulsion and machinery control systems.
8. Totally enclosed lifeboats.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

[FR Doc. E6–10848 Filed 7–10–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 10, 2006.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Rachel Potter, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: July 6, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: Revision.
Title: Evaluation of Math Curricula.
Frequency: Semi-Annually.
Affected Public: Not-for-profit institutions; Individuals or household.
Reporting and Recordkeeping Hour Burden:
Responses: 1,728.
Burden Hours: 936.
Abstract: The Evaluation of Math Curricula will assess the effectiveness of up to 5 early elementary math curricula. This submission is the second phase of the study and includes the justification and plan for the collection of information statistical methods for the evaluation and mathematics curricula. Data collection forms that will be used in the study are included in this submission. (The identification and recruitment phase was cleared in a previous OMB submission.)

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3067. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E6–10777 Filed 7–10–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 11, 2006.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: July 6, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Vocational and Adult Education

Type of Review: Revision.

Title: Performance Report for Vocational and Technical Education—Native American, Vocational and Technical Education (NAVTEP) Grants.

Frequency: Semi-Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 30. Burden Hours: 1,213.

Abstract: This form will be used to apply for funding authorized by the Carl D. Perkins Vocational Technical Education Act of 1998 administered by the Office of Vocational and Adult Education. The information will be used to award continuation grants to current Native American Vocational Technical Education program and Tribally Controlled Postsecondary Vocational Technical Institutions program grantees.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3149. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to ICDocketMgr@ed.gov or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E6–10778 Filed 7–10–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–421–000]

ANR Storage Company; Notice of Tariff Filing

July 3, 2006.

Take notice that on June 30, 2006, ANR Storage Company (ANR Storage), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with an effective date of July 30, 2006:

Sixth Revised Sheet No. 1.
Third Revised Sheet No. 14.
Sixth Revised Sheet No. 147.
First Revised Sheet No. 155G.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10825 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–422–000]

Cheyenne Plains Gas Pipeline Company, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 30, 2006, Cheyenne Plains Gas Pipeline Company, L.L.C. (Cheyenne Plains) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Third Revised Sheet No. 1, to become effective August 1, 2006:

Cheyenne Plains states that copies of its filing have been sent to all firm

customers, interruptible customers, and affected state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10826 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–419–000]

Dauphin Island Gathering Partners; Notice of Revenue Report

July 3, 2006.

Take notice that on June 30, 2006, Dauphin Island Gathering Partners (Dauphin Island) tendered for filing, pursuant to section 16.2 of the general terms and conditions of its FERC Gas Tariff and section 154.501 of the Federal Energy Regulatory Commission (Commission)'s Regulations, its report of net revenue received from cash outs.

Dauphin Island states that copies of the filing are being served contemporaneously on all participants listed on the service list in this proceeding and on all persons who are required by the Commission's regulations to be served with the application initiating these proceedings.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on July 12, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10824 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–417–000]

Dominion Cove Point LNG, LP; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 30, 2006, Dominion Cove Point LNG, LP (DCP) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to become effective August 1, 2006:

Seventh Revised Sheet No. 5.
Seventh Revised Sheet No. 6.
Sixth Revised Sheet No. 7.
Seventh Revised Sheet No. 8.
Seventh Revised Sheet No. 11.
Third Revised Sheet No. 12.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail

FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10822 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–424–000]

Dominion Transmission, Inc.; Notice of Report of Overrun Charge/Penalty Revenue Distribution

July 3, 2006.

Take notice that on June 30, 2006, Dominion Transmission, Inc. (DTI) tendered for filing its annual report of overrun charge/penalty revenue distributions. Section 41 of the general terms and conditions of DTI's FERC Gas Tariff, Crediting of Unauthorized Overrun Charge and Penalty Revenues, requires distribution of such charges and revenues to non-offending customers on June 30 of each year, and filing of the related report within 30 days of the distribution.

DTI states that copies of the transmittal letter and summary workpapers are being mailed to DTI's customers and to all interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on July 12, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10811 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–418–000]

El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 30, 2006, El Paso Natural Gas Company (El Paso) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, the following tariff sheets to become effective August 1, 2006, and five firm transportation service agreements (TSAs) with Arizona Electric Power Cooperative, Inc., UNS Gas, Inc. and Aera Energy, LLC.

Twenty-Ninth Revised Sheet No. 1.
Fifth Revised Sheet No. 2A.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10823 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Issuance of Order

July 3, 2006.

ExxonMobil Baton Rouge Complex (Docket No. ER06–771–000); ExxonMobil Beaumont Complex (Docket No. ER06–771–001); Exxon Mobil LaBarge Shute Creek Treating Facility (Docket Nos. ER06–772–000, ER06–772–001, ER06–773–000 and ER06–773–001)

ExxonMobil Baton Rouge Complex, Exxon Mobil Beaumont Complex and ExxonMobil LaBarge Shute Creek Treating Facility (ExxonMobil) filed an application for market-based rate authority, with an accompanying rate tariffs. The proposed market-based rate tariffs provide for the sale of energy, capacity and ancillary services at market-based rates. ExxonMobil also requested waivers of various Commission regulations. In particular, ExxonMobil requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Silver Springs.

On June 27, 2006, pursuant to delegated authority, the Director,

Division of Tariffs and Market Development—West, granted the requests for blanket approval under part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions of liability by ExxonMobil should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is July 27, 2006.

Absent a request to be heard in opposition by the deadline above, ExxonMobil is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of ExxonMobil, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of ExxonMobil's issuances of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10800 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–407–000]

Gas Transmission Northwest Corporation; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 30, 2006, Gas Transmission Northwest Corporation (GTN) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1-A, the tariff sheets listed on Appendix A to the filing. GTN proposes that the tariff sheets become effective on August 1, 2006.

GTN states that a copy of this filing has been served upon its customers and interested state regulatory commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10812 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–406–000]

Heartland Gas Pipeline, LLC; Notice of Application

July 3, 2006.

Take notice that on June 27, 2006, Heartland Gas Pipeline, LLC (Heartland), 2020 North Meridian Street, Indianapolis, Indiana, filed with the Commission an application pursuant to section 1(c) of the Natural Gas Act (NGA) for a non-jurisdictional determination that Heartland qualifies for Hinshaw status and that neither Heartland's construction, ownership and operation of the facilities located in Sullivan, Owen, Clay and Greene Counties, Indiana (facilities) nor any of Heartland's initial services related thereto will subject Heartland or any portion of its facilities to the jurisdiction of the Commission under the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@gerc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the petition should be directed to Mark W. Head, Director of Pipes and Storage ProLianca Energy, LLC One Vectren Square, 211 NW. Riverside Drive Evansville, IN 47708, and Tel: 812–492–6781 or you may contact Mark J. McGuire, William L. Kulm, MeGuireWoods LLP, 77 West Wacker Drive, Suite 4100 Chicago, IL 60601, and Tel: 312–849–8100.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426,

a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project, or in support of or in opposition to this project, should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the applicant. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Protests and interventions may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: July 24, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10798 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–412–000]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Tariff Filing

July 3, 2006.

Take notice that on June 30, 2006, Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1–A, the following tariff sheets, to be effective July 1, 2006:

Sixth Revised Sheet No. 4G.01.
Third Revised Sheet No. 4K.
Original Sheet No. 4K.01.
Original Sheet No. 4K.02.
Fifth Revised Sheet No. 4L.

KMIGT states that a copy of this filing has been served upon all parties to this proceeding, KMIGT's customers and affected state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10817 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–423–000]

National Fuel Gas Supply Corporation; Notice of Tariff Filing

July 3, 2006.

Take notice that on June 30, 2006, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Ninety First Revised Sheet No. 9, to become effective July 1, 2006.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically

should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10827 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–410–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 30, 2006, Northern Natural Gas Company (Northern), tendered for filing in its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, with an effective date of August 1, 2006:

Ninth Revised Sheet No. 134.
Ninth Revised Sheet No. 135.
Fifth Revised Sheet No. 135A.
Fifth Revised Sheet No. 135B.
Fifth Revised Sheet No. 135C.
Eighth Revised Sheet No. 135D.
Fifth Revised Sheet No. 136.
Fifth Revised Sheet No. 138.
Fifth Revised Sheet No. 140.
Fifth Revised Sheet No. 441.
Fourth Revised Sheet No. 442.
Second Revised Sheet No. 442A.

Northern states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10815 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–414–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 30, 2006, Northern Natural Gas Company (Northern), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1 the following tariff sheets, with an effective date of August 1, 2006:

Eighth Revised Sheet No. 146.
Fourth Revised Sheet No. 215.
Fourth Revised Sheet No. 251.
Tenth Revised Sheet No. 252.
Fifth Revised Sheet No. 253.
Third Revised Sheet No. 254.

Northern states that copies of the filing have been provided to each of its customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10819 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–416–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 30, 2006, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to become effective August 1, 2006:

Thirty-First Revised Sheet No. 5.
Third Revised Sheet No. 5–B.
Sixth Revised Sheet No. 5–C.
First Revised Sheet No. 5–D.
Fourteenth Revised Sheet No. 6.
Fifteenth Revised Sheet No. 7.
Seventeenth Revised Sheet No. 8.
Fifteenth Revised Sheet No. 8.1.
Fifth Revised Sheet No. 91.
Third Revised Sheet No. 91–A.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6–10821 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Issuance of Order

July 3, 2006.

RockGen OL–1, LLC (Docket No. ER06–1036–000); RockGen OL–2, LLC (ER06–1050–000); RockGen OL–3, LLC (ER06–1037–000); and RockGen OL–4, LLC (ER06–1095–000)

RockGen OL–1, LLC, RockGen OL–2, LLC, RockGen OL–3, LLC and RockGen OL–4, LLC (RockGen OLs) filed applications for market-based rate authority, with accompanying tariffs. The proposed market-based rate tariffs provide for the sale of energy, capacity and ancillary services at market-based rates. RockGen OLs also requested waivers of various Commission regulations. In particular, RockGen OLs requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by RockGen OLs.

On June 28, 2006, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—West, granted the requests for blanket approval under part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions of liability by RockGen OLs should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is July 28, 2006.

Absent a request to be heard in opposition by the deadline above, RockGen OLs are authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of RockGen OLs, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of RockGen OLs' issuances of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,
Secretary.

[FR Doc. E6–10799 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–406–000]

Texas Eastern Transmission, LP; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 29, 2006, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1 and First Revised Volume No. 2, the revised tariff sheets listed on Appendix B to the filing, to become effective August 1, 2006.

Texas Eastern states that copies of its filing have been served upon all affected customers of Texas Eastern and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by

the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10828 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–415–000]

Texas Gas Transmission, LLC; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 30, 2006, Texas Gas Transmission, LLC (Texas Gas) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective September 1, 2006:

Second Revised Sheet No. 1.
Third Revised Sheet No. 2.
Second Revised Sheet No. 221.
Second Revised Sheet No. 222.
Second Revised Sheet No. 223.
Second Revised Sheet No. 224.
First Revised Sheet No. 520.
First Revised Sheet No. 521.
First Revised Sheet No. 522.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10820 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–401–000]

TransColorado Gas Transmission Company; Notice of Application

July 3, 2006.

Take notice that on June 23, 2006, TransColorado Gas Transmission Company (TransColorado), Post Office Box 281304, Lakewood, Colorado 80228–8304, filed an application pursuant to section 7(c) of the Natural Gas Act (NGA), for a certificate of public convenience and necessity authorizing TransColorado to construct and operate certain facilities comprising its proposed Blanco-Meeker Expansion Project. This application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

TransColorado states that the proposed facilities, once operational, will permit TransColorado to transport up to 250,000 dekatherms per day (Dth/d) of natural gas from the Blanco Hub area in San Juan County, New Mexico, through its existing interstate pipeline to Rockies Express Pipeline LLC (Rockies Express) at an existing point of interconnection located at the Meeker Hub in Rio Blanco County, Colorado. TransColorado estimates that the proposed project will cost approximately $58,182,663.

Any questions about this application should be directed to Skip George, Manager of Certificates, TransColorado Gas Transmission Company, Post Office Box 281304, Lakewood, Colorado 80228–8304, at (303) 914–4969.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date listed below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party

status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of this filing and all subsequent filings made with the Commission and must mail a copy of all filing to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, other persons do not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to this project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project, or in support of or in opposition to this project, should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the applicant. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Comment Date: July 24, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10808 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–413–000]

Trunkline Gas Company, LLC; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 30, 2006, Trunkline Gas Company, LLC (Trunkline) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective August 1, 2006:

Second Revised Sheet No. 267.
Original Sheet No. 269A.
Original Sheet No. 269B.
Third Revised Sheet No. 270.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10818 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–409–000]

Trunkline LNG Company, LLC; Notice of Filing

July 3, 2006.

Take notice that on June 30, 2006, Trunkline LNG Company, LLC (TLNG) submitted a filing pursuant to section 21 of the general terms and conditions of TLNG's FERC Gas Tariff, Second Revised Volume No. 1–A.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC.

There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on July 12, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10814 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–411–000]

Trunkline LNG Company, LLC; Notice of Proposed Changes in FERC Gas Tariff

July 3, 2006.

Take notice that on June 30, 2006, Trunkline LNG Company, LLC (TLNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, Tenth Revised Sheet No. 5, to become effective August 1, 2006.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10816 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–408–000]

Reliant Energy Service, Inc. and CenterPoint Resources Corp., Complainants v. Kern River Gas Transmission Company, Respondent; Notice of Complaint

July 3, 2006.

Take notice that on June 30, 2006, Reliant Energy Services, Inc (RES) and CenterPoint Energy Resources Corp. (CERC) submitted a complaint against Kern River Gas Transmission Company (Kern River). RES states that Kern River's insistence that CERC be required to maintain a guarantee equal to the value of the reservation charges for the entire contract term of all of RES's service agreements is unreasonable and contrary to clear Commission policy. Complainants further state that Kern River's demand unduly discriminates against RES in favor of other similarly-situated shippers, that have been permitted by Kern River to post other forms of credit support. The Complainants requests the Commission to order Kern River to allow RES to post substitute forms of security in place of what was initially a guarantee provided to Kern River in 2001 by CERC's predecessor, Reliant Energy Resources Corporation.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on July 20, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10813 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

July 3, 2006.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License to Increase Authorized Generating Capacity.

b. *Project No:* 2569–114.

c. *Date Filed:* May 26, 2006.

d. *Applicant:* Erie Boulevard Hydropower, L.P.

e. *Name of Project:* Black River Hydroelectric Project.

f. *Location:* The project is located on the Black River in Jefferson County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Samuel Hirschey, P.E., Erie Boulevard Hydropower, L.P., 225 Greenfield Parkway, Suite 201, Liverpool, New York 13088, (315) 413–2790.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Jake Tung at (202) 502–8757, or e-mail address: *hong.tung@ferc.gov.*

j. *Deadline for filing comments and or motions:* July 31, 2006.

k. *Description of Request:* The licensee proposes to incorporate two new developments via the improvement and addition of the two existing, breached Great Bend and Felts Mills dams into the Black River Hydroelectric Project. The new developments would have an installed capacity of 5.90 MW and a hydraulic capacity of 5,160 cfs at the Great Bend site, and an installed capacity 5.75 MW and a hydraulic capacity of 5,160 cfs at the Felts Mills site, for a total increase in installed capacity of 11.65 MW. The total installed and hydraulic capacities of the project would increase from 29.60 MW to 41.25 MW, or 39% increase, and from 15,351 cfs to 25,671 cfs, or 67% increase, respectively. Both developments will be operated in a run-of-river mode.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10797 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepting for Filing and Soliciting Motions To Intervene, Protests and Comments

July 3, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12681–000.

c. *Date Filed:* June 5, 2006.

d. *Applicant:* McKay Hydro, LLC.

e. *Name of Project:* McKay Dam Hydroelectric Project.

f. *Location:* On McKay Creek, in Umatilla County, Oregon, utilizing the McKay Dam administrated by the U.S. Bureau of Reclamation.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–0834. Dr. Vincent Lamarra, Director, Ecosystems Research Institute, Inc., 975 South State Highway, Logan, UT 84321, (435) 752–2580.

i. *FERC Contact:* Etta Foster, (202) 502–8769.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–12681–000) on any comments, protests, or motions filed.

k. *Description of Project:* The proposed project would utilize the existing 158-foot-high McKay Dam and would consist of: (1) McKay Reservoir with a surface area of 1,430 acres and a storage capacity of 67,800 acre-feet at a normal maximum water surface elevation; (2) a proposed 48-inch-diameter, 250-foot-long steel penstock; (3) a proposed powerhouse containing one generating unit having an installed capacity of 1.6 MW; (4) a proposed 1-mile-long, 25 kV transmission line, and (5) appurtenant facilities.

The project would have an estimated annual generation of approximately 4.6 GWh. The applicant plans to sell the generated energy.

l. *Location of Application:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should

so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Ayone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letter the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT'', or ''COMPETING APPLICATION'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10801 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

July 3, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12691–000.

c. *Date Filed:* June 15, 2006.

d. *Applicant:* Public Utility District No. 1 of Snohomish County, Washington.

e. *Name of Project:* Agate Passage Tidal Energy Project.

f. *Location:* The project would be located in a section of Agate Passage in Puget Sound, between the north end of Bainbridge Island and the Kitsap Peninsula in Kitsap County, Washington.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Mr. Steven Klein, General Manager, P.O. Box 1107, 2320 California Street, Everett, WA 98206, (425) 783–8473.

i. *FERC Contact:* Chris Yeakel, (202) 502–8132.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades 3 meters in diameter, (3) integrated generators with a capacity of 50 kW, (4) anchoring systems, (5) mooring lines; and (6) interconnection transmission lines. The project is estimated to have an annual generation of 146.2 gigawatt-hours per year, which would be distributed by the Snohomish County Public Utility District.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail

FERCOnlineSupport@ferc.gov. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''COMPETING APPLICATION'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10802 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepting for Filing and Soliciting Motions To Intervene, Protests and Comments

July 3, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12693–000.

c. *Date Filed:* June 16, 2006.

d. *Applicant:* Sutton Hydroelectric Company LLC.

e. *Name of Project:* Sutton Hydroelectric Project.

f. *Location:* On Elk River, in Sutton, Braxton County, West Virginia. The Sutton Dam is owned and operated by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Mr. M. Clifford Phillips, Advanced Hydro Solutions LLC, 150 North Miller Road, Suite 450 C, Fairlawn, OH 44333, (330) 869–8451.

i. *FERC Contact:* Etta Foster, (202) 502–8769.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–12693–000) on any comments, protests, or motions filed.

k. *Description of Project:* The proposed project would utilize the existing U.S. Army Corps of Engineers' Sutton Dam and would consist of: (1) A proposed powerhouse containing 2 or 3 vertical turbine/generating units with a nominal total generating capacity of 12 MW; (2) a 10-foot-diameter penstock; (3) a proposed ¾ mile-long, 14.7 kV transmission line; (4) a tailrace, and (5) appurtenant facilities.

The project would have an estimated annual generation of approximately 50,000 MWH. The applicant plans to sell the generated energy.

l. *Location of Application:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's

Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letter the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT'', or ''COMPETING APPLICATION'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10803 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

July 3, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12698–000.

c. *Date Filed:* June 15, 2006.

d. *Applicant:* Public Utility District No. 1 of Snohomish County, Washington.

e. *Name of Project:* Guemes Channel Tidal Energy Project.

f. *Location:* The project would be located in a section of Guemes Channel between Guemes Island and Fidalgo Island in San Juan County, Washington.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Mr. Steven Klein, General Manager, P.O. Box 1107, 2320 California Street, Everett, WA 98206, (425) 783–8473.

i. *FERC Contact:* Chris Yeakel, (202) 502–8132.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) 166 Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades 10 meters in diameter, (3) integrated generators with a capacity of 66 kW, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. The project is estimated to have an annual generation of 28.5 gigawatt-hours per-year, which would be distributed by the Snohomish County Public Utility District.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference

Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''COMPETING APPLICATION'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10804 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application and Soliciting Comments, Motions To Intervene, and Protests

July 3, 2006.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Shoreline Management Plan.

b. *Project No.:* 2030–073.

c. *Date Filed:* June 8, 2006.

d. *Applicant:* Portland General Electric Company and the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWS).

e. *Name of Project:* Pelton Round Butte Hydroelectric Project.

f. *Location:* The project is located on the Deschutes River in Jefferson County, Oregon. The project occupies 3,503.74 acres of Federal and tribal lands administered by the U.S. Forest Service (USFS), U.S. Bureau of Land Management (BLM), and U.S. Bureau of Indian Affairs (BIA).

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Julie A. Keil, Director of Hydro Licensing, Portland General Electric Company, 121 SW Salmon, Portland, OR 97204, (503) 464–8864.

i. *FERC Contact:* Any questions on this notice should be addressed to Lesley Kordella at (202) 502–6406, or by e-mail: *lesley.kordella@ferc.gov.*

j. *Deadline for filing comments and /or motions:* July 31, 2006.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, DHAC, PJ–12.1, 888 First Street, NE., Washington DC 20426. Please include the project number (2030–073) on any comments or motions filed. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

k. *Description of Proposal:* The licensees submitted a Shoreline Management Plan (SMP) as required by article 428. The SMP was developed in consultation with the CTWS Branch of Natural Resources, USFS, BLM, BIA, Oregon Department of Fish and Wildlife, Oregon Parks and Recreation Department, and Jefferson County, in order to guide development and resource protection on the shorelines of Lake Billy Chinook and Lake Simtustus. It is intended to provide a tool to manage shoreline developments to protect public health and safety, while allowing efficient management of the project. The SMP addresses issues relating to natural resources, recreation and public access, and guidance for new shoreline development, installation of new docks, and modifications to existing docks.

l. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call toll-free 1–866–208–3676, or for TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10805 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2144–035–Washington]

City of Seattle, Washington; Notice of Intent to File License Application, Filing of Pre-Application Document, Commencement of Licensing Proceeding, Scoping Meetings, Solicitation of Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

July 3, 2006.

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Pre-Application Document; Commencing Licensing Proceeding.

b. *Project Nos.:* 2144–035.

c. *Dated Filed:* May 5, 2006.

d. *Submitted by:* Seattle City Light (SCL).

e. *Name of Project:* Boundary Hydroelectric Project No. 2144.

f. *Locations:* The Boundary Hydroelectric Project is located on Pend Oreille River about 10 miles north of Metaline Falls in Pend Oreille County, Washington. The Boundary Project occupies lands of the Colville National Forest and lands managed by the U.S. Bureau of Land Management.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Applicant Contact:* Barbara Greene, SCL Boundary Relicensing Program Lead, Seattle City Light, P.O. Box 34023, Seattle, Washington 98124–4023; (206) 615–1091.

i. *FERC Contact:* David Turner (202) 502–6091 or via e-mail at *david.turner@ferc.gov*.

j. We are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in paragraph (o) below.

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and the National Marine Fisheries Service under section 7 of the Endangered Species Act and the joint agency regulations at 50 CFR part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. By this notice, we designate Seattle City Light as the Commission's non-Federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. SCL filed a Pre-Application Document (PAD) for the Boundary Project, including proposed process plans and schedules, with the Commission pursuant to 18 CFR 5.6 of the Commission's regulations.

The Commission issued Scoping Document 1 (SD1) and notice of scoping meetings on June 19, 2006. The scoping meetings will be held July 18, 2006, at 1 p.m. at the Quality Inn, 7919 North Division Street, Spokane, Washington; and on July 19, 2006 at 7 p.m. at the Cutter Theater, 302 Park Street, Metaline Falls, Washington. A site visit will be conducted on July 19, 2006; meet at the SCL forebay recreation site parking lot at 12:30 p.m. Those interested in participating in the site visit must notify Mary Pat DiLeva at *marypat.dileva@seattle.gov* by June 30, 2006.

n. Copies of the PAD and Scoping Document 1 (SD1) are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov* or toll free at 1–866–208–3676, of for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://ferc.gov/esubscribenow.htm* to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and SD1 as well

as study requests. All comments and study requests should be sent to the address above in paragraph h. In addition, all comments, study requests, requests for cooperating agency status, and all communications to Commission staff related to the merits of the potential application (original and eight copies) must be filed with the Commission at the following address: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All filings with the Commission must include on the first page, the project name, (Boundary Hydroelectric Project) and number (P–2144–035), and bear the heading, as appropriate, ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by September 1, 2006.

All study requests must address the seven criteria, pursuant to 18 CFR 5.9(b) of the Commission's regulations.

Comments, study requests, requests for cooperating agency status, and other permissible forms of communications with the Commission may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10806 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License andSoliciting Comments, Motions To Intervene, and Protests

July 3, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of license to upgrade the installed capacity.

b. *Project No.:* 2503–100.

c. *Date Filed:* May 25, 2006.

d. *Applicant:* Duke Power A Division of Duke Energy.

e. *Name of Project:* Keowee-Toxaway.

f. *Location:* The project is located on the Keowee River in Ocone County, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Jeffery G. Lineberger, Manager Hydro Licensing, Duke Energy Lake Services, EC12Q/PO Box 1006, Charlotte, NC 28201–1006, Tel. (704) 382–5942.

i. *FERC Contact:* Any questions on this notice should be addressed to Vedula Sarma at (202) 502–6190 or *vedula.sarma@ferc.gov*.

j. *Deadline for filing comments and/or motions:* July 31, 2006.

k. *Description of Filing:* Duke Power A Division of Duke Energy proposes to replace the existing runners of Units 3 and 4 of the Jacosee Pumped Storage Development of the project. The project consists of Jacosee and Keowee developments with a current authorized total installed capacity of 769.5 megawatts (MW) and total hydraulic capacity of 55,600 cfs. The proposed upgrade would increase the authorized installed capacity of the Jacosee Development of the project from 612 MW to 662.5 MW, and the hydraulic capacity from 55,600 cfs to 57,900 cfs. The proposed changes would increase the project's total installed capacity by 50.5 MW and its hydraulic capacity by 4.1 percent.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E6–10807 Filed 7–10–06; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0074, FRL–8194–6]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Metal Furniture Coating (Renewal); EPA ICR Number 0649.09, OMB Control Number 2060–0106

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing docket ID Number EPA–HQ–OECA–2005–0074, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by e-mail to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Leonard Lazarus, Compliance Assessment and Media Programs Division, Office of Compliance, (2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–6369; fax number: (202) 564–0050; e-mail address: *lazarus.leonard@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005 (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID Number EPA–HQ–OECA–2005–0074, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Center Docket is (202) 566–1972.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: NSPS for Metal Furniture Coating (Renewal).

ICR Numbers: EPA ICR Number 0649.09, OMB Control Number 2060–0106.

ICR Status: This ICR is scheduled to expire on June 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Respondents are owners or operators of large appliance surface coating facilities. These standards apply to each metal furniture surface coating operation in which organic coatings are applied (greater than 3,842 liters of coating per year), commencing construction, modification or reconstruction after November 28, 1980. Volatile Organic Compounds (VOCs) are the pollutants regulated under this subpart. Owners or operators of the affected facilities described must make initial reports when a source becomes subject, conduct and report on a performance test, demonstrate and report on continuous monitor performance, and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. Semiannual reports of excess emissions are required. These notifications, reports, and records are essential in determining compliance; and are required, in general, of all sources subject to New Source Performance Standards (NSPS).

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 58 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of metal furniture surface coating facilities.

Estimated Number of Respondents: 400.

Frequency of Response: Semiannually, On Occasion, Initially.

Estimated Total Annual Hour Burden: 56,074.

Estimated Total Annual Cost: $840,000 includes no capital/startup

costs and $840,000 annualized O&M costs.

Changes in the Estimates: There is a decrease of 17,107 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is an adjustment that reflects a correction in the frequency of reporting from quarterly to semi-annually. The increase in O&M costs is due to an increase in equipment maintenance costs.

Dated: June 27, 2006.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E6–10832 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0077; FRL–8194–1]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999 (Renewal), EPA ICR Number 1901.03, OMB Control Number 2060–0424

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2005–0077 to (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gregory Fried, Compliance Assessment and Media Programs Division, Office of Compliance, Mail code: 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–7016; fax number: (202) 564–0050; e-mail address: *fried.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005, (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments (or) has addressed the comments received. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2005–0077, which is available for public viewing online at *http://www.regulations.gov,* in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov,* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NSPS for Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999 (Renewal).

ICR Numbers: EPA ICR Number 1901.03, OMB Control Number 2060–0424.

ICR Status: This ICR is scheduled to expire on June 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The emission guidelines apply to small municipal waste combustors (MWCs) commencing construction before August 30, 1999, that combust greater than 35 tons per day (tpd) but less than 250 tpd of municipal solid waste. The emission guidelines regulate organics (dioxin/furans), metals (cadmium, lead, mercury, and particulate matter), and acid gases (hydrogen chloride, sulfur dioxide, and nitrogen oxides). The emission guidelines require initial reports, semiannual reports and annual reports. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Owners or operators subject to these regulations are required to maintain records of measurements and reports for at least five years.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,709 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and

requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Small Municipal Waste Combustors.

Estimated Number of Respondents: 23.

Frequency of Response: Initially, semiannually, annually, and on occasion.

Estimated Total Annual Hour Burden: 100,854.

Estimated Total Annual Cost: $9,578,926 which includes $0 annualized capital start up costs, $1,037,000 annualized O&M costs and $8,541,926 annualized labor costs.

Changes in the Estimates: There is a decrease of 85,520 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The decrease in burden hours from the most recently approved ICR is due to a decrease in the number of respondents subject to the standard, from 39 to 23. The decrease in the capital cost estimate from the most recently approved ICR, from $2,800,000 to zero, is due to the fact that no additional monitoring equipment is expected to be installed over the next three years. All monitoring equipment required by this standard was installed during the most recently approved ICR. In addition, no new sources will become subject to this standard over the next three years. The decrease in the O&M costs from the previous ICR is due to the decrease in the number of respondents subject to the standard, from 39 to 23.

Dated: June 28, 2006.

Sara Hisel-McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E6–10833 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0069; FRL–8194–2]

Agency Information Collection Activities; Submission for OMB Review and Approval; Comment Request; NESHAP for Semiconductor Manufacturing (Renewal), EPA ICR Number 2042.03, OMB Control Number 2060–0519

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and costs.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2005–0069, to (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, Mail Code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Compliance Assessment and Media Programs Division (CAMPD), Office of Compliance (OC), (Mail Code 2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005 (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID number EPA–HQ–OECA–2005–0069, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NESHAP for Semiconductor Manufacturing (Renewal).

ICR Numbers: EPA ICR Number 2042.03, OMB Control Number 2060–0519.

ICR Status: This ICR is scheduled to expire on June 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for semiconductor manufacturing were proposed on May 8, 2002, (67 FR 30848), and promulgated on May 22, 2003, (68 FR 87925). These standards apply to each existing, new, or reconstructed effected source that manufactures semiconductors.

Semiconductor manufacturing process units are used to manufacture p-type and n-type semiconductor and active solid-state devices from a water substrate, including research and development activities integrated into a semiconductor manufacturing process unit. Respondents must submit one-time

only notifications, compliance status report, and initial performance test results. Owners/operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operations of an affected facility, or any period during which the monitoring system is inoperative. Semiannual summary reports are also required.

Any owner or operator subject to the provisions of this subpart must maintain a file of these measurements, and retain the file for at least five years following the collection of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 18 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Semiconductor manufacturing facility.

Estimated Number of Respondents: 1.

Frequency of Response: On occasion, initially, and semiannually.

Estimated Total Annual Hour Burden: 37.

Estimated Total Annual Costs: $3,117, which include $0 annualized capital startup costs, $0 annualized O&M costs, and $3,117 annualized labor costs.

Changes in the Estimates: There is a decrease of 197 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The decrease in burden is due to the requirements of the rule. In the first year of the previous ICR the source category consisted of an estimated 127 facilities, which included area sources, synthetic minor sources and major sources. Of these, only one facility is considered a major source and is subject to the semiconductor manufacturing NESHAP, and the other 126 non-major sources only read the rule the first year. There are no new sources expected over the three years of this ICR.

There are no changes in the capital/startup and operations and maintenance (O&M) costs from the previous ICR, even though there is an O&M cost for the one source, it is not enough for conversion to the thousand dollar requirement.

Dated: June 28, 2006.

Sara Hisel-McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E6–10834 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0078; FRL–8194–3]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Small Municipal Waste Combustors (Renewal), EPA ICR Number 1900.03, OMB Control Number 2060–0423

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing docket ID number EPA7–HQ–OECA–2005–0078 to (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T , 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gregory Fried, Compliance Assessment and Media Programs Division, Office of Compliance, (Mail Code 2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–7016; fax number: (202) 564–0050; e-mail address: *fried.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005 (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID number EPA–HQ–OECA–2005–0078, which is available for public viewing online at *http://www.regulations.gov,* in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Center is (202) 566–1927.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov,* as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further

information about the electronic docket, go to *www.regulations.gov.*

Title: NSPS for Small Municipal Waste Combustors (Renewal).

ICR Numbers: EPA ICR Number 1900.03, OMB Control Number 2060–0423.

ICR Status: This ICR is scheduled to expire on June 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: These regulations apply to small municipal waste combustors (MWCs) commencing construction after August 30, 1999, and small MWC units that commenced reconstruction or modification after June 6, 2001, that combust greater than 35 tons per day (tpd) but less than 250 tpd of municipal solid waste. This information collection is required as a result of the implementation of the NSPS that are being developed under the authority of sections 111 and 129 of the Clean Air Act (CAA). The regulations require initial notifications, performance tests, and periodic reports. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Owners and operators of small MWCs are required to measure, record, and report emission rates and operating parameters, follow good combustion practices (GCP), and submit a siting analysis. Owners or operators subject to these regulations are required to maintain records of measurements and reports for at least five years.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,451 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Small Municipal Waste Combustors.*Estimated Number of Respondents:* 3.

Frequency of Response: Initially, semiannually, annually, and on occasion.

Estimated Total Annual Hour Burden: 14,509.

Estimated Total Annual Cost: $168,000, includes $66,000 annualized capital costs and $102,000 in O&M costs.

Changes in the Estimates: There is a decrease of 10,692 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The decrease in burden hours from the most recently approved ICR is due to an adjustment. The decrease in burden cost is due to a decrease in the estimated number of additional sources that will become subject to the standard over the next three years, from one additional source per year to one additional source over the next three years. The change in the capital costs and operation and maintenance costs also decreased due to a decrease in the number of affected sources and a decrease in the estimated number of additional sources that will startup over the next three years.

Dated: June 27, 2006.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E6–10835 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2005–0003; FRL–8194–4]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Brownfields Program—Revitalization Grantee Reporting (Renewal), EPA ICR Number 2104.02, OMB Control Number 2050–0192

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 et seq.), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–SFUND–2005–0003, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *superfund.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, OSWER Docket, 5202T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Wilbur, Office of Solid Waste and Emergency Response (OSWER), Office of Brownfields Cleanup and Redevelopment (OBCR) 5105T, U.S. EPA Headquarters, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 566–2756; fax number: (202) 566–2757; email address: *wilbur.jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On October 17, 2005 (70 FR 60335), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received two comments during the comment period, which are addressed in the ICR. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–SFUND–2005–0003, which is available for online viewing at *www.regulations.gov,* or in person viewing at the OSWER Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room

is 202–566–1744, and the telephone number for the OSWER Docket is 202–566–0276.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: Brownfields Program—Revitalization Grantee Reporting (Renewal).

ICR Numbers: EPA ICR No. 2104.02, OMB Control No. 2050–0192.

ICR Status: This ICR is scheduled to expire on August 31, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107–118) (''the Brownfields Amendments'') was signed into law on January 11, 2002. The Act amends the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, and authorizes EPA to award grants to States, tribes, local governments, and other eligible entities to assess and clean up brownfields sites. Under the Brownfields Amendments, a brownfields site means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. For grant funding purposes, EPA uses the term ''brownfields property(ies)'' synonymously with the term ''brownfields sites.'' The Brownfields Amendments authorize EPA to award several types of grants to eligible entities on a competitive basis.

Under subtitle A of the Small Business Liability Relief and Brownfields Revitalization Act, States, tribes, local governments, and other eligible entities can receive assessment grants to inventory, characterize, assess, and conduct planning and community involvement related to brownfields properties; cleanup grants to carry out cleanup activities at brownfields properties; grants to capitalize revolving loan funds and provide subgrants for cleanup activities; and job training grants to support the creation and implementation of environmental job training and placement programs. Under subtitle C of the Small Business Liability Relief and Brownfields Revitalization Act, State and tribes can receive grants to establish and enhance their response programs. The grants support activities necessary to establish or enhance four elements of state and tribal response programs and to meet the public record requirements under the statute. The four elements include: (a) Timely survey and inventory of brownfield sites in the State or in the tribal land; (b) oversight and enforcement authorities or other mechanisms and resources; (c) mechanisms and resources to provide meaningful opportunities for public participation; and (d) mechanisms for approval of a cleanup plan and verification and certification that cleanup is complete. States and tribes that receive funding under subtitle C must establish a public record system during the grant funding period unless an adequate public record system is already established.

Grant recipients have general reporting and recordkeeping requirements as a condition of their grant that result in burden. A portion of this reporting and record keeping burden is authorized under 40 CFR parts 30 and 31 and identified in the EPA's general grants ICR (OMB Control Number 2030–0020). EPA requires Brownfields program grant recipients to maintain and report additional information to EPA on the uses and accomplishments associated with the funded brownfields activities. EPA uses several forms to assist grantees in reporting the information and to ensure consistency of the information collected. EPA uses this information to meet Federal stewardship responsibilities to manage and track how program funds are being spent, to evaluate the performance of the Brownfields Cleanup and Redevelopment Program, to meet the Agency's reporting requirements under the Government Performance Results Act, and to report to Congress and other program stakeholders on the status and accomplishments of the grants program.

This ICR addresses the burden imposed on grant recipients that are associated with those reporting and recordkeeping requirements that are specific to grants awarded under the Small Business Liability Relief and Brownfields Revitalization Act. This ICR renewal modifies the annual reporting and recordkeeping burden under the previous ICR. The modified burden reflects an increase in the number of respondents subject to the reporting and recordkeeping requirements, and improvements to the reporting forms based on EPA's experience implementing the grant program. Specifically, subtitle C grant recipients are now subject to the reporting and recordkeeping requirements previously established for subtitle A grant recipients. By using the same form to report information on grant activities, EPA is adopting a streamlined approach that avoids potential confusion among grant recipients and allows the Agency to collect and report program information consistently across all brownfields grants. EPA is also modifying the reporting form to simplify and clarify the reporting requirements, which will improve the accuracy of information reported and minimize the burden to grant recipients.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 5 hours per response for job training grant recipients. The annual reporting and record keeping burden for this collection of information is estimated to average 1.25 hours per response for subtitle A assessment, cleanup, and revolving loan fund grant recipients and subtitle C grant recipients. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and

requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Entities potentially affected by this action are States, tribes, local governments, and certain non-governmental organizations that apply for and receive grants from EPA to support the assessment, cleanup, and redevelopment of brownfields properties.

Estimated Number of Respondents: 294.

Frequency of Response: Bi-annual for subtitle C grant recipients; quarterly for subtitle A grant recipients.

Estimated Total Annual Hour Burden: 8,683.

Estimated Total Annual Cost: $547,000 includes $0 annualized capital or O&M costs.

Changes in the Estimates: There is an increase of 1,363 hours in the total estimated annual burden currently identified in the OMB Inventory of Approved ICR Burdens. This is a program change due to an expanded number of respondents from the inclusion of subtitle C grant recipients into the information collection.

Dated: June 27, 2006.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E6–10836 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0067; FRL–8194–5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Clay Ceramics Manufacturing, EPA ICR Number 2023.03, OMB Control Number 2060–0513

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2005–0067, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by e-mail to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Compliance Assessment and Media Programs Division (CAMPD), Office of Compliance, (Mail Code 2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; e-mail address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005 (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2005–0067, which is available for public viewing online at *http://www.regulations.gov,* in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1927.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically, or in paper, will be made available for public viewing at *http://www.regulations.gov,* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: NESHAP for Clay Ceramics Manufacturing.

ICR Numbers: EPA ICR Number 2023.03, OMB Control Number 2060–0513.

ICR Status: This ICR is scheduled to expire on June 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to a request for collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9 and 48 CFR Chapter 15 and are displayed either by publication in the **Federal Register**, or by other appropriate means, such as on the related collection instrument, or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Clay Ceramics Manufacturing were proposed on July 22, 2002, and promulgated on May 16, 2003. These standards apply to each new and existing clay ceramic manufacturing facility that manufactures pressed floor tile, pressed wall tile, other pressed tiles, or sanitaryware (*e.g.*, sinks and toilets). Clay ceramics facilities typically form, dry, and fire tile or sanitaryware products that are composed of clay, shale, and various additives. Glazes are applied to some tile and sanitaryware products. The predominant hazardous air pollutants (HAP) emitted from clay ceramics manufacturing facilities include hydrogen fluoride (HF), hydrogen chloride (HCl), and metals (antimony, arsenic, beryllium, cadmium, chromium, cobalt, mercury, manganese, nickel, lead, and selenium).

Owners, or operators of the affected facilities must make the required initial notifications, performance tests, and

periodic reports. They also are required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance and are required of all affected facilities subject to NESHAP. Respondents also are required to submit semiannual reports.

Any owner, or operator subject to the provisions of this part must maintain a file of these measurements and retain the file for at least five years following the collection of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the appropriate EPA regional office.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 17 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Clay ceramics manufacturing facilities.

Estimated Number of Respondents: 10.

Frequency of Response: On occasion, semiannually and initially.

Estimated Total Annual Hour Burden: 527.

Estimated Total Annual Cost: $3,000 (rounded) includes $2,468 annualized capital/startup cost and $702 O&M costs.

Changes in the Estimates: There is an increase of 342 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The increase in burden from the most recently approved ICR is due to the fact that the number of respondents has increased at the rate of one per year over the three-year period of this ICR. An increase in the labor rate also has contributed to the increase.

There has been an increase in the capital/startup and operations and maintenance (O&M) costs since the previous ICR. The reason for this increase is that we are accounting for nine respondents with operation and maintenance costs.

Dated: June 27, 2006.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E6–10837 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2005–0023; FRL–8196–1]

Agency Information Collection Activities: Proposed Collection; Comment Request; Clean Water Act Section 404 State-Assumed Programs; EPA ICR No. 0220.10, OMB Control No. 2040–0168

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on November 30, 2006. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before September 11, 2006.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OW–2005–0023, by one of the following methods:

- *http://www.regulations.gov:* Follow the online instructions for submitting comments.
- *E-mail: ow-docket@epa.gov.*
- *Mail:* Office of Water Docket, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* Office of Water Docket, Environmental Protection Agency, Public Reading Room, Room B102, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OW–2005–0023. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Kathy Hurld, Office of Wetlands, Oceans, and Watersheds, Wetlands Division (4502T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: 202–566–1348; fax number: 202–566–1349; e-mail address: *hurld.kathy@epa.gov.*

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2005–0023, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC

Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Water Docket is 202–566–2426.

Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested In?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g, permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are those States/Tribes requesting assumption of the Clean Water Act section 404 permit program; States/Tribes with approved assumed programs; and permit applicants in States/Tribes with assumed programs.

Title: Clean Water Act Section 404 State-Assumed Programs.

ICR Numbers: EPA ICR No. 0220.10, OMB Control No. 2040–0168.

ICR status: This ICR is currently scheduled to expire on November 30, 2006. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 404(g) of the Clean Water Act authorizes States [and Tribes] to assume the section 404 permit program. States/Tribes must demonstrate that they meet the statutory and regulatory requirements (40 CFR part 233) for an approvable program. Specified information and documents must be submitted by the State/Tribe to EPA to request assumption. Once the required information and documents are submitted and EPA has a complete assumption request package, the statutory time clock for EPA's decision to either approve or deny the State/Tribe's assumption request starts. The information contained in the assumption request is made available to the other involved Federal agencies (Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service) and to the general public for review and comment. These minimum information requirements are based on the information that must be submitted when applying for a section 404 permit from the Corps of Engineers. [33 CFR 328].

States/Tribes must be able to issue permits that comply with the 404(b)(1) Guidelines, the environmental review criteria. States/Tribes and the reviewing Federal agencies must be able to review proposed projects to evaluate, avoid, minimize and compensate for anticipated impacts. EPA's assumption regulations establish recommended elements that should be included in the State/Tribes's permit application, so that sufficient information is available to make a thorough analysis of anticipated impacts. These minimum information requirements are based on the information that must be submitted when applying for a section 404 permit from the Corps of Engineers (CWA section 404(h)(1)(A)(i) and section 404(j) and 40 CFR 230.10, 233.20, 233.21, 233.34, and 233.50) (33 CFR 325.1).

EPA is responsible for oversight of assumed programs to ensure that State/Tribal programs are in compliance with applicable requirements and that State/Tribal permit decisions adequately consider, avoid, minimize and compensate for anticipated impacts. States/Tribes must evaluate their programs annually and submit the results in a report to EPA. EPA's assumption regulations establish minimum requirements for the annual report (40 CFR 233.52).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15 and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 520 hours to request program assumption, 5 hours to complete a permit application and 80 hours to prepare the annual report per assumed program. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel

to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 2 States/Tribes to request program assumption; 20,000 permit applicants, 4 assumed States/Tribes.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: One time to request assumption; one time when requesting a permit; annually for the annual permit and annual report.

Estimated total annual burden hours: 101,360 (520 hours to request assumption times two States/Tribes (1,040 hours); 20,000 permit applicants times 5 hours per application (100,000 hours); 80 hours per annual report times 4 States/Tribes (320 hours).

Estimated total annual costs: $41,200 (includes $0 annualized capital and O&M costs).

Are There Changes in the Estimates From the Last Approval?

There are changes in the estimates from the last approval. These changes are to account for increases in wages.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: June 23, 2006.

Diane C. Regas,

Director, Office of Wetlands, Oceans, and Watersheds.

[FR Doc. E6–10842 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0162, FRL–8195–5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Information Collection Request for Proposed Regional Haze Regulations (Renewal); EPA ICR No. 1813.06, OMB Control No. 2060–0421

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2003–0162, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by e-mail to *a-and-r-ddocket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, OAR Docket, Mail Code B102, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kathy Kaufman, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code C539–02, Research Triangle Park, NC; telephone number: (919) 541–541–0102; fax number: (919) 541–4589; e-mail address: *kaufman.kathy@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On March 13, 2006 (71 *FR* 12696), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2003–0162, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the OAR Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Air and Radiation Center is 202–566–1742.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov*.

Title: Information Collection Request for Proposed Regional Haze Regulations (Renewal).

ICR numbers: EPA ICR No.1813.06, OMB Control No. 2060–0421.

ICR Status: This ICR is scheduled to expire on July 31, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR parts 9.

Abstract: This ICR is for activities related to the implementation of EPA's 1999 regional haze rule, for the time period between August 1, 2006 and July 31, 2009. This ICR renews the previous ICR, which addressed the second three year time period after the rule was promulgated. The regional haze rule, as authorized by sections 169A and 169B

of the Clean Air Act, requires States to develop implementation plans to protect visibility in 156 federally-protected Class I areas. Tribes may choose to develop implementation plans. For this time period, States will be conducting technical analyses in support of development of reasonable progress goals and strategies for regional haze, as required by the rule. EPA has encouraged States to work together in regional planning organizations to develop and implement multi-state strategies.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 38 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: The major categories of respondents directly affected include the States, Tribes, and Federal land managers (FLMs). The States and, if they so choose, the Tribes will develop an implementation plan under 40 CFR 51.308. In addition Western States have the option of developing Regional Haze strategies for SO_2 emissions under 40 CFR 51.309.

In addition, during this ICR renewal period, other entities, at the discretion of the States and Tribes, may respond to a request of the States or Tribes to fulfill obligations of the 1999 Regional Haze Rule. For example, there may be private sector respondents in particular Standard Industrial Classification (SIC) and North American Industrial Classification System (NAICS) Codes and production process categories that are asked to assess and determine if they are BART eligible sources and make a preliminary BART determination.[1]

The FLMs will work as partners with the RPOs from the perspective of Class I area land managers. Their policy focus will be on prescribed fire policy, and quantification of reasonable progress goals. On the technical side, they will assess air quality monitoring data and work with the RPOs and EPA to determine impacts on visibility in their Class I areas and natural background conditions.

Estimated Number of Respondents: 860.

Frequency of Response: Annual.

Estimated Total Annual Hour Burden: 32,551.

Estimated Total Annual Cost: $1,856.000, which includes $0 annualized capital startup costs, $0 annual O&M Costs, and $1,856,000 annual labor costs.

Changes in the Estimates: There is a decrease of 24,054 hours in the total estimated hourly burden and in the cost burden of $657,383 currently identified in the OMB Inventory of Approved ICR Burdens. This decrease in burden is a program adjustment, reflecting changes in labor rates, changes in the activities conducted due to the normal progression of the program, and better information regarding the numbers of respondents and the fact that the role of industrial respondents is increasing as the program moves from the planning stages to the implementation stages.

Dated: June 23, 2006.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E6–10843 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

[1] Sources that are part of categories listed in the Clean Air Act (section 169A) and emitting more than 250 tons per year and constructed during the August 1962 to August 1977 time period are BART eligible.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2005–0490; FRL–8195–6]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Consolidated Emissions Reporting (Renewal); EPA ICR No. 0916.12, OMB Control No. 2060–0088

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2005–0490, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by e-mail to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Air and Radiation Docket, Mail Code/6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Dennis Beauregard, Air Quality Assessment Division (C339–02), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 919–541–5512; fax number: 919–541–0684; e-mail address: *beauregard.dennis@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On March 2, 2006 (71 FR 10668), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received one comment which was not relevant to the reporting burden estimate in the ICR. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2005–0490, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Air and Radiation Docket and Information Center is 202–566–1742.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is

that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: Consolidated Emissions Reporting (Renewal).

ICR numbers: EPA ICR No. 0916.12, OMB Control No. 2060–0088.

ICR Status: This ICR is scheduled to expire on June 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA has promulgated a Consolidated Emissions Reporting Rule (CERR) (40 CFR part 51, subpart A) to coordinate new emissions inventory reporting requirements with existing requirements of the Clean Air Act and 1990 Amendments. Under the CERR, 55 State and Territorial air quality agencies, including the District of Columbia, as well as an estimated 49 local air quality agencies, must annually submit emissions data for point sources emitting specified levels of volatile organic compounds, oxides of nitrogen, carbon monoxide, sulfur dioxide, particulate matter less than or equal to 10 micrometers in diameter, particulate matter less than or equal to 2.5 micrometers in diameter ($PM_{2.5}$), and ammonia (NH_3).

Every 3 years, States will be required to submit a point source inventory, as well as a statewide stationary nonpoint, nonroad mobile, onroad mobile, and biogenic source inventory for all criteria pollutants and $PM_{2.5}$, and NH_3. The emissions data submitted for the annual and 3-year cycle inventories for stationary point, nonpoint, nonroad mobile, and mobile sources will be used by EPA's Office of Air Quality Planning and Standards to assist in developing ambient air quality emission standards, performing regional modeling, and in preparing national trends assessments and other special analyses and reports. Collection of $PM_{2.5}$ emissions data will be necessary to support implementation of the $PM_{2.5}$ National Ambient Air Quality Standard. The information collected under the authority of the CERR is mandatory and as specified in the CERR cannot be treated as confidential by EPA.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 29 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: State, local and tribal governments, Business, Federal Government.

Estimated Number of Respondents: 2,038.

Frequency of Response: Annually and Triennially.

Estimated Total Annual Hour Burden: 58,172.

Estimated Total Annual Cost: $4,684,595, includes $230,880 annualized capital or O&M costs.

Changes in the Estimates: There is a decrease of 54,679 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease resulted from the elimination of the ''One Time Activities'' that were accounted for under the currently approved ICR.

Dated: June 23, 2006.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E6–10844 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0068; FRL–8195–7]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Synthetic Fiber Production Facilities (Renewal), EPA ICR Number 1156.10, OMB Control Number 2060–0059

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2005–0068, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by e-mail to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Compliance Assessment and Media Programs Division (CAMPD), Office of Compliance, (Mail Code 2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; e-mail address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005 (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be

submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2005–0068, which is available for public viewing online at *http://www.regulations.gov*, or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov*, as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov*.

Title: NSPS for Synthetic Fiber Production Facilities.

ICR Numbers: EPA ICR Number 1156.10, OMB Control Number 2060–0059.

ICR Status: This ICR is scheduled to expire on June 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The New Source Performance Standards (NSPS) for Synthetic Fiber Production Facilities were proposed on November 23, 1982, promulgated on April 5, 1984, and amended on October, 17, 2000 (65 FR 61768). These standards apply to affected facilities at synthetic fiber production plants including: Each solvent-spun synthetic fiber process that produces more than 500 megagrams of five per year and that commenced construction or reconstruction after November 23, 1982. The provisions of this subpart do not apply to any facility that uses the reaction spinning process to produce spandex fiber or the viscose process to produce rayon fiber, or facilities that commence modification but not reconstruction after November 23, 1982. Volatile organic compounds (VOCs) are the pollutants regulated under this subpart. This information is being collected to assure compliance with 40 CFR part 60, subpart HHH.

Owners or operators of the affected facilities must make a one-time-only initial notifications, and reports on the results of the initial performance tests. Respondents must also maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Monitoring requirements specific to synthetic fiber production facilities provide information on VOC emissions. Respondents are required to install, calibrate, maintain, and operate a continuous monitoring system for the measurement of makeup solvent and solvent feed. These values shall be used in calculating monthly VOC emissions. Section 60.603(b)(1) provides three options for determining solvent feed. Each owner or operator calculates VOC emissions every month from the amount of solvent feed and makeup solvent used in each affected facility. These values are used to calculate compliance with the emission limitations on a six-month rolling average basis. Semiannual reports and quarterly reports of instances of excess emissions are required.

Any owner or operator subject to the provisions of this part must maintain a file of these measurements, and retain the file for at least two years following the collection of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 34 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Synthetic fiber production facilities.

Estimated Number of Respondents: 22.

Frequency of Response: Initially, on occasion, quarterly, and semiannually.

Estimated Total Annual Hour Burden: 1,859.

Estimated Total Annual Cost: $315,119 which includes $0 annualized capital startup costs, $165,000 annual O&M costs, and $150,119 annual labor costs.

Changes in the Estimates: There is an increase of 21 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The increase in burden from the most recently approved ICR is due to the fact that we are accounting for technical person-hours and management and clerical person-hours.

There is a decrease in the capital/startup and operations and maintenance (O&M) costs associated with this ICR. This is due to a decrease of three sources as compared with the previous ICR.

Dated: June 23, 2006.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E6–10845 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HW–OECA–2005–0065; FRL–8194–7]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Coal Preparation Plants (Renewal), ICR Number 1062.09, OMB Control Number 2060–0122

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2005–0065 to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by e-mail to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gregory Fried, Compliance Assessment and Media Programs Division, Office of Compliance, (Mail code 2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–7016; fax number: (202) 564–0050; e-mail address: *fried.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005, (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2005–0065, which is available for public viewing online at *http://www.regulations.gov*, or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov*, as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NSPS for Coal Preparation Plants (Renewal).

ICR Numbers: EPA ICR Number 1062.09, OMB Control Number 2060–0122.

ICR Status: This ICR is scheduled to expire on June 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: These regulations apply to owners or operators of coal preparation plants that process more than 200 tons of coal per day. Owners or operators are required to submit initial notifications, conduct initial performance tests, and maintain records of operating parameters. Owners or operators that install continuous emission monitors are required to report excess emissions semiannually. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Owners or operators are required to maintain records for at least two years.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 20 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Coal Preparation Plants.

Estimated Number of Respondents: 1,013.

Frequency of Response: Initially and semiannually.

Estimated Total Annual Hour Burden: 29,590.

Estimated Total Annual Cost: $2,546,188, which includes $0 annualized capital startup costs, $40,000 annualized Operations and Maintenance costs, $2,506,188 annualized labor costs.

Changes in the Estimates: There is an increase of 12,428 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The increase in burden from the most recently approved ICR is due to an increase in the number of plants affected by the subpart as well as an increase in the estimated number of plants with sources that need to be replaced, reconstructed, or expanded such that additional testing is required. The O&M costs associated with this subpart also increased as a result of the

increase in the estimated number of affected sources.

Dated: June 29, 2006.

Richard T. Westlund,

Acting Director, Collection Strategies Division.

[FR Doc. E6–10861 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0076, FRL–8194–8]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Shipbuilding and Ship Repair Facilities (Surface Coating) (Renewal); EPA ICR Number 1712.05; OMB Control Number 2060–0330

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing docket ID Number EPA–HQ–OECA–2005–0076, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by e-mail to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Leonard Lazarus, Compliance Assessment and Media Programs Division (CAMPD), Office of Compliance, (2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–6369; fax number: (202) 564–0050; e-mail address: *lazarus.leonard@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005 (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID Number EPA–HQ–OECA–2005–0076, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Center Docket is (202) 564–1927.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: NESHAP for Shipbuilding and Ship Repair Facilities (Surface Coating) (Renewal)

ICR numbers: EPA ICR Number 1712.05, OMB Control Number 2060–0330.

ICR Status: This ICR is scheduled to expire on September 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The respondents are owners or operators of Shipbuilding and Ship Repair Facilities. Operations covered include: primer and top coat application in manufacturing processes and in ship repair processes. The NESHAP regulation 40 CFR part 63, subpart II, was promulgated on December 15, 1995. Owners or operators of the affected facilities described must make initial reports when a source becomes subject, conduct and report on a performance test, demonstrate and report on continuous monitor performance, and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. Semiannual reports of excess emissions are required. These notifications, reports, and records are essential in determining compliance; and are required, in general, of all sources subject to National Emission Standards for Hazardous Air Pollutants (NESHAP).

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least five years following the date of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 255 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize

technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of shipbuilding and ship repair facilities.

Estimated Number of Respondents: 56.

Frequency of Response: Semiannually, On Occasion, Initially.

Estimated Total Annual Hour Burden: 28,594 hours.

Estimated Total Annual Cost: None.

Changes in the Estimates: There is no change in the estimates.

Dated: June 29, 2006.

Sara Hisel McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E6–10863 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0075, FRL–8194–9]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Large Appliance Surface Coating; EPA ICR Number 0659.10, OMB Control Number 2060–0108

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing docket ID Number EPA–HQ–OECA–2005–0075, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by e-mail to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Leonard Lazarus, Compliance Assessment and Media Programs Division (CAMPD), Office of Compliance, (2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–6369; fax number: (202) 564–0050; e-mail address: *lazarus.leonard@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005 (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID Number EPA–HQ–OECA–2005–0075, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Center Docket is (202) 566–1514.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: NSPS for Large Appliance Surface Coating.

ICR numbers: EPA ICR Number 0659.10, OMB Control Number 2060–0108.

ICR Status: This ICR is scheduled to expire on June 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Respondents are owners or operators of large appliance surface coating facilities. These standards apply to each large appliance surface coating operation in which organic coatings are applied, that commenced construction, modification or reconstruction after December 24, 1980. Volatile Organic Compounds (VOCs) are the pollutants regulated under this subpart. Owners or operators of the affected facilities described must make initial reports when a source becomes subject, conduct and report on a performance test, demonstrate and report on continuous monitor performance, and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. Semiannual reports of excess emissions are required. These notifications, reports, and records are essential in determining compliance; and are required, in general, of all sources subject to New Source Performance Standards (NSPS).

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the

reports are sent directly to the EPA regional office.

An agency may not conduct, or sponsor, and a person is not required to respond to, a request for collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 53 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of large appliance surface coating facilities.

Estimated Number of Respondents: 72.

Frequency of Response: Initial, Semiannually, On Occasion, Initially.

Estimated Total Annual Hour Burden: 7,659.

Estimated Total Annual Cost: $8,400 includes no capital/startup costs and $8,400 annualized O&M costs.

Changes in the Estimates: There is an increase of 1,371 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is due to an expansion of the calculations to include managerial and clerical labor rates. The increase in O&M costs is due to an increase in equipment maintenance costs.

Dated: June 29, 2006.

Sara Hisel McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E6–10865 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OEI–2006–0037, FRL–8195–1]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Exchange Network Grants Progress Report (Renewal); EPA ICR No. 2207.02, OMB Control No. 2025–0006

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OEI–2006–0037, to (1) EPA online using www.regulations.gov (our preferred method), by e-mail to *oei.docket@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Office of Environmental Information Docket, Mail Code 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Rachel Hockfield, OEI/OIC/IESD, Mail Code 2823T, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–566–0248; fax number: 202–566–1684; e-mail address: *hockfield.rachel@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On March 15, 2006 (71 FR 13384), EPA sought comments pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OEI–2006–0037 which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the OEI Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744.

EPA's electronic docket and comment system at *http://www.regulations.gov* can be used to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov*.

Title: Exchange Network Grants Progress Report (Renewal).

ICR numbers: EPA ICR No. 2207.02, OMB Control No. 2025–0006.

ICR Status: This ICR is scheduled to expire on July 31, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, are listed in 40 CFR part 9 and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable.

Abstract: This notice announces the collection of information related to the U.S. EPA Environmental Information Exchange Network (EIEN) Grant Program. The EPA Office of Environmental Information provides funding to EPA's Exchange Network partners: States, territories, and federally recognized Indian tribes to support the development of the EIEN. The EIEN is an Internet and-standards-based, secure information system that supports the electronic collection, exchange, and integration of data among its partners. Funding for the Grant

Program has been provided through annual congressional appropriations for the EPA.

To enhance the quality and overall public benefit of the Network, EPA proposes to collect information from the EIEN grantees about how they intend to ensure quality in their projects and the environmental outcomes and outputs from their projects. The proposed Quality Assurance Reporting Form is intended to provide a simple means for grant recipients to describe how quality will be addressed throughout their projects. The Quality Assurance Reporting Form is derived from guidelines provided in the EIEN 2006 grant solicitation notice. As a stipulation of their award, grant recipients are to submit the form within ninety days of grant award.

Grantees are currently required to submit semi-annual progress reports as a stipulation of their award. In these reports, grantees outline project goals, activities required to meet these goals, and outputs and outcomes of activities to date. At the request of numerous grantees, we are proposing to offer the Progress Reporting Form as a vehicle for collecting information. This form is easier to complete than an unstructured narrative, it can be used as the semi-annual and final report form and the information returned will be of higher quality and comparable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1.5 hours for the Semi-Annual Report Form per response and 1 hour per Quality Assurance Form per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements that have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: State, Tribal, and Territorial Environmental Offices receiving EIEN grants.

Estimated Number of Respondents: 225.

Frequency of Response: Twice for the Semi-Annual Report Form; Once for the Quality Assurance Form.

Estimated Total Annual Hour Burden: 733.

Estimated Total Annual Cost: $37,000 includes $0 annualized capital or O&M costs and $37,000 annual labor costs.

Changes in the Estimates: There is an increase of 283 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This change is due to an increase in the estimate to complete the Semi-annual Progress Report Form and due to the addition of the Quality Assurance Form.

Dated: June 29, 2006.

Sara Hisel McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E6–10867 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OECA–2005–0078; FRL–8195–2]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Federal Emission Guidelines for Large Municipal Waste Combustors Constructed on or Before September 20, 1994, EPA ICR Number 1847.04, OMB Control Number 2060–0390

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before August 10, 2006.

ADDRESSES: Submit your comments, referencing docket ID number EPA–OECA–2005–0079 to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by e-mail to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gregory Fried, Compliance Assessment and Media Programs Division, Office of Compliance, (Mail code: 2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–7016; fax number: (202) 564–0050; e-mail address: *fried.gregory@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005, (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–OECA–2005–0079, which is available for public viewing online at *http://www.regulations.gov*, in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1927.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov*, as EPA receives and publishes them without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov*.

Title: Federal Emission Guidelines for Large Municipal Waste Combustors

Constructed on or Before September 20, 1994.

ICR Numbers: EPA ICR Number 1847.04, OMB Control Number 2060–0390.

ICR Status: This ICR is scheduled to expire on August 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct, or sponsor, and a person is not required to respond to, a request for collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The Emission Guidelines apply to all municipal waste combustion (MWC) units with a combustion capacity greater than 250 tons per day of municipal solid waste (large MWC units), if construction of the unit commenced on, or before September 20, 1994, and the unit is not covered by an Environmental Protection Agency (EPA)-approved and currently effective state or tribal plan.

The Emission Guidelines require initial notifications, performance tests, and periodic reports. Owners, or operators also are required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Owners, or operators subject to these regulations are required maintain records of measurements and reports for at least five years.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,701 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose, or provide information to, or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit, or otherwise disclose the information.

Respondents/Affected Entities: Large Municipal Waste Combustors.

Estimated Number of Respondents: 9.

Frequency of Response: Initially, semiannually, annually, and on occasion.

Estimated Total Annual Hour Burden: 38,417.

Estimated Total Annual Cost: $384,000, includes $384,000 annualized O&M costs and $0 capital costs.

Changes in the Estimates: There is a decrease of 650 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The decrease in burden from the most recently approved ICR is due to an adjustment. In the previous ICR, the number of MWCs (i.e., sources) was reported rather than the number of respondents. The costs associated with O&M also decreased slightly due to the decrease in the number of respondents.

Dated: June 29, 2006.

Richard T. Westlund,

Acting Director, Collection Strategies Division.

[FR Doc. E6–10869 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRI–8193–9]

Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; Merisol USA LLC

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Decision on No Migration Petition Reissuance.

SUMMARY: Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been reissued to MERISOL USA LLC (MERISOL) for two Class I injection wells located at Houston, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by the petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the continued underground injection by MERISOL, of the specific restricted hazardous wastes identified in the exemption, into Class I hazardous waste injection wells WDW–147 and WDW–319, until December 31, 2020, unless EPA moves to terminate the exemption under provisions of 40 CFR 148.24.

Additional conditions included in this final decision may be reviewed by contacting the Region 6 Ground Water/UIC Section. As required by 40 CFR 148.22(b) and 124.10, a public notice was issued May 8, 2006. The public comment period closed on June 22, 2006. One comment was received and a typographical error in the approval conditions was corrected. This decision constitutes final Agency action.

DATES: This action is effective as of June 28, 2006.

ADDRESSES: Copies of the petition and all pertinent information relating thereto are on file at the following location:

Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch (6WQ–S), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Philip Dellinger, Chief Ground Water/UIC Section, EPA—Region 6, telephone (214) 665–7165.

Miguel I. Flores,

Director, Water Quality Protection Division (6WQ).

[FR Doc. 06–6128 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8196–3; Docket ID No. EPA–HQ–ORD–2004–0002]

Draft Toxicological Review of Dichlorobenzenes: In Support of Summary Information on the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Comment Period and External Peer Review Panel Meeting.

SUMMARY: The EPA is announcing a public comment period and an external peer review panel meeting to review selected sections of the final draft document titled, ''Toxicological Review of Dichlorobenzenes: In Support of Summary Information on the Integrated Risk Information System (IRIS)'' (EPA/

635/R–03/015), related to the inhalation reference concentration (RfC) and inhalation cancer assessment for 1,4-dichlorobenzene. The document was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development.

EPA is releasing this draft document solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination. EPA will consider any public comments submitted in accordance with this notice when revising the document.

DATES: The public comment period begins on July 11, 2006 and ends August 9, 2006. Technical comments should be in writing and must be received by EPA by August 9, 2006. The peer review panel meeting will be conducted on August 16, 2006 by teleconference and will begin at 1 p.m. and end at 4 p.m. Members of the public may call into the teleconference meeting and are invited to provide oral statements at the commencement of the teleconference. (For more information refer to the instructions for registration provided in the **ADDRESSES** section of this notice.)

ADDRESSES: The external peer review panel meeting will be held by teleconference. Under an Interagency Agreement between EPA and the Department of Energy, the Oak Ridge Institute of Science and Education (ORISE) is organizing, convening, and conducting the peer review panel meeting. To obtain the teleconference call-in number and access code, register by August 11, 2006, by calling ORISE, P.O. Box 117, MS 17, Oak Ridge, TN 37831–0117, at (865) 576–2922 or (865) 241–3168 (facsimile). Interested parties may also register on-line at: *http://www.orau.gov/dichlorobenzene.* Public comments submitted to the EPA by August 9, 2006 will be provided to the external peer review panel prior to the teleconference meeting.

The draft ''Toxicological Review of Dichlorobenzenes: In Support of Summary Information on the Integrated Risk Information System (IRIS)'' (EPA/635/R–03/015) is available primarily via the Internet on NCEA's home page under the Recent Additions menu at *http://www.epa.gov/ncea.* A limited number of paper copies are available by contacting the IRIS Hotline at (202) 566–1676, (202) 566–1749 (facsimile), or *hotline.iris@epa.gov.* If you are requesting a paper copy, please provide your name, mailing address, the document title, and the EPA number of the requested publication. Copies are not available from ORISE.

Copies of the study by Aiso et al. (2005), referenced in the **SUPPLEMENTARY INFORMATION** section of this notice are available from the IRIS Hotline in paper or electronic format. If you are requesting a copy, please provide your name, mailing address or email address, and document citation: Aiso et al. (2005) Carcinogenicity and chronic toxicity in mice and rats exposed by inhalation to para-dichlorobenzene for two years. J Vet Med Sci 67(10): 1019–1029.

Technical comments may be submitted electronically via *www.regulations.gov,* by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Questions regarding registration and logistics for the external peer review panel teleconference should be directed to Margaret Lyday, ORISE, P.O. Box 117, MS 17, Oak Ridge, TN 37831–0117, at (865) 576–2922 or (865) 241–3168 (facsimile), *lydaym@orau.gov* (e-mail).

If you have questions about the document, contact Audrey Galizia, Chemical Manager, National Center for Environmental Assessment telephone: 732–906–6887 facsimile: 732–452–6429 e-mail: *galizia.audrey@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information About the Document

IRIS is a database that contains scientific Agency positions on potential adverse human health effects that may result from chronic (or lifetime) exposure to specific chemical substances found in the environment. The database (available on the Internet at *http://www.epa.gov/iris*) contains qualitative and quantitative health effects information for more than 500 chemical substances that may be used to support the first two steps (hazard identification and dose-response evaluation) of the risk assessment process. When supported by available data, the database provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic health effects, and oral slope factors and inhalation unit risks for carcinogenic effects. Combined with specific exposure information, government and private entities use IRIS to help characterize public health risks of chemical substances in a site-specific situation and thereby support risk management decisions designed to protect public health.

1,4-Dichlorobenzene is widely used as a space deodorant for toilets and refuse containers, as a moth repellent in moth balls or crystals, and in other pesticide applications. The current IRIS assessment for 1,4-dichlorobenzene was placed on the database in 1994 and contains an inhalation RfC. A reassessment of the potential health effects of dichlorobenzenes has been undertaken. The draft assessment for dichlorobenzenes (including the 1,2-, 1,3-, and 1,4-isomers) was subject to an external peer review and 30-day public comment period in February 2004 (69 FR 4514, January 30, 2004). The scope of the current external peer review and public comment is limited to the analyses based on a chronic inhalation bioassay of 1,4-dichlorobenzene published in the peer-reviewed literature (Aiso *et al.*, 2005. J Vet Med Sci 67(10): 1019–29) that was not included in the February 2004 external peer review draft. This study was identified originally as an unpublished study report by the Japan Bioassay Research Center (JBRC, 1995). Data from Aiso et al. (2005) were used subsequently in the quantitative dose-response assessments for the 1,4-dichlorobenzene RfC and inhalation cancer assessment.

II. How To Submit Technical Comments to the Docket at *www.regulations.gov*

Submit your comments, identified by Docket ID No. EPA–HQ–ORD 2004–0002 by one of the following methods:

- *http://www.regulations.gov:* Follow the online instructions for submitting comments.
- *E-mail: ORD.Docket@epa.gov.*
- *Fax:* 202–566–1753.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The phone number is 202–566–1752.
- *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202–566–1744. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

If you provide comments in writing, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For

attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2004–0002. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The www.regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: July 5, 2006.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. E6–10870 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8195–3]

''Great Lakes Legacy Act—Request for Projects''

AGENCY: Environmental Protection Agency.

ACTION: Notice; funding availability.

SUMMARY: The U.S. Environmental Protection Agency (USEPA) Great Lakes National Program Office (GLNPO) is requesting proposals for projects, for up to $29,600,000, addressing contaminated sediment problems in Great Lakes Areas of Concern located wholly or partially in the United States (U.S. AOCs) as outlined in the Great Lakes Legacy Act of 2002 (the Legacy Act).

DATES: The deadline for all Project proposals is 5 p.m. Central Time, September 15, 2006.

ADDRESSES: U.S. EPA Great Lakes National Program Office (G–17J), 77 W. Jackson Blvd. Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: Marc Tuchman, 312–353–1369/*tuchman.marc@epa.gov*.

SUPPLEMENTARY INFORMATION: The Request for Projects (RFP) is available on the Internet at *http://www.epa.gov/glla*. The purpose of this request is to solicit project proposals that would help to implement the Great Lakes Legacy Act. In order to receive funding under the Legacy Act, projects must be located in one of the 31 U.S. Great Lakes AOCs. Top priority will be given to projects that (1) Constitute remedial action for contaminated sediment; (2) have been identified in a Remedial Action Plan and are ready to be implemented; (3) use an innovative approach, technology, or technique that may provide greater environmental benefits, or equivalent environmental benefits at a reduced cost; or (4) included remediation to be commenced not later than one year after the date of receipt of funds for the project. Remediation projects would include, but are not limited to, remedial options such as: dredging, capping, monitored natural recovery, treatment technologies, or a combination of remedial alternatives for contaminated sediment.

The next priority level would be given to projects that seek to monitor or evaluate contaminated sediment or prevent further or renewed contamination of sediment. These projects could include: site characterizations, site assessments, source identification/source control, monitoring, risk assessments, remedial alternatives evaluations and short-term/long-term effects analyses.

The Legacy Act program is not a grant program, and it is not an enforcement or regulatory program. The process for the selection of Legacy Act projects is not a grants competition, but it is based on the development of a negotiated Project Agreement (PA) between USEPA and the non-federal sponsor. USEPA will consider projects based on the extent to which they meet the requirements of the Legacy Act and the RFP.

The non-federal share of the cost of a project shall be at least 35% of the total project costs in those cases where no responsible parties are clearly identified; when the non-federal sponsor is a responsible party, USEPA will require a substantially higher contribution (minimum of 40–50%). The non-federal sponsor is also responsible for 100% of cost of operation and maintenance of the project. The non-federal share may include the value of in-kind services contributed by the non-federal sponsor, and may include funds or in-kind services provided pursuant to an administrative order on consent or a judicial consent decree. The non-federal share of the cost of a project may not include any funds paid pursuant to, or the value of any in-kind service performed under, a unilateral administrative order or court order.

GLNPO will review Legacy Act project proposals as they are received. GLNPO intends to enter into PA discussions with project applicants that meet the required components outlined in the RFP, and receive a high score (per the Legacy Act Rule), subject to the availability of funds. Projects that result in a PA will be funded with FY06 funds to the extent they are available. Other projects that result in a PA will be dependent upon funding, if any, received for the Legacy Act in FY07.

Refer to ''Final Rule: Implementation of the Great Lakes Legacy Act of 2002'' at *http://www.epa.gov/glla/rule/* for more detailed information on EPA's process for identification, evaluation, selection, and implementation of projects for funding under the Legacy Act.

Funding (through project agreements) is available pursuant to section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)). States, tribes, industry, non-governmental organizations, and other stakeholders are eligible to apply.

Dated: June 23, 2006.

Gary V. Gulezian,

Director, Great Lakes National Program Office.

[FR Doc. E6–10868 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8195–9]

2006 Water Efficiency Leader Awards—Call for Applicants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the opening of the application period for the U.S. EPA's first annual Water Efficiency Leader Awards. The awards recognize those organizations and individuals who are providing leadership and innovation in water efficient products and practices. These proposed awards are intended to help foster a nationwide ethic of water efficiency, as well as to inspire, motivate, and recognize efforts to improve water efficiency. This program will enable EPA to document ''best practices'', share information, encourage an ethic of water efficiency, and create a network of water efficiency leaders. Recognition will be given on the basis of persuasive community or organizational leadership in the area of water efficiency, originality and innovativeness, national/global perspective and implications, and overall improvements in water efficiency. Actual (as opposed to anticipated) results are preferred and applicants should be able to demonstrate the amount of water saved. Candidates may be from anywhere in the United States, they may work in either the public or the private sector, and they may be either self-nominated or nominated by a third party. The following sectors are encouraged to apply: Corporations, Industry, Individuals, Non-Governmental Organizations and other Associations, Institutions, and Teams, Local, State, Tribal, and Federal Governments, and Military Individuals and Organizations. In order to be considered, applicants must have a satisfactory compliance record with respect to environmental regulations and requirements. Applications will be judged by a panel of national water efficiency experts from a variety of sectors. The panelists will provide recommendations to EPA, who will then make the final decision. EPA reserves the right to contact nominees for additional information should it be deemed necessary.

To Apply: Send a brief description (one page or less) of the water efficient practice. Please remember to include your contact information.

DATES: Applications must be postmarked by July 21, 2006 in order to be considered.

ADDRESSES: Send applications to: Stephanie Thornton, 1200 Pennsylvania Ave., NW., Mail Code 4101M, Washington, DC 20460. Additional information on the recognition program is available at *http://www.epa.gov/ow*.

FOR FURTHER INFORMATION CONTACT: Stephanie Thornton, Telephone: (202) 564–0269. E-mail: *thornton.stephanie@epa.gov*.

Dated: June 22, 2006.

Benjamin H. Grumbles,

Assistant Administrator for Water.

[FR Doc. E6–10864 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8193–8]

Notice of Tentative Approval and Solicitation of Request for a Public Hearing for Public Water System Supervision Program Revision for the State of Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval and Solicitation of Requests for a Public Hearing.

SUMMARY: Notice is hereby given in accordance with the provision of section 1413 of the Safe Drinking Water Act as amended, and the National Primary Drinking Water Regulations Implementation that the State of Maryland is revising its approved Public Water System Supervision Program. Maryland has adopted the Long Term 1 Enhanced Surface Water Treatment Rule to improve control of microbial pathogens in drinking water, including specifically the protozoan *Cryptosporidium*.

EPA has determined that these revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has decided to tentatively approve these program revisions. All interested parties are invited to submit written comments on this determination and may request a public hearing.

DATES: Comments or a request for a public hearing must be submitted by August 10, 2006. This determination shall become effective on August 10, 2006 if no timely and appropriate request for a hearing is received and the Regional Administrator does not elect on his own to hold a hearing, and if no comments are received which cause EPA to modify its tentative approval.

ADDRESSES: Comments or a request for a public hearing must be submitted to the U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103–2029. Comments may also be submitted electronically to *gambatese.jason@epa.gov*. All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Drinking Water Branch, Water Protection Division, U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103–2029.
- Maryland Department of the Environment, 1800 Washington Blvd., Baltimore, MD 21230.

FOR FURTHER INFORMATION CONTACT: Jason Gambatese, Drinking Water Branch at the Philadelphia address given above; telephone (215) 814–5759 or fax (215) 814–2318.

SUPPLEMENTARY INFORMATION: All interested parties are invited to submit written comments on this determination and may request a public hearing. All comments will be considered, and, if necessary, EPA will issue a response. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by August 10, 2006, a public hearing will be held. A request for public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such a hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated: June 12, 2006.

Donald S. Welsh,

Regional Administrator, EPA, Region III.

[FR Doc. E6–10854 Filed 7–10–06; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act; Farm Credit Administration Board; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on July 13, 2006, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Roland E. Smith, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- June 8, 2006 (Open and Closed).

B. New Business

- Termination—Final Rule.
- Equal Employment Opportunity and Diversity—Policy Statement.

Dated: July 6, 2006.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. 06–6163 Filed 7–7–06; 12:37 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting; Thursday, July 13, 2006

July 6, 2006.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 13, 2006, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item No.	Bureau	Subject
1	Office of Engineering and Technology	*Title:* Investigation of the Spectrum Requirements for Advanced Medical Technologies; Amendment of Parts 2 and 95 of the Commission's Rules to Establish the Medical Device Radio Communications Service at 401–402 and 405–406 MHz (RM–11271); DexCom, Inc. Request for Waiver of the Frequency Monitoring Requirements of the Medical Implant Communications Service Rules (ET Docket No. 05–213); Biotronik, Inc. Request for Waiver of the Frequency Monitoring Requirements for the Medical Implant Communications Service Rules (ET Docket No. 03–92). *Summary:* The Commission will consider a Notice of Proposed Rulemaking, Notice of Inquiry regarding rules governing medical devices that rely on radiocommunications for critical aspects of their functionality, and will consider the extension of current waivers of the existing rules held by Biotronik, Inc. and DexCom, Inc.
2	Enforcement	*Title:* 1st Source Information Specialist, Inc., d/b/a LocateCell.com, Notice of Apparent Liability for Forfeiture. *Summary:* The Commission will consider a Notice of Apparent Liability for Forfeiture against 1st Source Information Specialist, Inc., d/b/a LocateCell.com, a databroker, for repeated failure to respond to Bureau directives to provide subpoenaed information in connection with the Commission's CPNI investigation.
3	Media	*Title:* Applications for Consent to the Assignment and/or Transfer of Control of Licenses from Adelphia Communications Corporation (and subsidiaries, debtors-in-possession), Assignors, to Time Warner Cable Inc. (subsidiaries), Assignees; Adelphia Communications Corporation (and subsidiaries, debtors-in-possession), Assignors and Transferors, to Comcast Corporation (subsidiaries), Assignees and Transferees; Comcast Corporation (Transferor) to Time Warner Inc., Transferee; Time Warner Inc., Transferor, to Comcast Corporation, Transferee (MB Docket No. 05–192). *Summary:* The Commission will consider a Memorandum Opinion and Order regarding the applications of Adelphia Communications Corporation and subsidiaries, debtors-in-possession, Time Warner Inc., Time Warner Cable Inc. and Comcast Communications Corporation for consent to the acquisition by Time Warner Cable Inc. and Comcast Communications Corporation of substantially all of the domestic cable systems owned or managed by Adelphia.
4	Media	*Title:* Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service. *Summary:* The Commission will consider a Second Report and Order, First Order on Reconsideration and Second Further Notice of Proposed Rulemaking regarding digital audio broadcasting (MM Docket No. 99–325).
5	Consumer & Governmental Affairs	*Title:* Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities (CG Docket No. 03–123). *Summary:* The Commission will consider a Further Notice of Proposed Rulemaking concerning the compensation of telecommunications relay providers from the Interstate TRS Fund.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including

as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC's Audio/Video Events Web page at *http://www.fcc.gov/realaudio*.

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *http://www.capitolconnection.gmu.edu*.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e-mail at *FCC@BCPIWEB.com.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–6160 Filed 7–7–06; 12:37 pm]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY:

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. 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 instruments 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.

Request for Comment on Information Collection Proposal

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before September 11, 2006.

ADDRESSES: You may submit comments, identified by FR 3059, by any of the following methods:

- Agency Web Site: *http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- E-mail: *regs.comments@federalreserve.gov.* Include docket number in the subject line of the message.
- FAX: 202–452–3819 or 202–452–3102.
- Mail: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets, N.W.) between 9 a.m. and 5 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83–I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Michelle Long, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact (202–263–4869), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposals to approve under OMB delegated authority to conduct the following survey:

Report title: 2007 Survey of Consumer Finance.

Agency form number: FR 3059.

OMB control number: 7100–0287.

Frequency: One-time survey.

Reporters: U.S. families.

Annual reporting hours: 7,500 hours.

Estimated average hours per response: Pretest and Survey, 75 minutes each.

Number of respondents: Pretest, 400 families; Survey 5,600 families.

General description of report: This information collection is voluntary. The Federal Reserve's statutory basis for collecting this information is section 2A, 14, and 19 of the Federal Reserve Act (12 U.S.C. 225(a), 353, and 461); the Bank Merger Act (12 U.S.C. 1828(c)); and sections 3 and 4 of the Bank Holding Company Act (12 U.S.C. 1842 and 1843). The names and other characteristics that would permit identification of respondents are deemed confidential by the Board and are exempt from disclosure pursuant to exemption 6 in the Freedom of Information Act (5 U.S.C. 552(b)(6)).

Abstract: For many years, the Board has sponsored consumer surveys to obtain information on the financial behavior of households. The 2007

Survey of Consumer Finance (SCF) will be the latest in a triennial series, which began in 1983, that provides comprehensive data for U.S. families on the distribution of assets and debts, along with related information and other data items necessary for analyzing financial behavior. These are the only surveys conducted in the United States that provide such financial data for a representative sample of households. Data for the SCF are collected by interviewers using a computer program. While some questions may be deleted and others modified, only minimal changes will be made to the questionnaire in order to preserve the time series properties of the data. The pretest would be conducted during 2006 and the survey would be conducted between May 2007 and January 2008.

Board of Governors of the Federal Reserve System, July 5, 2006.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E6–10782 Filed 7–10–06; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Government in the Sunshine Act; Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:30 a.m., Monday, July 17, 2006.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR MORE INFORMATION PLEASE CONTACT: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: July 7, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 06–6177 Filed 7–7–06; 3:57 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator; American Health Information Community Biosurveillance Data Steering Group Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the first meeting of the American Health Information Community Biosurveillance Data Steering Group in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: July 7, 2006 from 10 a..m. to 2 p.m.

ADDRESSES: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090.

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic.html.*

SUPPLEMENTARY INFORMATION: The Biosurveillance Data Steering Group must convene in early July 2006 in advance of the final deliverable from the Health Information Technology Standards Panel related to the Biosurveillance Use Case.

The meeting will be available via internet access. Go to *http://www.hs.gov/healthit/ahic.html* for additional information on the meeting.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator.

[FR Doc. 06–6113 Filed 7–10–06; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will held on Friday, July 21, 2006, from 8:30 a.m. to 4 p.m. and is open to the public.

ADDRESSES: The meeting will held in The Eisenberg Conference Center, the Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850. The public is reminded to bring a photo ID to enter a Federal building.

FOR FURTHER INFORMATION CONTACT: Deborah Queenan, Coordinator of the Advisory Council, at the Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850, (301) 427–1330. For press-related information, please contract Karen Migdail at (301) 427–1855.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Mr. Donald L. Inniss, Director, Office of Equal Employment Opportunity Program, Program Support Center, on (301) 443–1144 no later than July 14, 2006. Agenda, roster, and minutes from previous council meetings are available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Quality and Research, 540 Gaither Road, Rockville, Maryland 20850. Ms. Campbell's phone number is (301) 427–1554.

SUPPLEMENTARY INFORMATION:

I. Purpose

Section 931 of the Public Health Service Act (42 U.S.C. 299c) established the National Advisory Council for Healthcare Research and Quality. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to actions of the Agency to enhance the quality, improve the outcomes, reduce the costs of health care services, improve access to such services through scientific research, and to promote improvements in clinical practice and in the organization, financing and delivery of health care services.

The Council is composed of members of the public appointed by the Secretary, and Federal ex-officio members.

II. Agenda

On Friday, July 21, 2006, the meeting will convene at 8:30 a.m. with the call to order by the Council Chair. The agenda will include the Director's update on the status of the Agency's current research, programs, and initiatives; a presentation and discussion on AHRQ's research on

health care efficiency; and an overview of the National Healthcare Quality and Disparities Reports. The final agenda will be available on AHRQ's Web site at *http://www.ahrq.gov* no later than July 14, 2006.

The meeting will adjourn at 4 p.m.

Dated: July 5, 2006.

Carolyn M. Clancy,

Director.

[FR Doc. 06–6164 Filed 7–7–06; 2:05 pm]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and ControlSpecial Emphasis Panel: Targeted Evaluation of the President's Emergency Plan for AIDS Relief (PEPFAR) Funded Prevention of Mother-to-Child HIV Transmission (PMTCT), and Adherence to Antiretroviral Therapy (ART) Programs, Contract Solicitation Numbers (CSN) 2006–N–08428, 2006–N–08429, and 2006–N–08430

Correction: This notice was published in the **Federal Register** on June 9, 2006, Volume 71, Number 111, page 33456. The location of the meeting was changed due to insufficient meeting space at the Renaissance Concourse Hotel—Marriott, One Hartsfield Center Parkway, Atlanta, GA 30354. The meeting was held at the Hilton Atlanta Airport, 1031 Virginia Avenue, Atlanta, Georgia 30354.

Titles: Targeted Evaluation of the President's Emergency Plan for AIDS Relief (PEPFAR) Funded Prevention of Mother-to-Child HIV Transmission (PMTCT), and Adherence to Antiretroviral Therapy (ART) Programs, Contract Solicitation Numbers (CSN) 2006–N–08428, 2006–N–08429, and 2006–N–08430.

For Further Information Contact: Amy L. Sandul, Health Scientist, National Center for HIV, STD, and Tuberculosis Prevention, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS E–41, Atlanta, GA 30333, Telephone 404–639–6485.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: July 3, 2006.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E6–10774 Filed 7–10–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005E–0236]

Determination of Regulatory Review Period for Purposes of Patent Extension; MULTIHANCE

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for MULTIHANCE 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 that 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–7), 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 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 MULTIHANCE (gadobenate dimeglumine). MULTIHANCE is indicated for intravenous use in magnetic resonance imaging (MRI) of the central nervous system in adults to visualize lesions with abnormal blood brain barrier or abnormal vascularity of the brain, spine, and associated tissues. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for MULTIHANCE (U.S. Patent No. 4,916,246) from Bracco International B.V., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 8, 2005, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of MULTIHANCE represented the first permitted commercial marketing or use of the product. 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 MULTIHANCE is 3,789 days. Of this time, 2,482 days occurred during the testing phase of the regulatory review period, while 1,307 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) became effective*: July 12, 1994. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on July 12, 1994.

2. *The date the application was initially submitted with respect to the human drug product under section*

505(b) of the act: April 27, 2001. FDA has verified the applicant's claim that the new drug applications (NDA) for Multihance (NDA 21–357 and NDA 21–358) were initially submitted on April 27, 2001.

3. *The date the applications were approved*: November 23, 2004. FDA has verified the applicant's claims that NDA 21–357 and NDA 21–358 were approved on November 23, 2004.

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 5 years 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 September 11, 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 January 8, 2007. 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: June 13, 2006.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. E6–10796 Filed 7–10–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program (NTP), Liaison and Scientific Review Office; Meeting of the Scientific Advisory Committee on Alternative Toxicological Methods (SACATM)

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH), HHS.

ACTION: Meeting announcement and request for comment.

SUMMARY: Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a teleconference meeting of the SACATM on August 3, 2006. The teleconference is scheduled from 1 p.m. to 4 p.m. and is open to the public. At the teleconference, SACATM will discuss the conclusions of a peer review panel that met on May 23, 2006 to evaluate the validation status of the *in vitro* 3T3 and normal human keratinocyte (NHK) neutral red uptake (NRU) basal cytotoxicity test methods (see ''Background'' for more detail). The public is invited to participate in the teleconference and will be provided with an opportunity to make oral comments during the public comment period. Participation is limited only by the number of phone lines available.

DATES: In order to facilitate planning for this meeting, persons wishing to make an oral presentation are asked to notify Dr. Kristina Thayer via phone or e-mail by July 25, 2006, (see **ADDRESSES** below). Please note that a request for written comments on the peer review report is being announced in a separate **Federal Register** notice (available at *http://ntp.niehs.nih.gov/go/frn*).

ADDRESSES: Correspondence should be directed to Dr. Kristina Thayer, Executive Secretary for SACATM (NTP Liaison and Scientific Review Office, NIEHS, P.O. Box 12233, MD A3–01, Research Triangle Park, NC 27709; telephone: 919–541–5021, fax: 919–541–0295; or e-mail: *thayer@niehs.nih.gov*). Persons needing special assistance to participate should contact 919–541–2475 voice, 919–541–4644 TTY (text telephone), through the Federal TTY Relay System at 800–877–8339, or by e-mail to *niehsoeeo@niehs.nih.gov*. Requests should be made at least 7 days in advance of the event.

SUPPLEMENTARY INFORMATION:

Background

The National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM), in collaboration with the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), organized an independent, scientific peer review meeting on May 23, 2006, to evaluate the validation status of the *in vitro* 3T3 and normal human keratinocyte (NHK) neutral red uptake (NRU) basal cytotoxicity test methods. These two *in vitro* cytotoxicity test methods are proposed as adjuncts (for the purpose of determining the starting dose) to *in vivo* acute oral toxicity tests. The peer review panel prepared a report that contains (1) a summary of the peer review evaluation and (2) the peer review panel's conclusions on the draft ICCVAM test method recommendations regarding the proposed usefulness, limitations, and validation status of the 3T3 and NHK cytotoxicity test methods. The availability of the report, entitled *Peer Review Panel Evaluation of the Use of In Vitro Basal Cytotoxicity Test Methods for Estimating Starting Doses for Acute Oral Systemic Toxicity Testing*, and a request for written public comments on the peer review panel's conclusions regarding the draft ICCVAM test method recommendations are announced in a separate **Federal Register** notice (available at *http://ntp.niehs.nih.gov/go/frn)*. Copies of the report may be obtained on the ICCVAM/NICEATM Web site at *http://iccvam.niehs.nih.gov* or by contacting the Dr. Kristina Thayer (see **ADDRESSES** above).

At the teleconference, SACATM will discuss peer review panel's report, focusing on the panel's conclusions regarding the draft ICCVAM recommendations for the proposed use of these test methods, draft test method protocols, draft performance standards, and draft recommended future studies. ICCVAM will consider the peer review report, SACATM comments, and any written public comments received on that report as it prepares final ICCVAM recommendations for the two *in vitro* basal cytotoxicity test methods. An ICCVAM test method evaluation report, which will include the final ICCVAM recommendations, will be forwarded to the appropriate federal agencies for their consideration and made available to the public.

Request for Comments

Public input at the SACATM teleconference is invited and time is set aside for the presentation of public

comments. Each organization is allowed one time slot per public comment period. At least 7 minutes will be allotted to each speaker, and if time permits, may be extended to 10 minutes. Persons registering to make oral comments are asked, if possible, to send a copy of their statement to Dr. Kristina Thayer by July 25, 2006, to enable review by SACATM and NTP staff prior to the meeting. Please not that this teleconference provides an additional opportunity for the public to provide comment on the peer review panel's conclusions regarding the draft ICCVAM test method recommendations. Written comments submitted to NICEATM in response to a NICEATM notice published in this issue of the **Federal Register** do not need to be resubmitted. Any written comments on the peer review report received prior to July 25, 2006, will be distributed to SACATM.

Background Information on ICCVAM, NICEATM, and SACATM

The SACATM was established January 9, 2002, to fulfill section 3(d) of the ICCVAM Authorization Act of 2000 [42 U.S.C. 285*l*–3(d)] and is composed of scientists from the public and private sectors (**Federal Register**: March 13, 2002: Vol. 67, No. 49, page 11358). The SACATM provides advice to the Director of the NIEHS, ICCVAM, and NICEATM regarding statutorily mandated duties of ICCVAM and activities of NICEATM. Additional information about SACATM, including the charter, roster, and records of past meetings can be found at *http://ntp.niehs.nih.gov/go/167*. Information about NICEATM and ICCVAM activities can be found at the NICEATM/ICCVAM Web site (*http://iccvam.niehs.nih.gov*) or by contacting the Director of NICEATM, Dr. William Stokes (telephone: 919–541–2384, or e-mail: *niceatm@niehs.nih.gov*).

Dated: June 30, 2006.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences and National Toxicology Program.

[FR Doc. E6–10790 Filed 7–10–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program (NTP), NTP Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); Availability of Peer Review Panel Report on the Use of *In Vitro* Basal Cytotoxicity Test Methods for Estimating Starting Doses for Acute Oral Systemic Toxicity Testing and Request for Comments

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

ACTION: Request for comments.

SUMMARY: The National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM), in collaboration with the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), organized an independent, scientific peer review meeting on May 23, 2006, to evaluate the validation status of the *in vitro* 3T3 and normal human keratinocyte (NHK) neutral red uptake (NRU) basal cytotoxicity test methods. These two *in vitro* cytotoxicity test methods are proposed as adjuncts (for the purpose of determining the starting dose) to *in vivo* acute oral toxicity tests. The peer review report from this meeting, entitled *Peer Review Panel Evaluation of the Use of In Vitro Basal Cytotoxicity Test Methods for Estimating Starting Doses for Acute Oral Systemic Toxicity Testing*, is now available. The report contains (1) a summary of the peer review evaluation and (2) the peer review panel's (Panel) conclusions on the draft ICCVAM test method recommendations regarding the proposed usefulness, limitations, and validation status of the 3T3 and NHK cytotoxicity test methods. The NICEATM invites public comment on the Panel's conclusions on the draft ICCVAM test method recommendations. Copies of the Panel report may be obtained on the ICCVAM/NICEATM Web site at *http://iccvam.niehs.nih.gov*, or by contacting NICEATM at the address given below.

DATES: Written comments should be received at NICEATM by August 25, 2006.

ADDRESSES: Public comments and any other correspondence should be sent by mail, fax, or e-mail to Dr. William S. Stokes, NICEATM, NIEHS, P. O. Box 12233, MD EC–17, Research Triangle Park, NC, 27709, (phone) 919–541–2384, (fax) 919–541–0947, (e-mail) niceatm@niehs.nih.gov.

SUPPLEMENTARY INFORMATION:

Background

The 3T3 and NHK cytotoxicity test methods are proposed as adjuncts (for the purpose of determining the starting dose) to *in vivo* acute oral toxicity test methods (*i.e.*, the Up-and-Down Procedure [EPA 2002a; OECD 2001a], the Acute Toxic Class method [OECD 2001b]) to refine (*i.e.*, to lessen or avoid pain and distress) and/or reduce animal use. Both *in vitro* cytotoxicity test methods have been assessed in a NICEATM and European Centre on the Validation of Alternative Methods (ECVAM) collaborative independent validation study. At this peer review meeting, the Panel reviewed the background review document (BRD) on the 3T3 and NHK cytotoxicity test methods and evaluated the extent that established validation and acceptance criteria had been adequately addressed for the intended purpose of the test methods. The Panel also provided comments on draft ICCVAM recommendations regarding the proposed use of these test methods, draft test method protocols, draft performance standards, and draft recommended future studies. The Panel's conclusions and recommendations on the two *in vitro* cytotoxicity test methods are described in the *Peer Review Panel Evaluation of the Use of In Vitro Basal Cytotoxicity Test Methods for Estimating Starting Doses for Acute Oral Systemic Toxicity Testing* (available at *http://iccvam.niehs.nih.gov/*).

Prior to the Panel meeting, NICEATM issued **Federal Register** notices to (1) recommend that in vitro basal cytotoxicity test methods be considered as tools for estimating starting doses for in vivo acute systemic toxicity tests (66FR49686), (2) announce a request for nominations for Panel members and submission of existing in vivo and in vitro data (70FR14473), (3) announce the independent peer review meeting on the use of the 3T3 and NHK cytotoxicity test methods for estimating starting doses for acute oral systemic toxicity tests, and (4) request comments on the draft BRD and draft ICCVAM recommendations (71FR14229). All **Federal Register** notices, the draft BRD, and the draft ICCVAM recommendations are available at *http://iccvam.niehs.nih.gov/*.

Request for Comments

NICEATM invites the submission of written comments on the Panel's

conclusions on the draft ICCVAM test method recommendations. When submitting written comments please refer to this **Federal Register** notice and include appropriate contact information (name, affiliation, mailing address, phone, fax, e-mail and sponsoring organization, if applicable). All comments received by the deadline listed above will be placed on the ICCVAM/NICEATM Web site and made available to ICCVAM. In addition, there will be an opportunity for oral public comments on the draft ICCVAM test method recommendations for the 3T3 and NHK cytotoxicity test methods during a teleconference meeting of the Scientific Advisory Committee on Alternative Toxicological Methods (SACATM) scheduled for August 3, 2006. Details of the SACATM teleconference are published as a separate **Federal Register** notice (available at *http://ntp.niehs.nih.gov/go/frn*). Any written comments on the Panel report received prior to July 25, 2006, will be distributed to SACATM.

ICCVAM will consider the Panel report along with SACATM and public comments received on that report as it prepares final ICCVAM recommendations for the 3T3 and NHK cytotoxicity test methods. An ICCVAM test method evaluation report, which will include the final ICCVAM recommendations, will be forwarded to the appropriate federal agencies for their consideration. This report also will be available to the public on the ICCVAM/NICEATM website and by request from NICEATM.

Background Information on ICCVAM, NICEATM, and SACATM

ICCVAM is an interagency committee composed of representatives from 15 federal regulatory and research agencies that use or generate toxicological information. ICCVAM conducts technical evaluations of new, revised, and alternative methods with regulatory applicability and promotes the scientific validation and regulatory acceptance of toxicological test methods that more accurately assess the safety and hazards of chemicals and products and that refine, reduce, or replace animal use. The ICCVAM Authorization Act of 2000 [42 U.S.C. 285l-3(d)] establishes ICCVAM as a permanent interagency committee of the NIEHS under NICEATM. NICEATM administers ICCVAM and provides scientific and operational support for ICCVAM-related activities. NICEATM and ICCVAM work collaboratively to evaluate new and improved test methods applicable to the needs of Federal agencies. Additional information about ICCVAM and NICEATM can be found at the ICCVAM-NICEATM Web site (*http://iccvam.niehs.nih.gov*).

SACATM was established January 9, 2002, to fulfill section 3(d) of the ICCVAM Authorization Act of 2000 and is composed of scientists from the public and private sectors (**Federal Register**: March 13, 2002: Vol. 67, No. 49, page 11358). SACATM provides advice to the Director of the NIEHS, ICCVAM, and NICEATM regarding statutorily mandated duties of ICCVAM and activities of NICEATM. Additional information about SACATM, including the charter, roster, and records of past meetings can be found at *http://ntp.niehs.nih.gov/go/167*.

References

EPA. 2002. Health Effects Test Guidelines OPPT 870.1100 Acute Oral Toxicity. EPA 712–C–02–190. Washington, DC: U.S. Environmental Protection Agency. Available at: *http://www.epa.gov/opptsfrs/publications/*.

ICCVAM. 2003. ICCVAM Guidelines for the Nomination and Submission of New, Revised, and Alternative Test Methods. NIH Publication No. 03–4508. Research Triangle Park, NC: NIEHS. Available at: http://iccvam.niehs.nih.gov.

OECD. 2001a. Guideline for Testing of Chemicals, 425, Acute Oral Toxicity—Up-and-Down Procedure. Paris, France:OECD. Available at: *http://www.oecd.org*.

OECD. 2001b. Guideline for Testing of Chemicals, 423, Acute Oral Toxicity—Acute Toxic Class Method. Paris, France:OECD. Available at: *http://www.oecd.org*.

Dated: June 30, 2006.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences and National Toxicology Program.

[FR Doc. E6–10789 Filed 7–10–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

Privacy Act of 1974: Systems of Records

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Notice of new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a (Privacy Act), the Office of Federal Housing Enterprise Oversight (OFHEO) is issuing public notice of its intent to establish a new Privacy Act system of records. The new system is titled Telecommunications System.

The records in this system will be used to verify OFHEO's telecommunications usage and to resolve billing discrepancies. The records may also be used to identify unofficial telecommunications use. The purpose and effect of this system is to facilitate management of telecommunications devices; to analyze use detail information for verifying telecommunication device usage; to determine responsibility for use of telecommunications including placement of specific local and long distance calls; to prevent and detect the misuse of telecommunication resources; and to serve as the basis for appropriate disciplinary action in the event those resources have been misused.

DATES: Written comments must be received before August 10, 2006. The proposed new system of records will become effective on August 21, 2006 unless OFHEO receives comments that would result in changes.

ADDRESSES: You may submit your comments on the proposed new Privacy Act system of records, identified by ''Telecommunications System'', by any of the following methods:

- U.S. Mail, United Parcel Post, Federal Express, or Other Mail Service: The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/System of Records, Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552.
- Hand Delivery/Courier: The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/''Telecommunications System'', Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The package should be logged at the Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.
- E-mail: *RegComments@OFHEO.gov.* The e-mail address is: *RegComments@OFHEO.gov.* Please include ''Telecommunications System'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Mary Alice Donner, Senior Counsel, telephone 202–343–1319 (not a toll-free number); Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The telephone number for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION: This notice informs the public that OFHEO proposes to establish and maintain a new system of records. This notice satisfies the Privacy Act requirement that an agency publish a system of records notice in the **Federal Register**

when there is an addition to the agency's system of records. As required by 5 U.S.C. 552a(r) of the Privacy Act, and pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records about Individuals,'' (February 8, 1996), OFHEO has submitted a report describing the new systems of records covered by this notice to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget.

Comments: OFHEO seeks public comments on the proposed new system. Comments should include the reference ''Telecommunications System'' as well as your name and other contact information in the body of your comment. OFHEO further requests that comments submitted in hard copy also be accompanied by the electronic version in Microsoft® Word or in portable document format (PDF) on 3.5″ disk or CD–ROM.

Copies of all comments received will be posted without change on the OFHEO Internet Web site at *http://www.ofheo.gov,* including any personal information provided. Copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 414–6924.

Dated: June 29, 2006.

James B. Lockhart III,

Director.

OFHEO–09

SYSTEM NAME:

Telecommunications System.

SYSTEM LOCATION:

The Telecommunications System is located in the Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552, and any alternate work site utilized by employees of the Office of Federal Housing Enterprise Oversight (OFHEO) or individuals assisting such employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The Telecommunications System contains information about individuals, including employees and contractors of OFHEO, who use or are assigned OFHEO telecommunications devices, including telephones, cell phones, wireless devices including wireless hand-held devices, and facsimile machines.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Telecommunications System includes records relating to the use of OFHEO telecommunication devices including source, target, duration, and date of telecommunications; records of charges billed to telecommunication devices; records indicating assignment of telecommunication devices to individuals covered by this system and telecommunication device number; and the results of administrative inquiries to determine responsibility for the use or misuse of a telecommunication device or telecommunications resources, including the placement of specific local and long distance calls.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained pursuant to 12 U.S.C. 4513(b)(9).

PURPOSES:

The records in this system are maintained to facilitate management of telecommunication devices; to analyze use detail information for verifying telecommunication device usage; to determine responsibility for use of telecommunications devices including placement of specific local and long distance calls; to prevent and detect the misuse of telecommunication resources; and to serve as the basis for appropriate disciplinary action in the event those resources have been misused.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the conditions of disclosure under 5 U.S.C. 552a(b) and in addition to the general routine uses identified in the Prefatory Statement of General Routine Uses, 63 FR 9007 (February 23, 1998), OFHEO staff may provide information in these records:

(1) To a consultant, person, or entity, including a supplier who provides telecommunication services to OFHEO under contract or subcontract, to the extent necessary for the performance of the contract or subcontract, or to investigate or detect possible misuse of the telecommunications device or resources. The recipient of the records shall be required to comply with the requirements of the Privacy Act of 1974, as amended (5 U.S.C. 552a).

(2) To OFHEO employees or other persons to determine their individual responsibility for telecommunication device or resource usage.

(3) To the General Services Administration and the National Archives and Records Administration for the purpose of records management inspections conducted under statutory authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system pursuant to 552a(b)(12) to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), and in accordance with 31 U.S.C. 3711(e).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in electronic and paper format. Paper records are maintained in file folders, index cards, rolodex-type files, notebooks, or files. Computer files are maintained on magnetic tape, diskette, or other machine readable format.

RETRIEVABILITY:

Records are retrievable by name, title, address, device number, or other personal identifier listed under ''Categories of Records in the System.''

SAFEGUARDS:

The system is located in a guarded building that has restricted access. Access to the computer facilities and any paper records is subject to additional physical safeguards that restrict access. Access to any electronic records in the system is restricted by means of passwords and non-transferable identifiers. Back-up magnetic tapes are kept in an off-site storage facility. Records in hard copy are maintained in locked file cabinets. Access is limited to those individuals who have an official need to know.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the National Archives and Records Administration General Records Schedule 12. Obsolete paper records are disposed of by shredding or tearing. Obsolete electronic records are deleted, erased or overwritten.

SYSTEM MANAGER AND ADDRESS:

Executive Director, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Contact the Privacy Act Officer, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552.

RECORD ACCESS PROCEDURE:

The OFHEO regulation for providing access to records appears at 12 CFR part 1702. If additional information or assistance is required, contact the Privacy Act Officer, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552.

CONTESTING RECORD PROCEDURES:

The OFHEO regulation for contesting records procedures appears at 12 CFR part 1702. If additional information or assistance is required, contact the Privacy Act Appeals Officer, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552.

RECORD SOURCE CATEGORIES:

The information contained in these records is provided by the individual who is the subject of the record, the individual's supervisors or other official OFHEO personnel, OFHEO telecommunication device assignment records, or call detail reports or bills for telecommunications services provided by suppliers of those services.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E6–10847 Filed 7–10–06; 8:45 am]

BILLING CODE 4220–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Final Comprehensive Conservation Plan and Environmental Impact Statement for the Upper Mississippi River National Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service announces that the Final Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) is available for Upper Mississippi River National Wildlife and Fish Refuge. The Final CCP/EIS 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, and the National Environmental Policy Act of 1969. Goals and objectives in the CCP describe how the agency intends to manage the refuge over the next 15 years.

DATES: A Record of Decision will be signed by the Regional Director, U.S. Fish and Wildlife Service, Region 3, Fort Snelling, Minnesota, no sooner than 30 days after publication of this notice by the Environmental Protection Agency, in the **Federal Register**.

ADDRESSES: Copies of the Final CCP/EIS may be viewed at the Upper Mississippi River National Wildlife and Fish Refuge Headquarters, its district offices, and public libraries near the refuge. You may access and download a copy via the Planning Web site *http://www.fws.gov/midwest/planning/uppermiss,* or you may obtain a copy on compact disk by contacting: U.S. Fish and Wildlife Service, Division of Conservation Planning, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111 (1–800–247–1247, extension 5429) or Upper Mississippi River National Wildlife and Fish Refuge, Room 101, 51 East Forth Street, Winona, Minnesota 55987 (507–452–4232). A limited number of hardcopies for distribution will be available at the Refuge Headquarters.

FOR FURTHER INFORMATION CONTACT: Don Hultman, (507) 452–4232.

SUPPLEMENTARY INFORMATION: The Upper Mississippi River National Wildlife and Fish Refuge encompasses 240,000 acres along 261 miles of Mississippi River floodplain in Minnesota, Wisconsin, Iowa, and Illinois. The refuge was established by Congress in 1924 to provide a refuge and breeding ground for migratory birds, fish, other wildlife, and plants. The refuge is perhaps the most important corridor of habitat in the central United States due to its species diversity and abundance and is the most visited refuge in the United States with 3.7 million annual visitors.

The Draft CCP/EIS was released for public review May 1, 2005, for a 120-day comment period ending August 31, 2005. The Refuge hosted 21 public meetings and workshops attended by 2,900 people. The workshops resulted in 87 workgroup reports with comments or recommendations on major issues. We also received 2,438 written comments including comments from the four states involved, the Corps of Engineers, and 41 conservation or recreation-related organizations, and 6 petitions with more than 3,000 signatures.

In response to the high degree of public interest and comment, a Supplement to the Draft CCP/EIS was issued December 5, 2005, for a 60-day comment, which was extended to 90 days, ending March 6, 2006. The Supplement was a new preferred alternative, named Alternative E—Modified Wildlife and Integrated Public Use Focus, and reflected many changes as a result of public comment. This new preferred alternative, along with the previous four alternatives, is included in the Final CCP/EIS.

The refuge hosted nine public meetings on Alternative E attended by approximately 890 persons. We also received 666 written comments on Alternative E from individuals, state and federal agencies, and organizations. These comments, along with those received during the first comment period, are summarized in the Final CCP/EIS, along with a response.

Several changes were made to Alternative E for the Final CCP/EIS in response to public and agency comments. These changes include the number, size and location of waterfowl hunting closed areas, electric motor areas, slow no wake areas, hiking trails, and wildlife observation areas; modifications to entry and use regulations pertaining to the above areas; minor modifications to general recreation regulations for camping and other beach-related uses; and changes to strategies and timelines for implementation of step-down plans and other actions.

When the Record of Decision is available, we will publish a notice of availability in the **Federal Register**. The Record of Decision will document which alternative in the Final CCP/EIS will become the 15-year CCP for the Refuge.

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 in developing a CCP 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 management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction for conserving wildlife and their habitats, the CCP identifies wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update these CCPs 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 (42 U.S.C. 4321–4370d).

Dated: May 16, 2006.

Charles M. Wooley,

Acting Regional Director, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.

[FR Doc. E6–10775 Filed 7–10–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of renewal of a current approved information collection.

SUMMARY: As required by the Paperwork Reduction Act of 1995, this notice announces that the Bureau of Indian Affairs (Bureau) proposes to submit the Information Collection Request for the Payment for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State courts to OMB for review and renewal. This information collection is cleared under OMB Control Number 1076–0111 through December 31, 2006.

DATES: Written comments must be submitted on or before September 11, 2006.

ADDRESSES: Send written comments or suggestions directly to Chet Eagleman, Bureau of Indian Affairs, Office of Tribal Services, 1849 C Street, NW., Mail Stop 4513–MIB, Washington, DC 20240. Facsimile number (202) 208–2648.

FOR FURTHER INFORMATION CONTACT: Chet Eagleman, 202–513–7622.

SUPPLEMENTARY INFORMATION:

I. Abstract

A State court that appoints counsel for an indigent Indian parent or Indian custodian in an involuntary Indian child custody proceeding may request reimbursement by sending a written notice to the Bureau of Indian Affairs when appointment of counsel is not authorized by State law. The cognizant Bureau Regional Director uses this information to decide whether to certify that the client in the notice is eligible to have his counsel compensated by the Bureau in accordance with the Indian Child Welfare Act, Public Law 95–608, 92 Stat. 3069.

II. Request for Comments

The Bureau invites comment on:

(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 Bureau's estimate of the burden (including hours and cost) 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 to be collected; and

(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 collection techniques or other forms of information technology.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Our practice is make comments, including names and home addresses of respondents, available for public review during regular business hours. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will honor your request to the extent allowable by law.

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

III. Data

Title of the Collection of Information: Payment for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State Courts, 25 CFR 23.13.

OMB Control Number: 1076–0111.

Type of Review: Extension of a currently-approved collection.

Affected Entities: State courts and individual Indians eligible for payment of attorney fees pursuant to 25 CFR 23.13 in order to obtain a benefit.

Estimated number of respondents: 4.

Frequency of response: 1.

Estimate of total annual reporting and record keeping burden that will result from the collection of this information: 12 hours.

Reporting: 2 hours per response × 4 respondents = 8 hours.

Recordkeeping: 1 hour per response × 4 respondents = 4 hours.

Estimated Total Annual Burden Hours: 12 hours.

Estimated Annual Costs: $648.00 (12 hours × $45.00 per hour).

Description of the need for the information and proposed use of the information: Submission of this information is required in order to receive payment for appointed counsel under 25 CFR 23.13. The information is collected to determine applicant eligibility for services.

Dated: July 5, 2006.

Michael D. Olsen,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E6–10786 Filed 7–10–06; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–420–2824-DD-FM04]

Notice of Availability of a Draft Environmental Impact Statement for the Eastside Township Fuels and Vegetation Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) of 1969 and the Federal Land Policy and Management Act (FLPMA) of 1976, the BLM has prepared a Draft Environmental Impact Statement (DEIS) to analyze and undertake the Eastside Township Fuels and Vegetation Project, and by this notice is announcing the opening of the comment period.

DATES: Written comments on the Draft EIS will be accepted for 60 days following publication of the Environmental Protection Agency's Notice of Availability for this Draft EIS in the **Federal Register**. Future public meetings and any other public involvement activities will be announced at least 15 days in advance through public notices, local media news releases, and/or mailings, and on the BLM Web site (*http://www.id.blm.gov/offices/cottonwood/index.htm*).

Addresses/Comments: Written comments should be sent to Eastside Township Fuels and Vegetation Project Lead, BLM Cottonwood Field Office, 1 Butte Drive, Cottonwood, ID 83522; faxed to (208) 962–3275, or e-mailed to *robbin_boyce@blm.gov.*

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Robbin Boyce at (208) 962–3594 or e-mail: *robbin_boyce@blm.gov.*

SUPPLEMENTARY INFORMATION: The project area is located in north central Idaho, near the southern part of the Idaho Panhandle in Idaho County, near the small, isolated town of Elk City. The Eastside Township Fuels and Vegetation Project (Eastside) project is located in the American River watershed, within the larger upper South Fork Clearwater River watershed. The project area, which encompasses approximately 3,300 acres, borders the town of Elk City and includes the surrounding wildland urban interface (WUI) areas. Actual BLM-administered lands to be treated total approximately 1,300.

This is a landscape level project developed to address the increasing fuel load resulting from the combined effects of long-term fire suppression and an ongoing mountain pine beetle epidemic in the Elk City area. The purpose of this project is to manage the fuels and vegetation conditions in the Elk City WUI area. The project objectives are:

- Reduce the risk of high intensity wildland fire to life, property and natural resources in the Elk City area;
- Reduce the likelihood of severe local fire effects by removing dead, dying, and downed trees that would otherwise result in high fuel loading;
- Manage forest stands to create conditions that will contribute to sustaining long-lived fire tolerant tree species by regenerating to western larch, Douglas-fir, and by retaining most Douglas-fir, western larch, and ponderosa pine;
- Create an upward trend in fish habitat condition; and
- Contribute to the economic and social well being of area users and local residents.

The Eastside project proposes to reduce existing and potential fuel loads through a combination of vegetation manipulation and fuels treatments while supporting a long term upward trend in fish habitat condition. Vegetation manipulation includes removing mainly dead and dying trees and selectively harvesting other trees in both lodgepole pine and mixed conifer stands. Fuels treatments include thinning, piling and burning, prescribed burning, and biomass utilization.

The DEIS analyzes four alternatives, including a no action alternative and the agency preferred alternative, Alternative B. These alternatives were developed using issues identified during the scoping process. Issues include hazardous fuels, watershed, fisheries, and road/trail access-transportation system. The preferred alternative proposes to treat approximately 1,300 acres requiring approximately 15.1 miles of temporary road construction. Upon completion of the project, including road decommissioning, there would be no net change of road density per square mile in the American River watershed and a decrease of 2.12 miles of permanent road in the project area.

The preferred alternative also proposes watershed improvement activities that would provide for an upward trend in aquatic habitat and water quality. These include riparian planting along 4.8 miles of the American River; decommissioning of 1.9 miles of existing road; constructing 0.57 miles of new permanent road along the American River; improving stream crossings (two ford closures, one ford hardening, and two ATV bridge replacements); reconnecting Queen Creek with the American River; converting 1.6 miles of road to ATV trail; and recontouring 1.2 miles of streambank along the American River.

The Nez Perce National Forest (NPNF) is a cooperating agency that has specific expertise or interest in the project. The BLM proposes to use and construct roads on the NPNF. The NPNF may authorize the use and construction of roads based on the analysis in this DEIS.

When submitting comments, your full name and address should be included. Comments, including names, street addresses, and other contact information of respondents, will be available for public review. Individual respondents may request confidentiality. If you wish to request that BLM consider withholding your name, street address and other contact information such as Internet address, fax or phone number from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. The BLM will honor requests for confidentiality on a case-by-case basis to the extent allowed by law. The BLM will make available for public inspection in their entirety all submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses.

Copies of the DEIS will be sent to affected Federal, Tribal, State and local government agencies, and to interested publics, and will be available at the BLM Cottonwood Field Office. The supporting record for the analysis for the DEIS is available for inspection at the Cottonwood Field Office during normal business hours (7:45 a.m. to 4:30 p.m. Monday through Friday, except holidays).

Dated: April 25, 2006.

Greg M. Yuncevich,

Cottonwood Field Office Manager.

[FR Doc. E6–10784 Filed 7–10–06; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Minerals Management Service Request for Public Nominations to the Royalty Policy Committee

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Request for nominations.

SUMMARY: The Director of the Minerals Management Service (MMS) is requesting nominations for three public representatives to serve on the Department's Royalty Policy Committee (RPC). These nominations may originate from state and local governments, universities, organizations, or individuals; they may include self-nominations.

DATES: Submit nominations on or before July 28, 2006.

ADDRESSES: Submit nominations to Gina Dan, Coordinator, Royalty Policy Committee, Minerals Revenue Management, Minerals Management Service, P.O. Box 25165, MS 300B2, Denver, CO 80225–0165.

FOR FURTHER INFORMATION CONTACT: Gina Dan, Office of the Deputy Associate Director, Minerals Revenue Management, Minerals Management Service,P.O. Box 25165, MS 300B2, Denver, CO 80225–0165, telephone number (303) 231–3392, fax number (303) 231–3194, e-mail *gina.dan@mms.gov.*

SUPPLEMENTARY INFORMATION: Nominees should have the expertise in minerals revenue management issues necessary to represent the public interest. The nomination package must include an updated copy of the nominee's resume or biography, including their mailing and e-mail addresses. The MMS is committed to the Department's diversity policy, and nominators are requested to consider diversity when making nominations. Members serve without compensation but will be reimbursed for travel expenses incurred when attending official RPC meetings. Reimbursements will be calculated in the same manner as persons employed intermittently in Government service

under Section 5703 of Title 5 of the United States Code (U.S.C.).

The RPC provides advice related to the performance of discretionary functions under the laws governing the Department's management of Federal and Indian mineral leases and revenues. The RPC reviews and comments on minerals revenue management and other mineral-related policies and provides a forum to convey views representative of mineral lessees, operators, revenue payors, revenue recipients, governmental agencies, and the interested public. The location and dates of future RPC meetings and other information will be published in the **Federal Register** and posted on our Internet Web site at *http://www.mms.gov/mmab/RoyaltyPolicyCommittee/rpc_homepage.htm*. Meetings are open to the public without advanced registration, on a space-available basis. The public may make statements during the meetings, to the extent time permits, and file written statements with the RPC for its consideration. Copies of these written statements should be submitted to Ms. Dan. The RPC meetings are conducted under the authority of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 1) and the Office of Management and Budget (Circular No. A–63, revised).

All correspondence, records, or information received in response to this notice are subject to disclosure under the Freedom of Information Act (FOIA). All information provided will be made public unless the respondent identifies which portions are proprietary. Please highlight the proprietary portions or mark the page(s) that contain proprietary data. Proprietary information is protected by the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1733), FOIA (5 U.S.C. 552(b)(4)), the Indian Minerals Development Act of 1982 (25 U.S.C. 2103) and Department regulations (43 CFR part 2).

Dated: June 15, 2006.

Shirley M. Conway,

Acting Associate Director for Minerals Revenue Management.

[FR Doc. E6–10767 Filed 7–10–06; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–554]

In the Matter of Certain Axle Bearing Assemblies, Components Thereof, and Products Containing the Same; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') of the presiding administrative law judge (''ALJ'') granting the motion of complainant and respondents to terminate the investigation on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Michael K. Haldenstein, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3041. Copies of the public version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 28, 2005, based on a complaint filed pursuant to section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by NTN Corporation of Osaka, Japan (''NTN''). 70 FR 71330 (November 28, 2005). The complaint, as supplemented, alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain axle bearing assemblies, components thereof, and products containing the same by reason of infringement of claim 1 of U.S. Patent No. 5,620,263. The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337. The complainant requested that the Commission issue a limited exclusion order and a cease and desist order. The Commission named ILJIN Bearing of Gyeongju City, Kyungbuk, Korea and ILJIN USA of Novi, Michigan (collectively, ''ILJIN'') as respondents in the investigation. 70 FR at 71331. The ALJ set December 28, 2006 as the target date for completion of the investigation. Order No. 3 (December 5, 2005). On December 21, 2005, the ALJ issued an ID replacing ILJIN Bearing with ILJIN Global as a respondent in the investigation. The Commission determined not to review that ID. 71 FR 3540 (January 23, 2006).

On June 12, 2006, complainant and respondents filed a joint motion seeking to terminate the investigation on the basis of a settlement agreement. On June 13, 2006, the Commission investigative attorney filed a response in support of the motion to terminate.

On June 14, 2006, the ALJ issued the subject ID (Order No. 28) granting the parties' joint motion and terminating the investigation on the basis of a settlement agreement. No petitions for review of the ID were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rule 210.42, 19 CFR 210.42.

By order of the Commission.

Issued: July 6, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–10840 Filed 7–10–06; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1092 and 1093 (Final)]

Diamond Sawblades and Parts Thereof From China and Korea

Determination

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury and the establishment of an industry in the United States is not

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

materially retarded, by reason of imports from China and Korea of diamond sawblades and parts thereof, provided for in subheading 8202.39.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).[2] thnsp;[3]

Background

The Commission instituted these investigations effective May 3, 2005, following receipt of a petition filed with the Commission and Commerce by the Diamond Sawblade Manufacturers' Coalition (''DSMC'') and its individual members: Blackhawk Diamond, Inc., Fullerton, CA;[4] Diamond B, Inc., Santa Fe Springs, CA; Diamond Products, Elyria, OH; Dixie Diamond, Lilburn, GA; Hoffman Diamond, Punxsutawney, PA; Hyde Manufacturing, Southbridge, MA; Sanders Saws, Honey Brook, PA; Terra Diamond, Salt Lake City, UT; and Western Saw, Inc., Oxnard, CA. The final phase of the investigations was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of diamond sawblades and parts thereof from China and Korea were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 20, 2006 (71 FR 3324). The hearing was held in Washington, DC, on May 16, 2006, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on July 5, 2006. The views of the Commission are contained in USITC Publication 3862 (July 2006), entitled *Diamond Products and Parts Thereof from China and Korea: Investigation Nos. 731–TA–1092 and 1093 (Final).*

By order of the Commission.

Issued: July 5, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–10839 Filed 7–10–06; 8:45 am]

BILLING CODE 7020–02–P

[2] Vice Chairman Shara L. Aranoff and Commissioner Jennifer A. Hillman dissenting.

[3] When packaged together as a set for retail sale with an item that is separately classified under headings 8202 to 8205 of the HTS, diamond sawblades or parts thereof may be imported under HTS heading 8206.

[4] Blackhawk Diamond ceased operations in January 2006.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

William G. Hamilton, Jr., M.D.; Revocation of Registration

Procedural History

On July 23, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to William G. Hamilton, M.D. (Respondent), which proposed to revoke his DEA Certificate of Registration AH8873588, as a practitioner, *see* 21 U.S.C. 824(a)(3), and to deny any pending applications for renewal or modification. *See* 21 U.S.C. 823(f). As grounds for the proceeding, the Show Cause Order alleged that on March 3, 2004, the Medical Board of California had suspended Respondent's state medical license and that Respondent was without state authorization to handle controlled substances in that state. The Show Cause Order notified Dr. Hamilton that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

On July 28, 2004, the Show Cause Order was sent by certified mail to Respondent at his home address in San Diego, California. However, the letter went unclaimed. On November 23, 2004, the Show Cause Order was sent via regular mail to Respondent at the same address, and on December 13, 2004, a DEA Diversion Investigator personally served him with the Order. At the time of personal service, Respondent acknowledged that he had received the Show Cause Order that was mailed to him on November 23, 2004. Subsequently, DEA has not received a request for a hearing or any other reply from Respondent or anyone purporting to represent him in this matter.

Therefore, finding that: (1) Thirty days have passed since the delivery of the Order To Show Cause to Respondent; and that (2) no request for a hearing has been received, I conclude that Respondent has waived his hearing right. *See James E. Thomas, M.D.*, 70 FR 3,564 (2005); *Steven A. Barnes, M.D.*, 69 FR 51,474 (2004); *David W. Linder*, 67 FR 12,579 (2002). After considering material from the investigative file in this matter, this final order is entered without a hearing pursuant to 21 CFR 1301.43(d) & (e), and § 1301.46.

Discussion

I find that Respondent is currently registered with DEA as a practitioner authorized to handle controlled substances in Schedules III through V under Certificate of Registration AH8873588, with an expiration date of October 31, 2005. Respondent's registration, however, has remained in effect during these proceedings.

According to information in the investigative file, on March 3, 2004, a California State Administrative Law Judge (ALJ) issued an Order, which immediately suspended Respondent's Physician and Surgeon's Certificate. The suspension was based, in part, on the ALJ's finding that Respondent was unable to safely practice medicine due to a mental or physical condition. Since then, I have become aware of further proceedings involving Respondent's state medical license.

It has long been recognized that ''[a]gencies may take official notice of facts at any stage in a proceeding—even in the final decision.'' U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act 80* (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Therefore, pursuant to 5 U.S.C. 556(e) and 21 CFR 1316.59(e), I hereby take official notice of the fact that on May 12, 2005, the State of California revoked Respondent's medical license.[1]

Respondent has submitted no evidence showing that the State's revocation order has been stayed or vacated. Therefore, I find that Respondent is currently not authorized to practice medicine in the State of California, and that he is also without authorization to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the State in which he practices medicine. *See* 21 U.S.C. 802(21), 823(f), & 824(a)(3). This prerequisite has been consistently

[1] In accordance with the Administrative Procedure Act and DEA's regulations, Respondent is ''entitled on timely request, to an opportunity to show to the contrary.'' 5 U.S.C. 556(e). *See also* 21 CFR 1316.59(e). DEA's regulations contain no provision for requesting reconsideration of a final order. *See Robert A. Leslie, M.D.*, 60 FR 14004, 14005 (1995). To allow Respondent the opportunity to refute the facts of which I am taking official notice, publication of this final order shall be withheld for a fifteen-day period, which shall begin on the date of service by placing this order in the mail.

applied. *See Richard J. Clement, M.D.*, 68 FR 12,103 (2003); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993); *Bobby Watts, M.D.*, 53 FR 11,919 (1988). Therefore, Respondent is not entitled to maintain his DEA registration.

Order

Accordingly, pursuant to the authority vested in me by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, I hereby order that DEA Certificate of Registration, AH8873588, issued to William G. Hamilton, Jr., M.D., be, and it hereby is, revoked. I further order that any pending applications for renewal or modification of the aforementioned registration be, and they hereby are, denied. This order is effective August 10, 2006.

Dated: June 12, 2006.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. E6–10781 Filed 7–10–06; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 05–7]

Sheran Arden Yeates, M.D.; Revocation of Registration

Introduction and Procedural History

On October 12, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Respondent Sheran Arden Yeates, M.D. The Show Cause Order proposed to revoke Respondent's DEA Certificate of Registration, BY5532076, as a practitioner, *see* 21 U.S.C. 824(a)(3), and to deny any pending applications for renewal or modification. *See id.* § 823(f). As grounds for the proceeding, the Show Cause Order alleged that on May 21, 2004, the Tennessee Board of Medical Examiners had indefinitely suspended Respondent's state medical license.

Respondent requested a hearing; the matter was assigned to Administrative Law Judge Gail Randall. Shortly after the ALJ ordered the parties to file prehearing statements, the Government moved for summary disposition and sought to stay the proceedings while the ALJ considered its motion. As grounds for its motion, the Government asserted that Respondent's state license had been indefinitely suspended and that summary disposition was warranted because no material fact was in dispute. In support of the motion, the Government attached the State Board's order, which summarily suspended Respondent's medical license. The ALJ granted the stay and issued an order, which offered Respondent an opportunity to respond.

Thereafter, Respondent filed a response. Respondent asserted that the state had lifted the suspension and reinstated his medical license. In support, Respondent attached an order from the state board proceeding. The order noted that the state had voluntarily dismissed the proceeding and lifted the summary suspension of Respondent's state license.

Because Respondent's lack of state authority was the sole basis for this proceeding, the ALJ denied the Government's motion for summary disposition. The ALJ, however, continued the stay and instructed the Government to reply.

The Government then moved for reconsideration based upon newly discovered evidence. In the motion, the Government asserted that Respondent's state license had expired on July 31, 2004, and had not been renewed. As support, the Government attached a printout of a Tennessee Department of Health ''Licensure Verification'' Web page, which indicated that Respondent's license status was ''inactive.'' ALJ at 3.

The attachment, however, contained no explanation as to the meaning of the term ''inactive.'' Accordingly, the ALJ ordered the parties to provide additional documentation clarifying Respondent's status. Neither party complied with the ALJ's order.

The Government sought an extension of time and filed a new motion for reconsideration. In its motion, the Government asserted that it had confirmed that Respondent did not possess a valid state license and that the state authorities had agreed to provide written documentation of this, but had yet to do so. Because the Respondent had also failed to comply with her order, the ALJ concluded that granting an extension would cause no prejudice. The ALJ thus granted the extension and again ordered both parties to submit documentation regarding Respondent's status.

Shortly thereafter, the Government renewed its motion for summary disposition and submitted new evidence in the form of a notarized letter from the Tennessee Department of Health. The letter, which is undated, stated that on May 21, 2004, Respondent's medical license had been summarily suspended, that Respondent had failed to renew his medical license before July 31, 2004 (which apparently was its expiration date), that Respondent's license was inactive, and most significantly that Respondent ''is not currently authorized to practice medicine in the state of Tennessee.'' ALJ at 4 (quoting letter of Rosemarie A. Otto, Executive Director, Tennessee Bd. of Med. Examiners, to James Hambuechen, Office of Chief Counsel, DEA) (emphasis in original).

The ALJ waited more than six weeks for Respondent to reply. *See* ALJ at 4. When no reply was forthcoming, the ALJ granted the Government's motion for summary disposition. In so ruling, the ALJ noted the unchallenged evidence that Respondent's state medical license had expired on July 31, 2004, and had not been renewed. *See id.* at 5. Because Respondent lacked authority to handle controlled substances in Tennessee, the ALJ concluded that ''DEA does not have authority to maintain the Respondent's DEA Certification of Registration.'' *Id.*

The ALJ thus granted the Government's motion. The ALJ further recommended that I revoke Respondent's DEA Certificate of Registration, and deny any pending applications for renewal or modification of the same. The ALJ then transmitted the record to me for final action.

Discussion

I adopt the ALJ's findings that as of the date of her recommended decision, Respondent was ''not currently licensed to practice medicine in the state of Tennessee,'' and that ''Respondent [was] not currently authorized to handle controlled substances in Tennessee.'' ALJ at 5. The letter supporting these findings was undated. I acknowledge that the letter states that Respondent's license had been summarily suspended, that Respondent had failed to renew his license, and that Respondent ''is not currently authorized to practice medicine'' in Tennessee. The letter does not, however, establish that Respondent's licensure status remains unchanged as of the date of this final order.

Therefore, I have decided to take official notice of subsequent state proceedings involving Respondent. *See* 5 U.S.C. 556(e); 21 CFR 1316.59(e). It has long been recognized that ''[a]gencies may take official notice of facts at any stage in a proceeding—even in the final decision.'' U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).[1]

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[1] In accordance with the Administrative Procedure Act and DEA's regulations, Respondent is ''entitled on timely request, to an opportunity to show to the contrary.'' 5 U.S.C. 556(e). *See also* 21 CFR 1316.59(e). I acknowledge that DEA's regulations contain no provision for requesting

Specifically, I take official notice that following a hearing on September 20–21, 2005, the Tennessee Board of Medical Examiners concluded that Respondent had violated multiple provisions of Tennessee law, including Tenn. Code Ann. § 63–6–214(b)(12), which prohibits, *inter alia*, ''dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice.'' *In re Yeates*, Order at 3 (Tenn. Bd. of Med. Examiners 2005). On October 12, 2005, the State Board thus permanently revoked Respondent's medical license.[2] *Id.* at 4. Subsequent to the State Board's order, DEA has received no information indicating that that the order has been set aside on appeal. Accordingly, I find that Respondent is not authorized to handle controlled substances in Tennessee.

DEA does not have statutory authority under the Controlled Substances Act to maintain a registration if the registrant is without state authority to handle controlled substances in the state in which he practices. *See* 21 U.S.C. 823(f), 824(a)(3). DEA has consistently applied this rule. *See James Marvin Goodrich, M.D.*, 70 FR 24619 (2005); *Dominick A. Ricci, M.D.*, 58 FR. 51104 (1993); *Bobby Watts, M.D.*, 53 FR. 11919 (1988). Therefore, Respondent is not entitled to maintain his DEA registration.

Order

Accordingly, pursuant to the authority vested in me by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b) & 0.104, I hereby order that DEA Certificate of Registration, BY5532076, issued to Sheran Arden Yeates, M.D., be, and it hereby is revoked. I further order that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective August 10, 2006.

Dated: June 13, 2006.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. E6–10780 Filed 7–10–06; 8:45 am]

BILLING CODE 4410–09–P

reconsideration of a final order. *See Robert A. Leslie, M.D.*, 60 FR 14004, 14005 (1995). To allow Respondent the opportunity to refute the facts of which I am taking official notice, publication of this final order shall be withheld for a fifteen-day period, which shall begin on the date of service.

[2] Among the findings of the State Board were that ''Respondent permitted his patients to return unused prescription medication to his offices,'' and that ''Respondent instructed his office staff to place any returned prescription medication in a storage chest'' for ''future use.'' *Id.* at 2. The State Board also found that ''Respondent and his office staff routinely administered 'cocktail' injections to patients without medical justification[,]'' and that ''[o]n occasion, * * * Respondent and his office staff denied patients their maintenance medication until the patients agreed to receive 'cocktail' injections.'' *Id.*

DEPARTMENT OF JUSTICE

Parole Commission

Public Announcement; Pursuant to the Government in the Sunshine Act (Public Law 94–409) (5 U.S.C. 552b)

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

TIME AND DATE: 2 p.m., Friday, July 14, 2006.

PLACE: 5550 Friendship Blvd., Fourth Floor, Chevy Chase, MD 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED: The meeting is being held to discuss the agency's budget for Fiscal Year 2008.

AGENCY CONTACT: Thomas W. Hutchison, Chief of Staff, United States Parole Commission. (301) 492–5959.

Dated: July 6, 2006.

Rockne Chickinell,

General Counsel, U.S. Parole Commission.

[FR Doc. 06–6154 Filed 7–7–06; 11:17 am]

BILLING CODE 4410–31–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

July 3, 2006.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202–693–4129 (this is not a toll-free number) or e-mail: *king.darrin@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Departmental Management.

Type of Review: Extension of currently approved collection.

Title: Customer Satisfaction Surveys and Conference Evaluations Generic Clearance.

OMB Number: 1225–0059.

Frequency: On occasion.

Affected Public: Business and other for-profit; Individuals or households; Not-for-profit institutions; Farms; Federal Government; and State, local, or tribal government.

Number of Respondents: 200,000.

Estimated Annual Responses: 200,000.

Average Response Time: 6 minutes.

Total Annual Burden Hours: 20,000.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: The Department of Labor (DOL) conducts a variety of voluntary Customer Satisfaction Surveys of regulated/non-regulated entities, which are specifically designed to gather information from a customer's perspective as prescribed by E.O. 12862, Setting Customer Service Standards, September 11, 1993. These Customer Satisfaction Surveys provide information on customer attitudes about the delivery and quality of agency products/services and are used as part of an ongoing process to improve DOL programs. This generic clearance allows agencies to gather information from both Federal and non-Federal users.

In addition to conducting Customer Satisfaction Surveys, the Department also includes the use of evaluation forms for those DOL agencies conducting conferences. These evaluations are helpful in determining

the success of the current conference, in developing future conferences, and in meeting the needs of the Department's product/service users.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. E6–10766 Filed 7–10–06; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office; Public Interest Declassification Board (PIDB); Notice of Meeting

Pursuant to Section 1102 of the Intelligence Reform and Terrorism Prevention Act of 2004 which extended and modified the Public Interest Declassification Board (PIDB) as established by the Public Interest Declassification Act of 2000 (Pub. L. 106–567, title VII, December 27, 2000, 114 Stat. 2856), announcement is made for the following committee meeting:

Name of Committee: Public Interest Declassification Board (PIDB).

Date of Meeting: Friday, July 14, 2006.

Time of Meeting: 9 a.m. to 12 p.m.

Place of Meeting: National Archives and Records Administration, 700 Pennsylvania Avenue, NW., Archivist's Reception Room (Room 105), Washington, DC 20408.

Purpose: To discuss declassification program issues.

This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security Oversight Office (ISOO) no later than Monday, July 10, 2006. ISOO will provide additional instructions for gaining access to the location of the meeting.

For Further Information Contact: J. William Leonard, Director, Information Security Oversight Office, National Archives Building, 700 Pennsylvania Avenue, NW., Washington, DC 20408, telephone number (202) 357–5250.

Dated: July 6, 2006.

William Bosanko,

Acting Director, Information Security Oversight Office.

[FR Doc. E6–10783 Filed 7–10–06; 8:45 am]

BILLING CODE 7515–01–P

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 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 collect 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 Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *splimpto@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 703–292–7556.

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton at (703) 292–7556 or send e-mail to *splimpto@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: Evaluation of the Historically Black Colleges and Universities Undergraduate Program.

OMB Control No.: 3145-New.

Abstract: The National Science Foundation (NSF) funded a program, called Historically Black Colleges and Universities Undergraduate Program (HBCU–UP), designed to help institutions strengthen the quality of their undergraduate STEM programs. The Urban Institute is conducting an evaluation of the HBCU–UP program. Using a mixed-methods approach, UI researchers will conduct an evaluation over three years to study the effectiveness of the program. The evaluation will include both process and summative components. The process component will document how different models within the Program are being implemented, thus helping evaluators to link strategies to outcomes, identify crucial components of different models, and contribute to the construction of general theories to guide future initiatives to increase the diversity of the STEM workforce. The summative component of the evaluation will focus on the extent to which the Program has produced outcomes that meet stated goals for students, faculty and institutions. The process evaluation will rely mainly on qualitative data collected during case study site visits and interviews; the summative evaluation will rely primarily on data collected through a survey of graduates.

Respondents: Graduates of undergraduate programs to STEM at Historically Black Colleges and Universities awarded an HBCU–UP grant from NSF.

Estimated Number of Annual Respondents: 5,000 (total).

Burden on the Public: 1,250 hours.

Dated: July 6, 2006.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 06–6129 Filed 7–10–06; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

National Science Board; Committee on Strategy and Budget; Sunshine Act Meeting

DATE AND TIME: July 13, 2006 3 p.m.–4 p.m. (ET).

PLACE: National Science Foundation, Room 1235, 4201 Wilson Boulevard, Arlington, VA 22230.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Webber, (703) 292–7000. *http://www.nsf.gov/nsb.*

STATUS: This meeting will be closed to the public.

AGENDA: Teleconference discussion of the National Science Foundation's FY 2008 budget submission to the Office of Management and Budget.

Michael P. Crosby,

Executive Officer.

[FR Doc. 06–6147 Filed 7–7–06; 9:33 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Notice; Meetings

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATE: Weeks of July 10, 17, 24, 31, August 7, 14, 2006.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of July 10, 2006

Wednesday, July 12, 2006

9:45 a.m. Discussion of Management Issues (closed—ex. 2).

Week of July 17, 2006—Tentative

There are no meetings scheduled for the Week of July 17, 2006.

Week of July 24, 2006—Tentative

Wednesday, July 26, 2006

1:50 p.m. Affirmation Session (Public Meeting) (Tentative):

a. *Pa'ina Hawaii, LLC*, unpublished April 27, 2006 Memorandum and Order (accepting the intervenor's and NRC Staff's Joint Stipulation regarding two admitted environmental contentions) (Tentative).

b. *David Geisen,* LBP–06–13 (May 19, 2006) (Tentative).

c. *Exelon Generation Company, LLC* (Early Site Permit for Clinton ESP). *System Energy Resources, Inc.* (Early Permit for Grand Gulf ESP) (Tentative).

Thursday, July 27, 2006

9:30 a.m. Briefing on Office of International Programs (OIP) Programs, Performance, and Plans (Public Meeting) (Contact: Karen Henderson, (301) 415–0202.)

This meeting will be webcast live at the Web address, *http://www.nrc.gov.*

1:30 p.m. Briefing on Equal Employment Opportunity (EEO) Programs. (Public Meeting) (Contact: Barbara Williams, (301) 415–7388.)

This meeting will be webcast live at the Web address, *http://www.nrc.gov.*

Week of July 31, 2006—Tentative

There are no meetings scheduled for the Week of July 31, 2006.

Week of August 7, 2006—Tentative

There are no meetings scheduled for the Week of August 7, 2006.

Week of August 14, 2006—Tentative

There are no meetings scheduled for the Week of August 14, 2006.

* * * * *

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Michelle Schroll, (301) 415–1662.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html.*

* * * * *

Additional Information: By a vote of 5–0 on July 5 and 6, 2006, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Discussion of Management Issues (closed—ex. 2)'' be held July 12, 2006, and on less than one week's notice to the public. Commissioner Jaczko voted to have both open and closed sessions for this meeting.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript of other information from the public meetings in another format (*e.g.* braille, large print), please notify the NRC's Disability Program Coordinator, Deborah Chan, at (301) 415–7041, TDD: (301) 415–2100, or by e-mail at *DLC@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: July 6, 2006.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 06–6151 Filed 7–7–06; 10:15 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Public Availability of Fiscal Year 2005 Agency Inventories Under the Federal Activities Inventory Reform Act

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of public availability of agency inventory of activities that are not inherently governmental and of activities that are inherently governmental.

SUMMARY: The Federal Activities Inventory Reform (FAIR) Act, Public Law 105–270, requires agencies to develop inventories each year of activities performed by their employees that are not inherently governmental—i.e., inventories of commercial activities. The FAIR Act further requires OMB to review the inventories in consultation with the agencies and publish a notice of public availability in the **Federal Register** after the consultation process is completed. In accordance with the FAIR Act, OMB is publishing this notice to announce the availability of inventories from the agencies listed below. These inventories identify both commercial activities and activities that are inherently governmental.

Interested parties who disagree with an agency's initial judgment may challenge the inclusion or the omission of an activity on the list of activities that are not inherently governmental within 30 working days and, if not satisfied with this review, may appeal to a higher level within the agency.

This is the second release of inventories for FY 2005. A notice of the first release of FY 2005 inventories was published in the **Federal Register** on March 14, 2006. See 71 FR 13188–13190. As indicated in OMB's March 2006 notice, the FY 2005 inventory prepared by the Department of Labor (DOL) was released in connection with the first notice of public availability. However, following the initial release of its inventory, DOL made a determination to reclassify certain activities. DOL is making the revisions to its inventory available pursuant to this notice. Since these reclassifications were not made in response to a challenge or appeal, they are considered to be an initial judgment of the agency.

The Office of Federal Procurement Policy has made available a FAIR Act User's Guide through its Internet site: *http://www.whitehouse.gov/omb/procurement/fair-index.html.* This User's Guide will help interested parties review FY 2005 FAIR Act inventories.

Rob Portman,

Director.

ATTACHMENT.—SECOND FAIR ACT RELEASE FY 2005

Advisory Council on Historic Preservation	Mr. Ralston Cox, (202) 606–8528; *www.achp.gov*.
Appalachian Regional Commission	Mr. Guy Land, (202) 884–7674; *www.arc.gov*.
Architectural and Transporation Barriers Compliance Board	Mr. Larry Roffee, (202) 272–001; *www.access-board.gov*.
Arlington National Cemetery	Mr. Rory Smith, (703) 6078561; *www.arlingtoncemetery.org*.
Armed Forces Retirement Home	Mr. Steven G. McManus, (202) 730–3533; *www.afrh.com*.
Barry Goldwater Scholarship Education Foundation	Mr. Gerald Smith, (703) 765–6012; *www.act.org/goldwater*.
Broadcasting Board of Governors	Mr. Stephen Smith, (202) 203–4588; *www.bbg.gov*.
Christopher Columbus Fellowship Foundation	Ms. Judith M. Shellenberger, (315) 258–0090; *www.whitehouse.gov/omb/procurement/fair_list_nosite.html*.
Committee for Purchase from People Who are Blind or Severely Disabled.	Mr. Leon Wilson, (703) 604–7740; *www.jwod.gov*.
Consumer Product Safety Commission	Mr. Edward Quist, (301) 504–7644; *www.cpsc.gov*.
Department of Agriculture	Ms. Ava Lee, (202) 720–1179; *www.usda.gov/ocfo*.
Department of Agriculture (IG)	Mr. Rod DeSmet, (202) 720–6979; *www.usda.gov/oig/rptsbulletins.htm*.
Department of Commerce	Mrs. Maile Arthur, (202) 482–1574; *www.doc.gov*.
Department of Homeland Security	Mr. David Childs, (202) 772–9785; *www.dhs.gov/dhspublic/interapp/editorial/editorial_0504.xml*.
Department of Labor	Mr. Al Stewart, (202) 693–4028; *www.dol.gov*.
Department of Veterans Affairs	Ms. Julie R. Gough, (202) 273–5048; *www.va.gov/op3/page.cfm?pg=25*.
Federal Communications Commission	Mr. Kent Baum, (202) 418–0137; *www.fcc.gov/omd/reports.html*.
Federal Communications Commission (IG)	Mr. David Hunt, (202) 418–1522; *www.fcc.gov/oig*.
Federal Election Commission	Ms. Tina VanBrakle, (202) 694–1006; *www.fec.gov/pages/fair.shtml*.
Federal Energy Regulatory Commission	Ms. Kimberly Fernandez, (202) 502–8302; *www.ferc.gov*
Federal Labor Relations Authority	Ms. Jill Crumpacker, (202) 218–7900; *www.flra.gov*.
Federal Maritime Commission	Mr. Bruce Dobrowski, (202) 523–5800; *www.fmc.gov/reading/FairActSubmissionIntro.asp*.
Federal Mine Safety and Health Review Commission	Mr. Richard Baker, (202) 434–9905; *www.fmshrc.gov*.
Federal Retirement Thrift Investment Board	Mr. Richard White, (202) 942–1633; *www.frtib.gov*.
General Services Administration	Mr. Paul Boyle, (202) 501–0324; *www.gsa.gov*.
Harry S. Truman Scholarship Foundation	Ms. Tonji Wade, (202) 395–6995; *www.truman.gov/statements/statements_show.htm?doc_id=248726*.
Institute of Museum and Library Services	Ms. Teresa LaHaie, (202) 653–4633; *www.imls.gov.*
International Trade Commission	Mr. Stephen McLaughlin, (202) 205–3131; *www.usitc.gov.*
James Madison Memorial Fellowship Foundation	Mr. Steve Weiss, (202) 653–6109; *www.jamesmadison.com*.
Japan-United States Friendship Commission	Ms. Margaret Mihori, (202) 653–9800; *office.jusfc.gov/commissn/FAIRAct.htm*.
Merit Systems Protection Board	Ms. Deborah Miron, (202) 653–6772 x 1168; *www.mspb.gov*.
National Commission of Libraries and Information Sciences	Ms. Madeleine McCain, (202) 606–9200; *www.nclis.gov*.
National Council on Disability	Ms. Ethel Briggs, (202) 272–2004; *www.ncd.gov*.
National Gallery of Art	Mr. William W. McClure, (202) 312–2760; *www.nga.gov/xio/treasurer.shtm*.
Office of Federal Housing Enterprise Oversight	Ms. Jill Weide, (202) 414–3813; *www.ofheo.gov*.
Office of Government Ethics	Mr. Sean Donohue, (202) 482–9231; *www.usoge.gov*.
Office of Management and Budget	Ms. Lauren Wright, (202) 395–3970; *www.whitehouse.gov/omb/procurement/fair/notices_avail.html*.
Office of Navajo and Hopi Indian Relocation	Ms. Nancy Thomas, (928) 779–2721; *www.whitehouse.gov/omb/procurement/ fair_list_nosite.html*.
Office of Science and Technology Policy	Mr. Mark D. Hodge, (202) 456–6000; *www.ostp.gov*.
Peace Corps	Ms. Janice Hagginbothom, (202) 692–1655; *www.peacecorps.gov/index.cfm?shell=pchq.policies.docs*.
Security and Exchange Commission	Mr. Jeffrey Risinger, (202) 551–7446; *www.sec.gov*.
Smithsonian Institution	Ms. Alice Maroni, (202) 275–2020; *www.si.edu*.
U.S. Commission on Civil Rights	Ms. TinaLouise Martin, (202) 376–8364; *www.uscer.gov*.
White House Commision of National Moment of Remembrance	Ms. Tina Harmon, (512) 460–5220; *www.whitehouse.gov/omb/procurement/fair_list_nosite.html*.

[FR Doc. 06–6108 Filed 7–10–06; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

Notice of Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 10, 2006:

An Open Meeting will be held on Wednesday, July 12, 2006 at 10 a.m. in the Auditorium, Room LL–002, and a

Closed Meeting will be held on Thursday, July 13, 2006 at 1 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), (10) and 17 CFR 200.402(a)(3), (5), (7), (9)(ii), and (10) permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Campos, as duty officer, voted to consider the items listed for the closed meeting in closed session, determined that no earlier notice thereof was possible.

The subject matter of the Open Meeting scheduled for Wednesday, July 12, 2006 will be:

1. The Commission will consider whether to issue an interpretive release regarding client commission practices under section 28(e) of the Securities Exchange Act of 1934. The interpretive release is designed to provide guidance to securities industry participants on money managers' use of client commission dollars to pay for ''brokerage and research services'' under section 28(e). The interpretive release is subsequent to the Commission's issuance of proposed guidance and solicitation of public comment in Release No. 34–52635 (October 19, 2005), File No. S7–09–05.

2. The Commission will consider whether to propose amendments to Rule 203 of Regulation SHO under the Securities Exchange Act of 1934 to reduce the frequency that stock is not delivered after it is sold. The Commission also will consider whether to propose amendments to update the market decline limitation referenced in Rule 200(e)(3) of Regulation SHO.

The subject matter of the Closed Meeting scheduled for Thursday, July 13, 2006 will be:

Formal orders of investigation;
Institution and settlement of injunctive actions;
Institution and settlement of administrative proceedings of an enforcement nature;
Litigation matter;
Resolution of litigation matters; and a Post-argument discussion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551–5400.

Dated: July 6, 2006.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 06–6148 Filed 7–7–06; 9:33 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54094; File No. SR-Amex-2006–42]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Granting Approval To a Proposed Rule Change and Amendment No. 1 Thereto Relating to a Retroactive Suspension of Transaction Charges for Specialist Orders in the Nasdaq-100 Tracking Stock® (QQQQ)

On May 2, 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 retroactively apply a suspension of transaction charges for specialist orders in connection with the trading of the Nasdaq-100 Index Tracking Stock® (Symbol: QQQQ) from March 1, 2006, through April 5, 2006. On May 12, 2006, the Exchange filed Amendment No. 1 to the proposed rule change.[3] The proposed rule change, as amended, was published for comment in the **Federal Register** on June 1, 2006.[4] The Commission received no comments on the proposal.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[5] In particular, the Commission believes that the proposal is consistent with Section 6(b)(4) of the Act [6] in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (File No. SR–Amex–2006–42), as amended, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Nancy M. Morris,

Secretary.

[FR Doc. E6–10762 Filed 7–10–06; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced and superseded the original filing in its entirety.

[4] *See* Securities Exchange Act Release No. 53871 (May 26, 2006), 71 FR 31236.

[5] 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).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54097; File No. SR–CBOE–2006–38]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving Proposed Rule Change and Amendment No. 1 Thereto Regarding Transfer of Designated Primary Market Maker Appointments

July 5, 2006.

On April 17, 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 amend Exchange rules relating to the transfer of Designated Primary Market Maker (''DPM'') appointments. On May 11, 2006, CBOE submitted Amendment No. 1 to the proposed rule change. The Commission published the proposed rule change, as amended, for comment in the **Federal Register** on June 1, 2006.[3] The Commission received no comments on the proposed rule change, as amended.

Specifically, the Exchange proposes to eliminate section (f) of CBOE Rule 8.89, which subjects any DPM transfer proposal decision made by the appropriate Exchange committee (''transfer proposal decision'') [4] to a 10-day review period during which any transfer proposal decision may be directly reviewed by the Board of Directors of the Exchange (''Board'') upon:

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 53869 (May 25, 2006), 71 FR 31239.

[4] *See* CBOE Rule 8.89(c), (d), and (e) for a description of the scope of a transfer proposal and the committee decision process.

(1) A written application by a party claiming to be aggrieved [5] by the DPM transfer decision, or (2) a request for review by any five Directors. The Exchange notes that any member aggrieved by a transfer proposal decision can still seek a review of the decision through the hearing and review process provided for under Chapter XIX of CBOE's rules.[6] In any such appeal proceeding under Chapter XIX, the decision regarding a transfer proposal by the appropriate Exchange committee under CBOE Rule 8.89 would be subject to review by the CBOE Appeals Committee. In addition, the Appeals Committee decision in the matter would be subject to review by the Board on its own motion, or could be appealed to the Board, pursuant to CBOE Rule 19.5. The Exchange believes that the special review process for transfer proposal decisions in CBOE Rule 8.89(f) is no longer necessary, given the more routine nature of DPM transfers, and that the elimination of the special process will improve the overall efficiency of the review process.[7]

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of section 6(b) of the Act.[8] In particular, the Commission finds that the proposed rule change, as amended, is consistent with section 6(b)(5) of the Act,[9] which requires among other things, that the rules of the Exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the Commission believes it is consistent with the Act for the Exchange to eliminate the special review process for DPM transfer proposal decisions, which the Exchange believes could improve efficiency of the review process for such decisions. The Commission notes that such decisions would continue to be subject to a hearing and review process at the Exchange under Chapter XIX, which provides for review by the Appeals Committee and the Board. The Commission also believes it is consistent with the Act for CBOE to remove, as a matter of housekeeping, Interpretation and Policy .02 of CBOE Rule 8.89 from its rules, as the provision relating to a transfer fee has currently expired.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[10] that the proposed rule change (SR–CBOE–2006–38) and Amendment No. 1 thereto be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Nancy M. Morris,

Secretary.

[FR Doc. E6–10788 Filed 7–10–06; 8:45 am]

BILLING CODE 8010–01–P

[5] Under CBOE Rule 8.89, a person must be ''aggrieved'' as described in Chapter XIX of Exchange Rules.

[6] Chapter XIX of CBOE Rules governs the process by which persons, including members, claiming to be economically aggrieved by Exchange action may seek a review of such a decision.

[7] The Exchange also proposes to delete Interpretation and Policy .02 of CBOE Rule 8.89, which provided for the application of a transfer fee on any DPM appointment transfer, because it expired on June 30, 2004.

[8] 15 U.S.C. 78f(b). In approving this proposed rule change, the Commission considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54080; File No. SR–NYSEArca–2006–27]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Rule 10.1 (Disciplinary Jurisdiction)

June 30, 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 8, 2006, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change as a ''non-controversial'' rule change under Rule 19b–4(f)(6) under the Act,[3] which rendered the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend Rule 10.1 (Disciplinary Jurisdiction) in the Rules of the Exchange and NYSE Arca Equities, Inc. to create a mechanism that would allow the Exchange to contract with another self-regulatory organization (''SRO'') for the performance of certain of the Exchange's regulatory functions. The text of the proposed rule change is available on the Exchange's Web site, (*http://www.nyse.com*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change in the Rules of the Exchange and NYSE Arca Equities, Inc. would create a mechanism [4] that would allow the Exchange to contract with another SRO for the performance of certain of the Exchange's regulatory functions. The purpose of the proposed rule change is to enhance the Exchange's ability to carry out its regulatory obligations under the Act by providing the Exchange the ability to contract with another SRO for regulatory services. Under any agreement for regulatory services with another SRO, the Exchange would remain an SRO registered under section 6 of the Act [5] and, therefore, would continue to have statutory authority and responsibility for enforcing compliance by its

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] The Exchange states that, as a public company, the Board of Directors of the Exchange is currently authorized as part of its duties and responsibilities to delegate authority to enter into these types of agreements. For example, the Exchange states that in March of 2006 it entered into a contract with NYSE Regulation, Inc. to provide certain regulatory services. The Exchange, however, recognizes that current industry practice is to have the authority to delegate this responsibility explicitly written in the rules or constitution of an exchange. As such, the Exchange states that it is voluntarily submitting the instant filing to conform to current industry practice.

[5] 15 U.S.C. 78f.

members, and persons associated with its members, with the Act, the rules thereunder, and the rules of the Exchange.

This change in the Rules of the Exchange and NYSE Arca Equities, Inc. would have immediate applicability with respect to a Regulatory Services Agreement (''RSA'') between the Exchange, the Chicago Board Options Exchange, Incorporated (''CBOE''), and other options markets participating in the proposed Options Regulatory Surveillance Authority national market system plan. The Exchange has determined that, to best discharge certain of its SRO responsibilities, it will contract with CBOE, which is subject to Commission oversight pursuant to sections 6 and 19 of the Act,[6] for CBOE to provide certain regulatory services to the Exchange, as set forth in the RSA between the Exchange and CBOE. In performing services under the RSA, CBOE will be operating pursuant to the statutory SRO responsibilities of the Exchange under sections 6 and 19, as well as performing for itself its own SRO responsibilities. The proposed rule change specifically states that any action taken by another SRO, or its employees or authorized agents, operating on behalf of the Exchange pursuant to a regulatory services agreement with the Exchange (*e.g.*, CBOE under the RSA) will be deemed an action taken by the Exchange. The Exchange will retain ultimate responsibility for performance of its SRO duties under the RSA, and the proposed rule change states that the Exchange will retain ultimate legal responsibility for, and control of, its SRO responsibilities.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act[7] in general, and furthers the objectives of sections 6(b)(1),[8] 6(b)(6),[9] and 6(b)(7)[10] in that it will enhance the ability of NYSE Arca to enforce compliance by its members and persons associated with its members with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. Further, the proposed rule change will help ensure that members and persons associated with members are appropriately disciplined for violations of the Act, the rules and regulations thereunder, and the rules of the Exchange. The proposed rule change will allow the Exchange to continue to provide a fair procedure for the disciplining of members and persons associated with members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12] The Exchange has requested that the Commission waive the 30-day operative delay period for ''non-controversial'' proposals and make the proposed rule change effective and operative upon filing. The Commission hereby grants the request. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. In this regard, the Commission believes that the proposal should be implemented without delay because of its immediate applicability with respect to the RSA among the Exchange, CBOE and the other participants in the Options Regulatory Surveillance Authority national market system plan.[13] For this reason, the Commission designates the proposal to be effective and operative upon filing with the Commission.[14]

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 the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2006–27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2006–27. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does

[6] 15 U.S.C. 78f and 15 U.S.C. 78s.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(1).

[9] 15 U.S.C. 78f(b)(6).

[10] 15 U.S.C. 78f(b)(7).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] The Commission notes that the proposed rule change is based on a similar rule of the Boston Stock Exchange, Inc. *See* Securities Exchange Act Release No. 53436 (March 7, 2006), 71 FR 13194 (March 14, 2006) (SR–BSE–2006–08).

[14] For the purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

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–2006–27 and should be submitted on or before August 1, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Nancy M. Morris,

Secretary.

[FR Doc. E6–10787 Filed 7–10–06; 8:45 am]

BILLING CODE 8010–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 02–72–0624]

NJTC Venture Fund SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that NJTC Venture Fund SBIC, L.P., 1001 Briggs Road, Suite 280, Mount Laurel, NJ 08054, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). NJTC Venture Fund SBIC, L.P. proposes to provide equity/debt security financing to Innovation Engineering, Inc. The financing is contemplated for working capital and general corporate purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Mr. Greg Olsen and GHO Ventures, both Associates of NJTC Venture Fund SBIC, L.P., own more than ten percent of Innovation Engineering, Inc.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

March 17, 2006.

Jaime Guzmán-Fournier,

Associate Administrator for Investment.

This document was received at the Office of the Federal Register on July 6, 2006.

[FR Doc. E6–10876 Filed 7–10–06; 8:45 am]

BILLING CODE 8025–01–P

[15] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

North Florida District Advisory Council; Public Meeting

The U.S. Small Business Administration, North Florida District Advisory Council will host a public meeting on Thursday, August 10, 2006. The meeting will be located at DEI Services, Inc., 7213 Sandscove Court, Suite One, Winter Park, FL 32792. The purpose of the meeting is to discuss SBA loan reports and the status on goals for FY 2006.

Anyone wishing to make an oral presentation to the Board must contact Wilfredo J. Gonzalez, District Director, North Florida District Office, in writing or fax no later than Friday, August 4, 2006, in order to be placed on the agenda. Wilfredo J. Gonzalez, District Director, North Florida District Office, U.S. Small Business Administration, 7825 Baymeadows Way; Suite 100B, Jacksonville, FL 32256; telephone (904) 443–1900; fax (904) 443–1980.

Matthew K. Becker,

Committee Management Officer.

[FR Doc. E6–10871 Filed 7–10–06; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 2006–7–3; Docket OST–2006–25307]

Notice of Order To Show-Cause; International Air Transport Association Tariff Conference Proceeding

AGENCY: Office of the Secretary, Department of Transportation.

SUMMARY: The Department is directing all interested persons to show cause why it should not issue an order withdrawing its approval under 49 U.S.C. 41309 for an International Air Transport Association (''IATA'') agreement, the Provisions for the Conduct of the IATA Traffic Conferences, insofar as that agreement establishes conferences whereby IATA's member carriers discuss and agree upon passenger fares and cargo rates for U.S.-Australia/Europe markets. If the Department withdraws its approval for the agreement, the agreement will no longer have immunity from the antitrust laws under 49 U.S.C. 41308 for conference discussions of fares and rates for the U.S.-Australia/Europe markets.

DATES: Objections must be submitted on or before August 21. Answers to objections must be filed by September 20.

ADDRESSES: Objections and answers to objections must be filed in Docket number OST–2006–25307 by one of the following means:

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

(2) By hand delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) Electronically through the Web site for the Docket Management System at *http://dms.dot.gov*. Comments must be filed in Docket OST–2006–25307.

FOR FURTHER INFORMATION CONTACT: John Kiser, Pricing & Multilateral Affairs Division (X–43, Room 6424), U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590, (202) 366–2435; or Thomas Ray, Office of the General Counsel (C–30, Room 4102), U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590, (202) 366–4731.

Dated: July 3, 2006.

Michael W. Reynolds,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. E6–10792 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2006–24957]

Safe Routes to School Task Force to the Secretary of Transportation

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent to form an advisory committee.

SUMMARY: Pursuant to section 1404 (h) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), the Secretary of Transportation is establishing a Safe Routes to School Task Force to study and develop a strategy for advancing safe routes to school programs nationwide. The FHWA Office of Safety will serve as sponsor of the Task Force for the Secretary. The purpose of this notice is to invite interested parties to submit comments to the FHWA on the strategy or issues that should be discussed by the Task Force, and the organizations and participants to be considered for representation on the Task Force.

DATES: Comments and/or applications for membership or nominations for membership on the Task Force must be received on or before August 10, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Tim Arnade, Safe Routes to School Program Manager, FHWA Office of Safety Programs, 202–366–2205(*Tim.Arnade@dot.gov*); or Ms. Lisa MacPhee, Office of the Chief Counsel, (202) 366–1392 (*Lisa.MacPhee@dot.gov*); 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:

Electronic Access

You may submit or retrieve comments online through the Document Management System (DMS) at: *http://dms.dot.gov/submit*. The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site.

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara*.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in a **Federal Register** published on April 11, 2000 (70 FR 19477), or you may visit *http://dms.dot.gov*.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments and we recommend that you periodically check the Docket for new material. We will consider late comments to the extent practicable.

Background

On August 10, 2005, the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59, 119 Stat. 1144). Section 1404 (h) of SAFETEA–LU mandates the establishment of a Safe Routes to School Task Force.

The DOT has determined that the establishment of the Task Force falls within the scope of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. II.

A. Notice of Intent To Establish a Task Force and Request for Comment

In accordance with the requirements of the FACA, an agency of the Federal government cannot establish or utilize a group of people in the interest of obtaining consensus advice or recommendations unless that group is chartered as a Federal advisory committee. The purpose of this notice is to indicate the FHWA's intent to create a Task Force to study and develop a strategy for advancing safe routes to school programs nationwide, including information regarding the use of funds for infrastructure-related and noninfrastructure-related activities funded by the new Federal aid Safe Routes to School Program.

B. Name of Committee

National Safe Routes to School Task Force.

C. Purpose and Objective

The National Safe Routes to School Task Force will study and develop a strategy for advancing safe routes to school programs nationwide and will submit a report to the Secretary containing the results of the study conducted, a description of the strategy developed, and information regarding use of funds for infrastructure related projects and non-infrastructure related activities funded by the new Federal aid Safe Routes to School Program.

The Safe Routes to School (SRTS) Task Force does not exercise program management or regulatory development responsibilities, and makes no decisions directly affecting the programs on which it provides advice. The SRTS Task Force provides a forum for the development, consideration, and communication of information from a knowledgeable and independent perspective of a strategy for advancing Safe Routes to School Programs nationwide.

D. Balanced Membership Plans

Task Force members shall represent a cross-section of the diverse agencies, organizations and individuals that are involved in Safe Routes to School activities and programs in the U.S. According to section 1404(h) of SAFETEA–LU, ''The Secretary shall establish a Safe Routes to School Task Force composed of leaders in health, transportation, and education, including representatives of appropriate Federal agencies.'' Pursuant to Congressional conference report language, Congress acknowledges the need to include a broad range of agencies and organizations in the Task Force and ''members could include representatives from State and local agencies as well as relevant non-profit organizations and associations including organizations or associations that represent automobile drivers.''

This document gives notice to potential participants of the process and affords them the opportunity to request representation on the SRTS Task Force. The procedure for requesting such representation is set out below. In addition, we invite comments and suggestions for potential participants.

The FHWA is aware that there are many more potential organizations and participants than there are membership positions on the SRTS Task Force. It is very important to recognize that interested parties who are not selected for membership on the SRTS Task Force can make valuable contributions to the work of the SRTS Task Force in several ways. For example, the person or organization could request to be placed on the SRTS Task Force mailing list, submitting written comments, as appropriate.

Any member of the public is welcome to attend the SRTS Task Force meetings, and, as provided in FACA, speak to the SRTS Task Force. Time will be set aside during each meeting for this purpose, consistent with the SRTS Task Force's need for sufficient time to complete its deliberations.

E. Applications for Membership

Each application for membership or nomination to the Task Force should include:

(1) A brief resume or letter (no more than one page) demonstrating the applicant or nominee's knowledge in SRTS projects or programs and why they are interested in serving on the Task Force (please note, resumes or letters will be posted on the public docket and therefore should not contain personal information such as date of birth, etc).

(2) The name of the applicant or nominee and the interest(s) identified in either section 1404 (h) of SAFETEA–LU or the conference report language such person would represent;

(3) Evidence that the applicant or nominee is authorized to represent parties related to the interest(s) the person proposes to represent; and

(4) A written commitment that the applicant or nominee would participate in good faith.

Since all comments and/or applications for membership or nominations for membership on the Task Force will be posted on the Public Docket, we encourage you to include

only that information you are willing to provide for the public docket and submit your application electronically using the docket number provided on this notice through the U.S. DOT online Document Management System found at: *http://dms.dot.gov/submit*.

Every effort will be made to select Task Force members who are objective. A balanced membership is needed and weight will be given to a variety of factors including but not limited to geographical distribution, gender, minority status, organization, and expertise.

Members of the Task Force may receive travel and per diem, as allowed by Federal regulations and U.S. Department of Transportation policy.

F. Duration

Two years from the establishment of the Task Force Charter.

G. Notice of Establishment

After evaluating applications and nominations received as a result of this notice, the Department will publish in the **Federal Register** a notice announcing the establishment and composition of the SRTS Task Force.

(Authority: Section 1914 of Pub. L. 109–59.)

Issued on: July 3, 2006.

J. Richard Capka,

Federal Highway Administrator.

[FR Doc. E6–10754 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waivers of Compliance

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. The petition is described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Canadian National Railway Company

[Waiver Petition Docket Number FRA–2000–8089]

Canadian National Railway Company (CN) seeks an extension of an existing waiver in Docket Number FRA 2000–8089 on behalf of itself and its U.S. affiliates.

CN is North America's fifth largest railroad with 18,300 route miles and approximately 22,000 employees in Canada and the U.S. It operates the largest rail network in Canada and the only transcontinental network in North America. Within the last ten years, CN has integrated operations with Illinois Central, Wisconsin Central, and Great Lakes Transportation rail entities.

CN seeks an extension for an existing waiver in which the FRA has waived compliance with 49 CFR part 231, which specifies the number, location and dimensional specifications for handholds, ladders, sill steps, uncoupling levers and handbrakes, and 49 CFR 231.31 (formerly 232.2), which regulates drawbar height, for CN's use of RoadRailer® equipment.

In a letter dated May 23, 2001, the FRA granted CN approval of their petition FRA–2000–8089 to operate RoadRailer® trains on their railroad property. Since granting of the waiver in 2001, the CN has operated RoadRailer® equipment without incident.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.* Waiver Petition Docket Number 2000–8089) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 665, Number 70; Pages 19477–78). The Statement may also be found at *http://dms.dot.gov*.

Issued in Washington, DC on July 5, 2006.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E6–10755 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Marine Transportation System National Advisory Council

AGENCY: Maritime Administration, Department of Transportation.

ACTION: National Advisory Council public meeting.

SUMMARY: The Maritime Administration announces that the Marine Transportation System National Advisory Council (MTSNAC) will hold a meeting to discuss MTS needs, regional MTS outreach and education initiatives, Committee on the Marine Transportation System (CMTS) coordination, congestion issues, and disaster response and recovery efforts. A public comment period is scheduled for 8:30 a.m. to 9 a.m. on Thursday, July 27, 2006. To provide time for as many people to speak as possible, speaking time for each individual will be limited to three minutes. Members of the public who would like to speak are asked to contact Richard J. Lolich by July 20, 2006. Commenters will be placed on the agenda in the order in which notifications are received. If time allows, additional comments will be permitted. Copies of oral comments must be submitted in writing at the meeting. Additional written comments are welcome and must be filed by August 4, 2006.

DATES: The meeting will be held on Wednesday, July 26, 2006, from 8:30 a.m. to 5 p.m. and Thursday, July 27, 2006 from 8:30 a.m. to 2 p.m.

ADDRESSES: The meeting will be held in the Norfolk Marriott Waterside Hotel, 235 E Main Street, Norfolk, VA. The hotel's phone number is 757–627–4200.

FOR FURTHER INFORMATION CONTACT: Richard Lolich, (202) 366–4357; Maritime Administration, MAR–830, Room 7201, 400 Seventh St., SW., Washington, DC 20590; *richard.lolich@dot.gov.*

(Authority: 49 CFR 1.66)

Dated: July 5, 2006.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. E6–10756 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2006–24707; Notice 2]

Pilkington Glass of Canada Ltd., Grant of Petition for Decision of Inconsequential Noncompliance

Pilkington Glass of Canada Ltd. (Pilkington) has determined that certain aftermarket windshields that it manufactured in 2005 and 2006 do not comply with S6.2 and S6.3 of 49 CFR 571.205, Federal Motor Vehicle Safety Standard (FMVSS) No. 205, ''Glazing Materials.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Pilkington has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.'' Notice of receipt of a petition was published, with a 30-day comment period, on May 19, 2006, in the **Federal Register** (71 FR 29214). NHTSA received no comments.

Affected are a total of approximately 760 aftermarket number GW1549GBY windshields manufactured between September 9, 2005 and March 31, 2006. Pilkington explains that the exact number of noncompliant windshields is unknown, but that 8.1 percent of the windshields that remain in the company's possession are noncompliant, and applying that percentage to the 9,383 windshields that have been distributed produces a result of approximately 760 windshields. S6.2 and S6.3 of FMVSS No. 205 require that each windshield be marked with certain information including a manufacturer's model number and manufacturer's code mark. The affected windshields are marked with either an illegible model number or an illegible manufacturer's code. Pilkington has corrected the problem that caused these errors so that they will not be repeated in future production.

Pilkington believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. The petitioner states that the windshields are clearly inscribed ''Pilkington'' and ''Made in Canada,'' which would allow a distributor or consumer to clearly identify the manufacturer. Pilkington further states that consumers do not need the illegible information to operate their vehicles safely, and ''repair shops typically do not use the model number in deciding upon the size or model of the replacement glass. Instead, [they] generally use various manuals and web sites * * * such as * * * National Auto Glass Specifications.'' Pilkington also states that it has taken action to prevent additional sales of these windshields by notifying wholesalers and distributors to return windshields with the noncompliant markings.

NHTSA agrees with Pilkington that the noncompliance is inconsequential to motor vehicle safety. The manufacturer can be identified by the words ''Pilkington'' and ''Made in Canada,'' which are inscribed on the windshield. To identify the proper replacement glass, a repair facility would presumably follow the typical practice of using references such as the National Auto Glass Specifications web site and manuals. Therefore this noncompliance does not present a safety problem in terms of replacement or recall. The windshields meet all other FMVSS requirements.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Pilkington's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

Authority: (49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8)

Issued on July 5, 2006.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E6–10763 Filed 7–10–06; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2006–23998; Notice 2]

Pipeline Safety: Grant of Waiver; Rockies Express Pipeline

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

ACTION: Grant of waiver.

SUMMARY: PHMSA is granting Rockies Express Pipeline, L.L.C. (Rockies Express) a waiver of compliance from the pipeline safety regulation that prescribes the design factor to be used in the design formula for steel pipe. This waiver allows the Rockies Express pipeline to operate at hoop stresses up to 80 percent of the specified minimum yield strength (SMYS) in Class 1 locations. The waiver also grants Rockies Express relief from equipment requirements for pressure relieving and limiting stations.

Before granting the waiver, PHMSA performed a thorough technical review of Rockies Express's application and supporting documents. PHMSA requested and received supplementary information pertaining to numerous technical aspects of its metallurgy, pipeline design, and engineering practices. These materials are available in the docket PHMSA–2006–23998 at *http://dms.dot.gov.* PHMSA also sought comments from the public and received positive feedback from the impacted States along the pipeline and the Technical Pipeline Safety Standards Committee.

The waiver is subject to and conditional upon supplemental safety criteria set forth in this notice. The supplemental safety criteria address the life cycle management of the subject pipeline and require Rockies Express to adhere to maintenance, inspection, monitoring, control, and reporting standards exceeding existing regulatory requirements.

SUPPLEMENTARY INFORMATION:

Background

Rockies Express is a joint development of Kinder Morgan Energy Partners, L.P. and Sempra Pipelines & Storage, a subsidiary of Sempra Energy.

Rockies Express is obtaining regulatory approvals to construct a new 1,323-mile interstate natural gas pipeline. When it is complete, the 42-inch diameter pipeline will transport natural gas from basins in Colorado and Wyoming to markets in the upper Midwest and Eastern United States. The pipeline will cross portions of Wyoming, Colorado, Nebraska, Missouri, Illinois, Indiana, and Ohio.

Rockies Express plans to construct the pipeline in three phases. The first or western segment of the pipeline will be approximately 710 miles long. It will start at the hub in Cheyenne, Wyoming and extend to an interconnection with the Panhandle Eastern Pipe Line Company in Audrain County, Missouri. Four additional compressor stations will be installed at the Cheyenne Hub to support operations. The second or central segment of the pipeline will be approximately 425 miles long and extend from the terminus of the western segment of the pipeline in Audrain

County, Missouri to the hub in Lebanon, Ohio. The final or eastern segment of the pipeline will be approximately 188 miles long and extend from the Lebanon Hub terminus to a point at or near Clarington, Ohio.

Rockies Express' Waiver Requests

Rockies Express requests a waiver of compliance from the following regulatory requirements:

49 CFR 192.111—Design Factor (F) for Steel Pipe; and

49 CFR 192.201—Required Capacity of Pressure Relieving and Limiting Stations.

The design factors are found in the following table:

Class location	Design factor (F)
1	0.72
2	0.60
3	0.50
4	0.40

The waiver request is for approximately 1,323 miles of 42-inch diameter pipe located within the United States. The waiver will allow Rockies Express to:

(1) Operate its new pipeline at hoop stresses up to 80 percent of SMYS in Class 1 locations, and at a maximum allowable operating pressure (MAOP) of 1,480 pounds per square inch gauge.

(2) Operate each pressure relief station installed to protect pipelines in Class 1 locations at pressures that may not exceed the MAOP plus 4 percent, or the pressure that produces a hoop stress of 83 percent of SMYS, whichever is lower at that time.

The pipe to be used for the Rockies Express pipeline will be either a longitudinal seam submerged arc welded pipe or a helical seam submerged arc welded pipe. The pipe also will be API Grades X80 and X70, and high-strength and high-toughness steel pipe, suitable for high-pressure gas transmission service. The Rockies Express pipeline will be 42 inches in diameter, coated externally with fusion-bonded epoxy (FBE), and be protected by an impressed current cathodic protection (CP) system. The field weld joints will be externally coated with field applied FBE.

All welds on the Rockies Express pipeline will be nondestructively tested. If any weld imperfections are discovered, they will be repaired or removed prior to putting the line in service. The Rockies Express pipeline also will be hydrostatically tested to a minimum of 100 percent of SMYS. Prior to commissioning the pipeline for gas service, it will be surveyed with a multi-channel geometry-smart-tool capable of detecting anomalies including dents and buckles. Approximately 90 percent of the Rockies Express pipeline will be located in Class 1 areas in a common right-of-way with other pipelines. Further, Kinder Morgan will install variable resistance bonds between the various pipelines and metallic structures sharing the right-of-way to eliminate stray electrical currents, and to equalize the voltage potentials between Rockies Express and other underground metallic structures.

Kinder Morgan conducted a risk analysis for Rockies Express and compared the risks associated with using a 0.80 design criteria to using a 0.72 design criteria. The risk analysis considered risks in the following nine areas: (1) Stress corrosion cracking; (2) manufacturing defects; (3) weather/outside factors; (4) welding and fabrication defects; (5) equipment failure; (6) equipment impact or third-party damage; (7) external corrosion; (8) internal corrosion; and (9) incorrect operation.

From the risk analysis results Kinder Morgan determined that there was no significant increase in the overall risk associated with using the 0.80 design criteria for this type of pipe. Moreover, according to Kinder Morgan, only in the areas of external corrosion, internal corrosion, and incorrect operation did the risk analysis show a slightly higher degree of risk associated with using a 0.80 design factor. A pipe wall designed with a 0.80 design factor results in a slightly higher risk factor because it is manufactured with a thinner wall pipe than the pipe designed with a 0.72 design factor; therefore, the pipe designed with a 0.80 design factor operates at higher stress levels. Consequently, the factor of safety between the MAOP and the pipe's SMYS is reduced. Rockies Express indicated that they will employ several control and prevention programs to mitigate these increased risks.

Grant of Waiver

PHMSA considered Rockies Express' waiver request and whether its proposal will yield an equivalent or greater degree of safety than the current regulations. PHMSA published a notice of intent to consider the waiver and solicited comments on March 22, 2006 (71 FR 14573). No comments were received.

Based on the Rockies Express' application for waiver for its new pipeline and PHMSA's extensive technical analysis and favorable feedback from the impacted States and the Technical Pipeline Safety Standards Committee, PHMSA hereby grants Rockies Express' waiver request with the following supplemental safety criteria:

Pipe and Material Quality

1. Steel Properties: The skelp/plate must be micro alloyed, fine grain, fully killed steel with calcium treatment and continuous casting.

2. Manufacturing Standards: The pipe must be manufactured according to American Petroleum Institute (API) standard 5L, product specification level (PSL) 2, and supplementary requirements (SR) for maximum operating pressures and minimum operating temperatures. Pipe carbon equivalents must be at or below 0.25 based on the material chemistry parameter (Pcm) formula.

3. Fracture Control: The API standard 5L and other standards address steel pipe toughness properties needed to resist initiation and propagation, and arrest (stop) a pipeline failure caused by a fracture. Rockies Express must institute an overall fracture control plan addressing steel pipe properties necessary to resist and arrest this condition within 6 pipe joints. The plan must include acceptable Charpy Impact and Drop Weight Tear Test values, which are measures of a steel pipeline's toughness and resistance to fracture.

The fracture control plan must also be in accordance with API standard 5L, Appendix F and must include the following tests:

- (a) SR 5A—Fracture Toughness Testing for Shear Area: Test results must be at least 80 percent of the minimum average shear area for all heats with a minimum result of 80 percent shear area for any single test;
- (b) SR 5B—Fracture Toughness Testing for Absorbed Energy; and
- (c) SR 6—Fracture Toughness Testing by Drop Weight Tear Test: Test results must be at least 80 percent of the average shear area for all heats with a minimum result of 60 percent of the shear area for any single test.

The above fracture initiation, propagation and arrest plan must account for the entire range of pipeline operating temperatures, pressures and gas compositions planned for the pipeline diameter, grade, and operating stress level associated with this wavier.

4. Steel Plate Quality Control: The steel mill and/or pipe rolling mill must incorporate a comprehensive plate/coil mill and pipe mill inspection program to check for defects and inclusions that could affect the pipe quality. This program must include a plate (body and

all ends) ultrasonic testing (UT) inspection program to check for imperfections such as laminations.

An inspection protocol for centerline segregation evaluation using a test method referred to as slab macro-etching must be employed to check for inclusions that may form as the steel plate cools after it has been cast. A minimum of one macro-etch test must be performed from the first heat (manufacturing run) of each sequence (approximately 4 heats) and graded on the Mannesmann scale or equivalent. Test results with a Mannesmann scale rating of one or two out of a possible five are acceptable.

5. Pipe Seam Quality Control: A quality assurance program must be instituted for pipe weld seams. The pipe weld seam tests must meet the minimum requirements for tensile strength in API standard 5L for the appropriate pipe grade properties.

A pipe weld seam hardness test using the Vickers hardness testing of a cross-section from the weld seam must be performed on one length of pipe from each heat. The maximum weld seam and heat affected zone hardness must be a maximum of 280 Vickers hardness. The hardness tests must include a minimum of 3 readings for each heat affected zone, 3 readings in the weld metal, and 2 readings in each section of pipe base metal for a total of 13 readings.

The pipe weld seam must be 100 percent ultrasonically tested after expansion and hydrostatic testing per APL standard 5L.

6. Puncture Resistance: Steel pipe will be puncture resistant to 35 ton. Puncture resistance will be calculated based on industry established calculations such as the Pipeline Research Council International's ''Reliability Based Prevention of Mechanical Damage to Pipelines'' calculation method.

7. Mill Hydrostatic Test: The pipe must be subjected to a mill hydrostatic test pressure of 95 percent SMYS or greater for 10 seconds.

8. Pipe Coating: The application of a corrosion resistant coating to the steel pipe must be subject to a coating application quality control program. The program must address pipe surface cleanliness standards, blast cleaning, application temperature control, adhesion, cathodic disbondment, moisture permeation, bending, minimum coating thickness, coating imperfections, and coating repair.

9. Field Coating: A field girth weld joint coating application specification and quality standards to ensure pipe surface cleanliness, application temperature control, adhesion quality, cathodic disbondment, moisture permeation, bending, minimum coating thickness, holiday detection, and repair quality must be implemented in field conditions. Field joint coatings must be non-shielding to CP. Field coating applicators must use valid coating procedures and be trained to use these procedures.

10. Coatings for Trenchless Installation: Coatings used for directional bore, slick bore, and other trenchless installation methods must resist abrasions and other damages that may occur due to rocks and other obstructions encountered in this installation technique.

11. Bends Quality: Certification records of factory induction bends and/or factory weld bends must be obtained and retained. All bends, flanges, and fittings must have carbon equivalents (CE) below 0.42 or a pre-heat procedure prior to welding for CE above 0.42.

12. Fittings: All pressure rated fittings and components (including flanges, valves, gaskets, pressure vessels, and compressors) must be rated for a pressure rating commensurate with the MAOP and class location of the pipeline. Designed fittings (including tees, elbows and caps) must have the same design factors as the adjacent pipe class location.

13. Design Factor—Stations: Compressor and meter stations must be designed using a design factor of 0.50 in accordance with § 192.111.

14. Temperature Control: The compressor station discharge temperature must be limited to 120° Fahrenheit or a temperature below the maximum long-term operating temperature for the pipe coating.

15. Overpressure Protection Control: Mainline pipeline overpressure protection must be limited to a maximum of 104 percent MAOP.

16. Welding Procedures: Automated or manual welding procedure documentation must be submitted to the appropriate PHMSA regional office. The PHMSA's regional office must be notified within 14 days before welding procedure qualification activities.

17. Depth of Cover: The soil cover must be a minimum of 36 inches except in areas where threats from chisel plowing or other activities require the top of the pipeline to be installed one foot below the deepest penetration.

Construction

18. Construction Quality: A construction quality assurance plan to ensure quality standards and controls must be maintained throughout the construction phase with respect to: Inspection, pipe hauling and stringing, field bending, welding, non-destructive examination (NDE) of girth welds, field joint coating, pipeline coating integrity tests, lowering of the pipeline in the ditch, padding materials to protect the pipeline, backfilling, alternating current (AC) interference mitigation and CP systems. All girth welds must be non-destructively examined by radiography or alternative means. The NDE examiner must have all required certifications that are current.

19. Interference Currents Control: Control of induced AC from parallel electric transmission lines and other interference issues that may affect the pipeline must be incorporated into the design of the pipeline and addressed during the construction phase. Issues identified and not originally addressed in the design phase must be brought to PHMSA's attention. An induced AC program to protect the pipeline from corrosion caused by stray currents must be in place within six months after placing the pipeline in service.

Pre-In Service Hydrostatic Pressure Test

20. Test Level: The pre-in service hydrostatic test must be to a pressure producing a hoop stress on 0.8 designed class 1 pipe of at least 100 percent SMYS and 1.25 X MAOP.

21. Assessment of Test Failures: Any pipe failure occurring during the pre-in service hydrostatic test must undergo a root cause failure analysis to include a metallurgical examination of the failed pipe. The results of this examination must preclude a systemic pipeline material issue and the results must be reported to PHMSA headquarters and the appropriate PHMSA regional office.

Supervisory Control and Data Acquisition (SCADA)

22. SCADA System Capabilities: A SCADA system to provide remote monitoring and control of the entire pipeline system must be employed.

23. Mainline Valve Control: Mainline valves that reside on either side of pipeline segment containing a High Consequence Area (HCA) where personnel response time to the valve exceeds one (1) hour must be remotely controlled by the SCADA system. The SCADA system must be capable of opening and closing the valve and monitoring the valve position, upstream pressure and downstream pressure. As an alternative, a leak detection system for mainline valve control is acceptable.

24. SCADA Procedures: A detailed procedure for establishing and maintaining accurate SCADA set points must be established to ensure the

pipeline operates within acceptable design limits at all times.

Operations and Maintenance

25. Leak Reporting: Rockies Express must notify the appropriate PHMSA regional office within 24 hours of any non-reportable leaks occurring on the pipeline.

26. Annual Reporting: Following approval of the waiver, Rockies Express must annually report the following:

- The results of any in-line inspection (ILI) or direct assessment results performed within the waiver area during the previous year;
- Any new integrity threats identified within the waiver area during the previous year;
- Any encroachment in the waiver area, including the number of new residences or public gathering areas;
- Any reportable incidents associated with the waiver area that occurred during the previous year;
- Any leaks on the pipeline in the waiver area that occurred during the previous year;
- A list of all repairs on the pipeline in the waiver area made during the previous year;
- On-going damage prevention initiatives on the pipeline in the waiver area and a discussion of their success; and
- Any company mergers, acquisitions, transfers of assets, or other events affecting the regulatory responsibility of the company operating the pipeline to which this waiver applies.

27. Pipeline Inspection: The pipeline must be capable of passing ILI. All headers and other segments covered under this waiver that do not allow the passage of an ILI device must have a corrosion mitigation plan.

28. Gas Quality Monitoring and Control: An acceptable gas quality monitoring and mitigation program must be instituted to not exceed the following limits:

a. H_2S (4 grains maximum);

b. CO_2 (3 percent maximum);

c. H_2O (less than or equal to 7 pounds per million standard cubic feet and no free water); and

d. Other deleterious constituents that may impact the integrity of the pipeline must be instituted.

Filters/separators must be installed at locations where gas is received into the pipeline to minimize the entry of contaminants and to protect the integrity of downstream pipeline segments.

Gas quality monitoring equipment must be installed to permit the operator to manage the introduction of contaminants and free liquids into the pipeline.

29. Cathodic Protection: The initial CP system must be operational within 12 months of placing the pipeline in service.

30. Interference Current Surveys: Interference surveys must be performed within six months of placing the pipeline in service to ensure compliance with applicable NACE International (NACE) standards (Recommended Practice (RP) 0169 and RP 0177) for interference current levels.

31. Corrosion Surveys: Corrosion surveys of the affected pipeline must be completed within six months of placing the respective CP system(s) in operation to ensure CP (in accordance with the NACE standard RP 0169, paragraphs 6.2 and 6.3), test stations, AC interference mitigation, and AC grounding programs (NACE standard RP 0177) are being implemented along the pipeline.

32. Verification of Cathodic Protection: A close interval survey (CIS) must be performed in concert with ILI in accordance with subpart O reassessment intervals for all HCA pipeline mileage. If any annual test point readings fall below subpart I requirements, remediation must be performed and must include a CIS on either side of the affected test point to ensure corrosion control.

33. Pipeline Markers: Rockies Express must employ line-of-sight markings on the pipeline in the waiver area except in agricultural areas, subject to Federal Energy Regulatory Commission permits or environmental permits and local restrictions.

34. Pipeline Patrolling: Pipeline patrolling must be conducted at least monthly to inspect for excavation activities, ground movement, wash-outs, leakage, and/or other activities and conditions affecting the safe operation of the pipeline.

35. Monitoring of Ground Movement: An effective monitoring/mitigation plan must be in place to monitor for and mitigate issues of unstable soil and ground movement.

Integrity Management

36. Review of Risk Assessment Calculations: A copy of the C–FER PIRAMID risk analysis report regarding the pipe subject to this waiver must be submitted to PHMSA Headquarters.

37. Initial ILI: A baseline ILI must be performed in association with the construction of the pipeline using a high-resolution Magnetic Flux Leakage (MFL) tool within three years of placing a pipeline segment in service. A geometry tool must be launched either prior to placing the pipeline in service, or no later than six months after placing the pipeline in service.

38. Future ILI: A second high-resolution MFL inspection must be performed and completed on the pipe subject to this waiver within the first reassessment interval required by subpart O, regardless of HCA classification. Future ILI must be performed on a frequency consistent with subpart O for the entire pipeline covered by this waiver.

39. Direct Assessment Plan: Headers, mainline valve bypasses, and other sections covered by this waiver that cannot accommodate ILI tools must be part of a Direct Assessment (DA) plan or other acceptable integrity monitoring method.

40. Initial CIS: A CIS must be performed on the pipeline within one year of completion of the installation of CP systems. The CIS results must be integrated with the baseline ILI to determine whether further action is needed.

41. Damage Prevention Program: Common Ground Alliance's damage prevention best practices must be incorporated into the Rockies Express damage prevention program.

42. Class 2 and 3 Pipe: Pipe installed in Class 2 and Class 3 locations must use stress factors of 0.60 and 0.50 as required in § 192.111. Pipe in road and railroad crossings must meet the requirements of § 192.111.

43. Anomaly Evaluation and Repair: Anomaly evaluations and repairs must be performed based upon the following:

- *Anomaly Response Time*
  - Any anomaly with a failure pressure ratio (FPR) equal to or less than 1.1 must be treated as an ''immediate'' per subpart O.
  - Any anomaly with an FPR equal to or less than 1.25 must be remediated within 12 months per subpart O.
  - Any anomaly with an FPR greater than 1.25 must have a remediation schedule per subpart O.
- *Anomaly Repair Criteria*
  - Segments operating at MAOP equal to 80 percent stress level—any anomaly evaluated and found to have an FPR equal to or less than 1.25 must be repaired.
  - Segments operating at MAOP equal to 66 percent stress level—any anomaly evaluated and found to have an FPR equal to or less than 1.50 must be repaired.
  - Segments operating at MAOP equal to 56 percent stress level—any anomaly evaluated and found to have an FPR equal to or less than 1.80 must be repaired.

a. All other pipe segments with anomalies not repaired must be

reassessed according to subpart O and the American Society of Mechanical Engineers (ASME) standard B31.8S requirements. Each anomaly not repaired must have a corrosion growth rate and ILI tool tolerance assigned to it per the Gas Integrity Management Program (IMP) to determine the maximum re-inspection interval.

b. Rockies Express must confirm the remaining strength (R–STRENG) effective area method, R–STRENG—0.85dL, and ASME standard B31G assessment methods are valid for their pipe diameter, wall thickness, grade, operating pressure, operating stress level, and operating temperature. If it is not valid, Rockies Express must confirm a valid evaluation method to PHMSA. Until confirmation of the previously mentioned anomaly assessment calculations has been performed, Rockies Express must use the most conservative of the calculations for anomaly evaluation.

c. Dents must be evaluated and repaired per § 192.309(b)(ii) and § 192.933(d)(l)(ii).

44. Preliminary Criteria Reporting: A preliminary report describing the results, completion dates and status of the supplementary requirements must be completed for the western and eastern segments of the pipeline and submitted to PHMSA Headquarters and the appropriate PHMSA regional office prior to commencing construction of each segment.

45. Criteria Completion Reporting: A report describing results, completion dates and status of the outstanding supplementary requirements must be submitted to PHMSA Headquarters and the appropriate regional office within 180 days after completion of the western pipeline segment. A similar report must be completed within 180 days of completion of the eastern segment and submitted to PHMSA Headquarters and the appropriate PHMSA regional office.

A follow-up report must be submitted for the western and eastern segments after the baseline ILI run has been performed with assessment and integration of the results. A final report must be submitted upon completion of the second ILI run for the western and eastern segments. These reports must be submitted to PHMSA Headquarters and the appropriate PHMSA regional office.

46. Potential Impact Radius Calculation Updates: If the pipeline operating pressures and gas quality are determined to be outside the parameters of the C–FER Study, a new study with the uprated parameters must be incorporated into the IMP.

If at anytime PHMSA determines the effect of the waiver is inconsistent with pipeline safety, PHMSA will revoke the waiver at its sole discretion.

Authority: 49 U.S.C. 60118 (c) and 49 CFR 1.53.

Issued in Washington, DC, on July 5, 2006.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 06–6105 Filed 7–6–06; 9:10 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2006–23387; Notice 2]

Pipeline Safety: Grant of Waiver; Alliance Pipeline L.P.

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

ACTION: Grant of Waiver.

SUMMARY: PHMSA is granting Alliance Pipeline L.P. (APL) a waiver of compliance from certain PHMSA regulations for the United States portion of its pipeline system. This waiver increases the maximum allowable operating pressure (MAOP) for its pipeline. It also increases the design factor for its compressor station piping, grants relief from the hydrostatic testing requirements for its compressor station piping, and grants relief from equipment requirements for pressure relieving and limiting stations.

Before granting the waiver, PHMSA performed a thorough technical review of APL's application for waiver and supporting documents. PHMSA requested and received supplementary information pertaining to numerous technical aspects of APL's design, engineering, operations, and maintenance practices. PHMSA also sought comments from the public and received positive feedback from the impacted States along the pipeline and the Technical Pipeline Safety Standards Committee.

The waiver is subject to and conditional upon supplemental safety criteria set forth in this notice. The supplemental safety criteria address the life cycle management of the subject pipeline and require the operator to adhere to maintenance, inspection, monitoring, control, and reporting standards exceeding existing regulatory requirements.

SUPPLEMENTARY INFORMATION:

Background

The United States portion of APL's system was commissioned in 2000 and consists of approximately 888 miles of transmission pipeline in North Dakota, Minnesota, Iowa, and Illinois. APL transports natural gas from the Canadian/United States border near Minot, North Dakota to the Aux Sable Delivery Meter Station near Chicago, Illinois where natural gas liquids such as ethane, butane, propane, and other liquids are separated out from the gas stream. The natural gas is then transported about 13 miles to various metering facilities. The APL system includes seven compressor stations.

The APL system is constructed from 36-inch, Grade X70 high pressure steel pipe with three wall thicknesses: 0.622 inches, 0.746 inches, and 0.895 inches. The pipelines are mechanically welded, coated with multi-layered, fusion-bonded, non-shielding epoxy, and are protected by an impressed current cathodic protection system.

During construction of the APL pipeline, all girth welds were subjected to volumetric inspection to verify weld quality. Further, in 2005, APL inspected the pipeline using a high-resolution Magnetic Flux Leakage (MFL) in-line inspection (ILI) tool. The operator used this technology to look for anomalies that could impact the integrity and safety of the pipeline. No anomalies were found.

APL's Waiver Requests

APL requests a waiver of compliance from the following regulatory requirements:

49 CFR 192.111—*Design Factor (F) for Steel Pipe;*

49 CFR 192.201—*Required Capacity of Pressure Relieving and Limiting Stations;*

49 CFR 192.505—*Strength Test Requirements for Steel Pipeline to Operate at a Hoop Stress of 30 percent or more of SMYS; and*

49 CFR 192.619—*Maximum Allowable Operating Pressure: Steel or Plastic Pipelines.*

The waiver request is for approximately 874.7 miles of 36-inch diameter pipe located in the United States between the Canadian border at Milepost 0.0 and the inlet of Aux Sable Deliver Meter Station near Chicago, Illinois at Milepost 874.7. In the document, we refer to this segment as the area of waiver.

The waiver application involves six specific requests:

(1) Increase the stress level from 72 percent of SMYS, corresponding to 1740 psig, to 80 percent of SMYS, corresponding to 1935.1 psig from the Canadian border at Milepost 0.0 to the inlet of the Aux Sable Delivery Meter

Station near Chicago, Illinois, at mile post 874.7. This segment of the APL pipeline, including the compressor stations, is referred to as the waiver area.

(2) Provide relief from regulations which require that compressor station piping be subjected to Class 3 testing requirements by increasing the stress level in the compressor station piping from 50 percent of SMYS, corresponding to 1814 psig, to 54 percent of SMYS, corresponding to 1961.4 psig. This request results in increasing the design factor for the station piping from 0.50 to 0.54.

(3) Provide relief from regulations requiring all Class 1 locations to comply with strength test factor requirements. The minimum test pressure obtained in pipelines located in Class 1 locations was 2229 psig. This resulted in a 1.15 test factor for operation at 1935.1 psig (80 percent of SMYS).

(4) Provide relief from regulations requiring all Class 2 locations to comply with strength test factor and the design factor requirements. Two Class 2 locations totaling 966 linear feet (LF) are affected by this request and include a 379 LF section located downstream of mile post 764.6 and a 587 LF section located downstream of mile post 819.8. These two Class 2 locations will increase the design factor to 80 percent of SMYS and operate up to the proposed MAOP of 1935.1 psig.

(5) Allow use of the American Society of Mechanical Engineers (ASME) standard B31.8 requirement to hydrostatically test compressor station piping to 1.4 times the MAOP, in lieu of the regulatory requirements to test to 1.5 times the MAOP. As a result, piping in one of APL's compressor stations will be hydrostatically re-tested; however, the remaining six stations will not require additional station piping hydrostatic tests.

(6) Relief from regulations governing compressor station design MAOP and overpressure protection set points, and be permitted to operate the system at the compressor stations at less than or equal to 1961.4 psig. This corresponds to a compressor station MAOP of 54 percent SMYS (81.07 percent of SMYS of the mainline pipe), which is 26.3 psig above the proposed 1935.1 psig (80 percent of SMYS operating pressure). The overpressure protection set point exceeds the regulatory requirement of 75 percent of SMYS, but is less than 110 percent of the mainline MAOP of 1935.1 psig.

Pipeline System Analysis

APL established feasibility criteria to assess the safety and reliability of the pipeline to operate at stress levels up to 80 percent of SMYS. These criteria include:

- Developing operational commitments that would improve safety for any person residing, working, or vacationing near the United States portion of its pipeline, including approximately 15 miles of pipeline located in high consequence areas.
- Performing in-depth assessments of its existing pipeline equipment to ensure there is no impact on the reliability of the pipeline. APL performed reviews to verify that the equipment is capable of sustaining operations at increased pressures.
- Providing environmental benefits versus other delivery alternatives for the additional gas being provided.
- Creating economic benefits to natural gas suppliers and shippers.
- Creating incremental economic benefits to end use customers.

APL also performed technical reviews and assessments of its pipeline and compressor stations facilities that currently operate at 72 percent of SMYS and in the future will operate at 80 percent of SMYS. APL compared the threats associated with a pipeline operating at 72 percent of SMYS with the threats associated with a pipeline operating at 80 percent of SMYS. APL analyzed the following nine threats: (1) Excavation damage; (2) external corrosion; (3) internal corrosion; (4) stress corrosion cracking; (5) pipe manufacturing; (6) construction; (7) equipment; (8) weather and outside factors; and (9) incorrect operations.

In response to these technical reviews and assessments, APL proposed several programs to mitigate the increased risks to its pipeline. APL will implement preventive measures as part of its Integrity Management Program (IMP) to mitigate the threats imposed by excavation damage. APL also will develop an external corrosion mitigation plan to address the threat of external corrosion, and APL will rely on the integrity reassessment intervals of IMP to mitigate the threat of internal corrosion. To manage the threat of stress corrosion cracking, APL will implement magnetic particle examinations at any location(s) along its pipeline where damage to its fusion bond epoxy (FBE) coating is detected. APL also will perform external corrosion direct assessment (ECDA) in the Class 2 areas prior to increasing pressure with the exception of the pipeline segment located under the Mississippi River where ECDA is impractical.

Grant of Waiver

On March 22, 2006, PHMSA published its notice of intent to consider the waiver and solicited comments from the public (71 FR 14572). We received two comments: One concerning ''open'' communications, and the other supporting the waiver.

- One commenter indicated that although APL has proven to be a good neighbor, he expressed reservations about APL's openness in communications.
- The other commenter supported the waiver because the benefits of granting the waiver will at least include (1) an increase in available natural gas pipeline capacity on APL's pipeline, thereby increasing the amount of natural gas that can be delivered to customer markets throughout the United States; (2) an improvement in fuel efficiency through a reduction in required fuel gas, which will lead to fuel cost savings; and (3) a reduction in capital expenditures by APL, particularly for expanding its facilities and building new pipelines.

PHMSA reviewed the documentation submitted by APL prior to proposing action on the waiver petition. PHMSA also requested additional information as a part of its technical review. APL responded to information requests from PHMSA and other stakeholders to clarify technical details of the petition. APL's responses to our supplementary questions are available in docket PHMSA–2006–23387 at *http://dms.dot.gov.*

PHMSA evaluated APL's studies that technically justified the waiver petition. PHMSA also recognized the superior materials used to construct the APL system and the full-scale testing sponsored by APL to verify the fracture control characteristics of the pipe material. APL proposed operational commitments, when combined with the PHMSA required safety criteria discussed later in this document, enhance the safety of the pipeline system and offset the risk of increasing the operating stress level from 72 percent to 80 percent of SMYS. APL's commitments and PHMSA's supplementary safety criteria require the APL system to be more rigorously monitored than other pipelines not covered by a similar waiver.

PHMSA considered APL's waiver request and whether its proposal will yield an equivalent or greater degree of safety than that currently provided by the pipeline safety regulations. PHMSA also reviewed additional information provided by APL in response to a PHMSA information request. After reviewing all submitted information,

PHMSA also developed safety criteria that APL must comply with as a condition of the waiver. The criteria, listed below, together with the programs proposed by APL in the waiver petition, would be the basis for the life-cycle management of the APL pipeline subject to the waiver.

PHMSA received positive comments and conducted a thorough technical review of APL's application for waiver, supporting documents, and comments received. In addition, PHMSA sought comments and received positive feedback from the impacted States along the pipeline and the Technical Pipeline Safety Standards Committee. PHMSA hereby grants APL's waiver request provided APL, or a successor operator, complies with the following supplemental safety criteria:

Pipe and Material Quality

1. *Fracture Control Plan:* APL must implement an overall fracture control plan to address fracture initiation, propagation and Charpy arrest (stop) values. The fracture initiation, propagation and arrest plan must account for the entire range of temperatures, pressures and gas compositions that the pipeline will experience.

2. *Fittings:* All pressure rated fittings and components (including flanges, valves, gaskets, pressure vessels and compressors) must be rated for a pressure commensurate with the MAOP and class location of the pipeline. Designed fittings (including tees, elbows, and caps) must have the same design factors as the adjacent pipe.

3. *Station Design Factor:* APL may use a design factor not exceeding 0.54 for existing compressor and meter stations. New compressor and meter stations must be designed using a design factor of 0.50 per § 192.111.

4. *Temperature Control:* The compressor station discharge temperature must be limited to 120° Fahrenheit or a temperature below the maximum long-term operating temperature for the pipe coating.

5. *Overpressure Protection:* Mainline pipeline overpressure protection must be limited to a maximum of 104 percent of MAOP.

Supervisory Control and Data Acquisition (SCADA)

6. *SCADA System:* APL must use a SCADA system to provide remote monitoring and control of the entire pipeline system.

7. *Mainline Valve Control:* Mainline valves that reside on either side of pipeline segment containing a High Consequence Area (HCA) where personnel response time to the valve exceeds one (1) hour must be remotely controlled by the SCADA system. The SCADA system must be capable of opening and closing the valve and monitoring the valve position, upstream pressure and downstream pressure. As an alternative to remote control of mainline valves, APL may implement a leak detection system.

8. *SCADA Set Point Review:* APL must implement a detailed procedure to establish and maintain accurate SCADA set points to ensure the pipeline is operating within acceptable design limits at all times.

Operations and Maintenance

9. *Leak Reporting:* APL must notify the PHMSA Central Region Office as soon as practicable of any non-reportable leaks occurring on the pipeline covered by the waiver.

10. *Annual Reporting:* Annually, following approval of the waiver, APL must report the following:

- The results of any ILI or direct assessments performed within the waiver area during the previous year.
- Any new integrity threats identified within the waiver area during the previous year.
- Any encroachment in the waiver area, including the number of new residences or public gathering areas.
- Any reportable incidents within the waiver area that occurred during the previous year.
- Any leaks on the pipeline in the waiver area that occurred during the previous year.
- A list of all repairs on the pipeline in the waiver area made during the previous year.
- On-going damage prevention initiatives on the pipeline in the waiver area and a discussion of their success.
- Any company mergers, acquisitions, transfers of assets, or other events affecting the regulatory responsibility of the company operating the pipeline to which this waiver applies.

11. *Pipeline Inspection:* The pipeline must be capable of passing ILI. All headers and other segments covered under the waiver that do not allow the passage of an internal inspection device must have a corrosion mitigation plan.

12. *Gas Quality Monitoring and Control:* APL's gas quality monitoring and mitigation program must have the ability to restrict constituents that promote internal corrosion to not exceed the following limits:

- H_2S (4 grains maximum);
- CO_2 (3 percent maximum);
- H_2O (less than or equal to 7 pounds per million standard cubic feet and no free water); and
- Other deleterious constituents that may impact the integrity of the pipeline must be minimized.

13. *Gas Quality Control Equipment:* Filters/separators must be installed at locations where needed to comply with the above gas quality requirements and meet APL's gas tariff.

14. *Control of Liquids:* Gas quality monitoring equipment must be installed to permit the operator to manage the introduction of contaminants and free liquids into the pipeline.

15. *Corrosion Mitigation Plan:* APL must submit an external corrosion mitigation plan as summarized in its waiver petition, Appendix N.

16. *Initial Close Interval Survey:* An initial baseline close interval survey (CIS) must be completed in concert with the baseline ILI indicated in criteria 24 and as indicated in the operational commitments of APL's waiver petition.

17. *Verification of Cathodic Protection:* A CIS must be performed in concert with an ILI in accordance with subpart O reassessment intervals for all HCA pipeline mileage. If any annual test point readings fall below subpart I requirements, remediation must be performed and must include a CIS on either side of the affected test point.

18. *Pipeline Markers:* APL must employ line-of-sight marking on the pipeline in the waiver area except in agricultural areas subject to the Federal Energy Regulatory Commission permits or environmental permits and local restrictions.

19. *Pipeline Patrolling:* APL must patrol the pipeline at least monthly to inspect for excavation activities, ground movement, wash-outs, leakage, and/or other activities and conditions affecting the safe operation of the pipeline.

20. *Monitoring of Ground Movement:* An effective monitoring/mitigation plan must be in place to monitor for and mitigate issues of unstable soil and ground movement.

21. *Uprating Plan Review and Approval:* The uprating (commissioning) plan must be submitted to the PHMSA Central Region Office for review and approval before increasing the pressure on the pipeline.

22. *Preliminary Criteria Reporting:* A preliminary report describing the results, completion dates and status of actions required under supplemental safety criteria contained herein must be completed and submitted to PHMSA Headquarters and PHMSA Central Region Office prior to increasing the pressure on the pipeline system.

23. *Criteria Completion Reporting:* A report describing results, completion dates and status of the outstanding criteria must be submitted to PHMSA

Headquarters and PHMSA Central Region Office within 180 days after completion of uprating.

A final report must be submitted to PHMSA Headquarters and PHMSA Central Regional Office upon completion of the second ILI run for the pipeline.

Integrity Management

24. *Initial ILI:* A baseline ILI must be performed in association with this waiver on the pipeline using a high-resolution inline inspection technology capable of detecting metal loss and mechanical damage. The results of the baseline ILI must be integrated with the baseline CIS as described in criteria number 16.

25. *Future ILI:* A second high resolution MFL inspection must be performed on the pipe subject to the waiver following the baseline ILI and be completed within the first reassessment interval required by subpart O, regardless of HCA classification. Future ILI must be performed on a frequency consistent with subpart O for the entire pipeline covered by this waiver.

26. *Direct Assessment Plan:* Headers, mainline valve bypasses, and other sections covered by this waiver that cannot accommodate ILI tools must be part of a Direct Assessment plan or other acceptable integrity monitoring method.

27. *Damage Prevention Program:* Common Ground Alliance's damage prevention best practices must be incorporated into APL's damage prevention program.

28. *Anomaly Evaluation and Repair:* Anomaly evaluations and repairs must be performed based upon the following:

- For purposes of this criterion, the Failure Pressure Ratio (FPR) is an indication of the pipeline's remaining strength from an anomaly and is equal to the predicted failure pressure divided by the MAOP.
- *Anomaly Response Time.*
  - Any anomaly with a FPR equal to or less than 1.1 must be treated as an ''immediate repair'' per subpart O.
  - Any anomaly with a FPR equal to or less than 1.25 must be remediated within 12 months per subpart O.
  - Any anomaly with an FPR greater than 1.25 must have a remediation schedule per subpart O.
- *Anomaly Repair Criteria.*
  - Segments operating at MAOP equal to 80 percent stress level—Any anomaly evaluated and found to have an FPR equal to or less than 1.25 must be repaired.
  - Segments operating at MAOP equal to 66 percent stress level—Any anomaly evaluated and found to have an FPR equal to or less than 1.50 must be repaired.
  - Segments operating at MAOP equal to 56 percent stress level—Any anomaly evaluated and found to have an FPR equal to or less than 1.80 must be repaired.

a. All other pipe segments with anomalies that are not repaired must be reassessed according to subpart O and ASME Standard B31.8S requirements. Each anomaly not repaired must have a corrosion growth rate and an ILI tolerance assigned to it per the Gas IMP to determine the maximum re-inspection interval.

b. APL must confirm that the remaining strength (R-STRENG) effective area method, R-STRENG – 0.85dL, and B31G assessment methods are valid for the pipe diameter, wall thickness, grade, operating pressure, operating stress level, and operating temperature covered under this waiver. If the assessment methods are not valid, APL must submit a valid method to PHMSA Central Region Office. Until confirmation of the previously mentioned anomaly assessment calculations have been performed, APL must use the most conservative of the calculations for anomaly evaluation.

c. Dents must be evaluated and repaired in accordance with §§ 192.309(b)(ii) and 192.933(d)(l)(ii).

29. *Potential Impact Radius Calculation Updates:* If the pipeline operating pressures and gas quality are determined to be outside the parameters of the C–FER Study, a new study with the updated parameters must be incorporated into the IMP.

If at anytime PHMSA determines the effect of the waiver is inconsistent with pipeline safety, PHMSA will revoke the waiver at its sole discretion.

Authority: 49 U.S.C. 60118 (c) and 49 CFR 1.53.

Issued in Washington, DC, on July 5, 2006.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 06–6106 Filed 7–6–06; 9:10 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2006–23448; Notice 2]

Pipeline Safety: Grant of Waiver; Maritimes & Northeast Pipeline, L.L.C.

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

ACTION: Grant of waiver.

SUMMARY: PHMSA is granting Maritimes & Northeast Pipeline, L.L.C. (M&N) a waiver of compliance from certain PHMSA regulations for the United States portion of its pipeline system. This waiver increases the maximum allowable operating pressure (MAOP) for the pipeline. This waiver decision also authorizes M&N to increase the design factor for its compressor station piping, grants relief from the strength testing requirements for M&N's compressor station piping, grants relief in establishing the MAOP of pipelines operating above prescribed hoop stresses, grants relief from the capacity requirements of pressure limiting stations, and authorizes M&N to maintain the pressure rating of portions of the waiver area subject to a change in class location.

Before granting the waiver, PHMSA performed a thorough technical review of M&N's application and supporting documents. PHMSA requested and received supplementary information on numerous technical aspects of M&N's design, engineering, operations, and maintenance practices. The materials are available in docket PHMSA–2006–23448 at *http://dms.dot.gov.* PHMSA also sought comments from the public and received positive feedback from States along the pipeline and the Technical Pipeline Safety Standards Committee.

The waiver is subject to and conditional upon supplemental safety criteria set forth in this notice. The supplemental safety criteria address the life-cycle management of the subject pipeline and require M&N to adhere to maintenance, inspection, monitoring, control, and reporting standards exceeding existing regulatory requirements.

SUPPLEMENTARY INFORMATION:

Background

M&N requested a waiver of compliance for the United States portion of its pipeline system in Class 1, 2, and 3 locations to operate at stress levels up to 80 percent, 67 percent, and 56 percent, respectively, of the pipeline's specified minimum yield strength (SMYS). The current MAOP of the pipeline system is 1,440 pounds per square inch gauge (psig) and the waiver would increase it to 1,600 psig. Specifically, M&N requests a waiver of compliance from the following regulatory requirements:

- 49 CFR 192.111—*Design factor (F) for steel pipe;*

• 49 CFR 192.201—*Required capacity of pressure relieving and limiting stations;*

• 49 CFR 192.503—*General Requirements;*

• 49 CFR 192.611—*Change in class location: Confirmation or revision of maximum allowable operating pressure;* and

• 49 CFR 192.619—*Maximum allowable operating pressure: Steel or plastic pipelines.*

The proposed waiver applies to approximately 203 miles of M&N's 24-inch diameter pipeline. This portion of pipeline extends from M&N's Baileyville, Maine compressor station near the United States/Canadian border to Westbrook, Maine, and includes two compressor stations.

The proposed waiver also applies to approximately 100 miles of 30-inch diameter pipeline. This portion of pipeline is owned jointly in undivided interest by M&N and Portland Natural Gas Transmission System (PNGTS) and is referred to as the ''Joint Facilities Mainline.'' The pipeline extends from Westbrook, Maine to Dracut, Massachusetts. Specifically, the Joint Facilities Mainline requests a waiver of compliance from the following regulatory requirements:

• 49 CFR 192.111—*Design factor (F) for steel pipe;*

• 49 CFR 192.201—*Required capacity of pressure relieving and limiting stations;*

• 49 CFR 192.611—*Change in class location: Confirmation or revision of maximum allowable operating pressure;* and

• 49 CFR 192.619—*Maximum allowable operating pressure: Steel or plastic pipelines.*

M&N placed its pipeline in service on December 1, 1999. M&N Operating Company, L.L.C., a wholly owned subsidiary of Duke Energy Gas Transmission, operates the pipeline. The pipeline is 24-inch diameter, Grade X–70 pipe with varying wall thicknesses. M&N inspected 100 percent of the pipeline's girth welds using radiography. The pipeline, including girth welds, is coated with fusion bonded epoxy. M&N tested the Class 1 and 2 pipelines to 125 percent of MAOP and the Class 3 pipeline was tested to 150 percent of MAOP. In addition, M&N performed an in-line inspection (ILI) of its pipeline in 2002 and no anomalies were detected.

The Joint Facilities Mainline was placed in service on December 10, 1999. This pipeline is 30 inches in diameter and is constructed of Grade X–70 pipe with varying wall thicknesses. M&N inspected 100 percent of the pipeline's girth welds using radiography, and the pipeline, including girth welds, is coated with fusion bonded epoxy. The Joint Facilities Mainline tested the Class 1 and 2 pipelines to 125 percent of MAOP, and the Class 3 pipeline was tested to 150 percent of MAOP. M&N performed an ILI of its 30-inch diameter pipeline in 2001 and a number of anomalies were detected. The anomalies were the result of a cathodic protection (CP) problem that M&N has resolved.

Pipeline System Analysis

M&N conducted evaluations of the United States portion of its pipeline and the Joint Facilities Mainline to confirm whether the system could safely and reliably operate at increased stress levels. As part of its evaluation, M&N analyzed and compared the threats imposed on a pipeline operating at 72 percent of SMYS to those imposed on a pipeline operating at 80 percent of SMYS, including: (1) External corrosion; (2) internal corrosion; (3) stress corrosion cracking; (4) pipe manufacturing; (5) construction; (6) equipment; (7) immediate failure due to puncture; (8) delayed failure due to resident defects or damage; (9) incorrect operation; and (10) weather/outside factors. M&N asserts that any impacts that could potentially threaten the integrity of its pipeline as a consequence of the pipeline operating at higher stress levels have been addressed and resolved.

M&N requested a waiver of compliance from the regulatory requirements at 49 CFR 192.111. This regulation prescribes the design factor to be used in the design formula in § 192.105. The design factors are found in the following table:

Class location	Design factor (F)
1	0.72
2	0.60
3	0.50
4	0.40

M&N proposed a design factor of 80 percent of SMYS for Class 1, 67 percent of SMYS for Class 2, and 56 percent of SMYS for Class 3 locations.

M&N also requested a waiver from § 192.201(a)(2)(i) which states if the MAOP is 60 psig or more, the pressure may not *exceed* MAOP plus 10 percent, or the pressure that produces a hoop stress of 75 percent SMYS, whichever is lower. M&N proposes to set the over pressure protection for the waiver sections to 104 percent of the pipeline's MAOP. This setting is based on the ratio of 75 percent to 72 percent of SMYS.

M&N also requested a waiver from the requirements of § 192.503(c) for the 203-mile section of its 24-inch pipeline, which limits the maximum allowable hoop stress to 80 percent of the pipeline's SMYS if air, natural gas, or inert gas is used as the test medium. M&N desires to test its compressor station piping to 82 percent of SMYS. M&N did not request a waiver from this section of the regulations for the Joint Facilities Mainline.

Section 192.611 requires an operator to confirm or revise the MAOP of its pipeline if the hoop stress corresponding to the established MAOP of a segment of pipeline is not commensurate with the present class location. M&N notes that any future class location changes may result in separate waiver requests.

Finally, M&N requested relief from § 192.619, which establishes the test factor requirements for pipelines, but does not reference a test factor for pipelines operating at 80 percent SMYS. All class locations in the M&N pipeline system have been tested to the most conservative requirements listed in § 192.619, including 1.25 for class 1, 1.25 for class 2, and 1.5 for class 3. M&N asserts conformity with ASME B31.8 testing requirements in which the test factor is established at 1.25 for pipelines operating at 80 percent SMYS.

Comments on the Waiver

On March 22, 2006, PHMSA published a notice of intent to consider the waiver and solicited public comments. On May 15, 2006, PHMSA extended the public comment period to June 16, 2006. PHMSA received 29 comments.

Seven commenters supported the waiver and provided conditions for approval, which PHMSA addressed in the supplemental safety criteria. Five commenters raised technical concerns. These issues included design limitation of railroad crossings to 60 percent of SMYS and concerns about increased pipeline operating pressure and blasting operations. PHMSA notes that the M&N pipeline operating stress levels at railroad crossings meet current railroad guidelines and will continue to conform to the requirements after increasing the pressure on the pipeline (uprating). The conditions later described in this waiver require M&N to have an acceptable plan to monitor and mitigate the affects of ground movement on the pipeline. Issues include monitoring of blasting operations adjacent to the pipeline.

Seventeen commenters opposed the waiver because of concerns about the increase in the impact radius of the pipeline after the pressure uprating. The

supplemental safety criteria established by PHMSA address the increased impact radius. The remaining commenters raised issues outside the scope of this waiver request, such as compensation and aesthetics.

Grant of Waiver

PHMSA considered M&N's waiver request and whether its proposal will yield an equivalent or greater degree of safety than that currently provided by the regulations. PHMSA published its notice of intent to consider waiver and solicited comments on March 22, 2006 (71 FR 14575).

Based on M&N's application for waiver for its new pipeline and PHMSA's extensive technical analysis and favorable feedback from the impacted States and Technical Pipeline Safety Standards Committee, PHMSA hereby grants M&N's waiver request provided M&N, or a successor operator, complies with the following supplemental safety criteria:

Pipe and Material Quality

1. *Fracture Control Plan:* M&N must implement an overall fracture control plan addressing fracture initiation, propagation, and Charpy arrest values. The fracture initiation, propagation, and arrest plan must account for the entire range of temperatures, pressures, and gas compositions planned for the pipeline.

2. *Fittings:* All pressure rated fittings and components (including flanges, valves, gaskets, pressure vessels and compressors) must have a pressure rating commensurate with the MAOP and class location of the pipeline. Designed fittings (including tees, elbows and caps) must have the same design factors as the adjacent pipe.

3. *Station Design Factor:* M&N may use a design factor not exceeding 0.56 for existing compressor and meter stations. New compressor and meter stations must be designed using a design factor of 0.50 per § 192.111.

4. *Temperature Control:* The compressor station discharge temperature must be limited to 120° Fahrenheit or a temperature below the maximum long term operating temperature for the pipe coating.

5. *Overpressure Protection:* Mainline pipeline overpressure protection must limit pressure to a maximum of 104 percent MAOP.

Supervisory Control and Data Acquisition (SCADA)

6. *SCADA System:* M&N must use a SCADA system to provide remote monitoring of the pipeline system.

7. *Mainline Valve Control:* Mainline valves that reside on either side of pipeline segment containing a High Consequence Area (HCA) where personnel response time to the valve exceeds one (1) hour must be remotely controlled by the SCADA system. The SCADA system must be capable of opening and closing the valve and monitoring the valve position, upstream pressure and downstream pressure. As an alternative to remote control mainline valves, M&N may implement a leak detection system.

8. *SCADA Set Point Review:* M&N must implement a detailed procedure to establish and maintain accurate SCADA set points to ensure the pipeline operates within acceptable design limits at all times.

Operations and Maintenance

9. *Leak Reporting:* M&N must notify the PHMSA Eastern Regional Office as soon as practicable of any non-reportable leaks occurring on the pipeline covered by their waiver.

10. *Annual Reporting:* Annually, following approval of the waiver, M&N must report the following:

- The results of any ILI or direct assessments performed within the waiver area during the previous year;
- Any new integrity threats identified with the waiver area during the previous year;
- Any encroachment in the waiver area, including the number of new residences or public gathering areas;
- Any reportable incidents associated with the waiver area containing the waiver location that occurred during the previous year;
- Any leaks on the pipeline in the waiver area that occurred during the previous year;
- List of all repairs on the pipeline made in the waiver area during the previous year;
- On-going damage prevention initiatives on the pipeline in the waiver area and a discussion of their success; and
- Any company mergers, acquisitions, transfers of assets, or other events affecting the regulatory responsibility of the company operating the pipeline to which this waiver applies.

11. *Pipeline Inspection:* The pipeline must be capable of passing ILI. All headers and other segments covered under the waiver that do not allow the passage of an internal inspection device must have a corrosion mitigation plan.

12. *Gas Quality Monitoring and Control:* A gas quality monitoring and mitigation program must have the ability to restrict constituents that promote internal corrosion to not exceed the following limits:

- H_2S (4 grains maximum);
- CO_2 (3 percent maximum);
- H_2O (less than or equal to 7 pounds per million standard cubic feet and no free water); and,
- Other deleterious constituents that may impact the integrity of the pipeline must be minimized.

13. *Gas Quality Control Equipment:* Filters/separators must be installed at locations where needed to comply with the above gas quality requirements and meet M&N's gas tariff.

14. *Control of Liquids:* Gas quality monitoring equipment must be installed to permit the operator to manage the introduction of contaminants and free liquids into the pipeline.

15. *Corrosion Mitigation Plan:* M&N must submit an external corrosion mitigation plan as summarized in its waiver petition.

16. *Initial Close Interval Survey:* An initial baseline Close Interval Survey (CIS) must be completed in concert with the baseline ILI indicated in American Petroleum Institute (API) supplementary requirement 21 and as detailed in its waiver petition.

17. *Verification of Cathodic Protection:* A CIS must be performed in concert with ILI in accordance with 49 CFR part 192, subpart O reassessment intervals for all HCA pipeline mileage. If any annual test point readings fall below subpart I requirements, remediation must be performed and must include a CIS on either side of the affected test point.

18. *Pipeline Markers:* The pipeline must employ line-of-sight markings in the waiver area except in agricultural areas, subject to Federal Energy Regulatory Commission permits or environmental permits and local restrictions.

19. *Pipeline Patrolling:* The pipeline must be patrolled at least monthly to inspect for excavation activities, ground movement, washouts, leakage, and/or other activities and conditions affecting the safe operation of the pipeline.

20. *Monitoring of Ground Movement:* An effective monitoring/mitigation plan must be in place to monitor for and mitigate issues of unstable soil and ground movement.

21. *Uprating Plan Review and Approval:* The uprating plan must be submitted to the PHMSA Eastern Regional Office for review and approval before the uprating plan is executed.

22. *Preliminary Criteria Reporting:* A preliminary report describing the results, completion dates and status of the supplementary requirements must be completed and submitted to PHMSA

Headquarters and PHMSA Eastern Regional Office prior to commencing the uprating of the pipeline system.

23. *Criteria Completion Reporting:* A report describing results, completion dates and status of the outstanding supplementary requirements must be submitted to PHMSA Headquarters and PHMSA Eastern Regional Office within 180 days after the uprating is completed. A final report must be submitted upon completion of the second ILI run for the pipeline.

Integrity Management

24. *Initial ILI:* A baseline ILI must be performed in association with M&N's waiver petition on the pipeline using a high resolution Magnetic Flux Leakage (MFL) tool and a geometry tool before uprating the pipeline. The results of the baseline ILI must be integrated with the baseline CIS as described in criteria number 16.

25. *Future ILI:* A second high-resolution MFL ILI must be performed on pipe subject to this waiver following the baseline ILI and must be completed within the first reassessment interval required by subpart O, regardless of HCA classification. Future ILI inspections must be performed on a frequency consistent with subpart O for the entire pipeline covered by this waiver.

26. *Direct Assessment Plan:* Headers, mainline valve bypasses, and other sections covered by this waiver that cannot accommodate ILI tools must be part of a Direct Assessment (DA) plan or other acceptable integrity monitoring method.

27. *Damage Prevention Program:* Common Ground Alliance's damage prevention best practices must be incorporated into the Maritimes and Northeast damage prevention program.

28. *Anomaly Evaluation and Repair:* Anomaly evaluations and repairs must be performed based upon the following:

- For purposes of this criteria, the Failure Pressure Ratio (FPR) is an indication of the pipeline's remaining strength from an anomaly and is equal to the predicted failure pressure divided by the MAOP.
- *Anomaly Response Time.*
  - Any anomaly with a FPR equal to or less than 1.1 must be treated as an ''immediate'' per subpart O.
  - Any anomaly with an FPR equal to or less than 1.25 must be repaired within 12 months per subpart O.
  - Any anomaly with an FPR greater than 1.25 must have a repair schedule according to subpart O.
- *Anomaly Repair Criteria.*
  - Segments operating at MAOP equal to 80 percent stress level—Any anomaly evaluated and found to have an FPR equal to or less than 1.25 must be repaired.
  - Segments operating at MAOP equal to 66 percent stress level—Any anomaly evaluated and found to have an FPR equal to or less than 1.50 must be repaired.
  - Segments operating at MAOP equal to 56 percent stress level—Any anomaly evaluated and found to have an FPR equal to or less than 1.80 must be repaired.

a. All other pipe segments with anomalies not repaired must be reassessed according to subpart O and American Society of Mechanical Engineers (ASME) standard B31.8S requirements. Each anomaly not repaired must have a corrosion growth rate and ILI tool tolerance assigned per the Gas Integrity Management Program (IMP) to determine the maximum re-inspection interval.

b. Operators must confirm the remaining strength (R-STRENG) effective area method, R-STRENG—0.85dL, and ASME B31G assessment methods are valid for their pipe diameter, wall thickness, grade, operating pressure, operating stress level, and operating temperature. If it is not valid, M&N must submit a valid evaluation method to PHMSA. Until confirmation of the previously mentioned anomaly assessment calculations has been performed, M&N must use the most conservative of the calculations for anomaly evaluation.

c. Dents must be evaluated and repaired per §§ 192.309(b)(ii) and 192.933(d)(l)(ii).

29. Potential Impact Radius Calculation Updates: If the pipeline operating pressures and gas quality are determined to be outside the parameters of the C–FER Study, a new study with the uprated parameters must be incorporated into the IMP.

If at anytime PHMSA determines the effect of the waiver is inconsistent with pipeline safety, PHMSA will revoke the waiver at its sole discretion.

Authority: 49 U.S.C. 60118 (c) and 49 CFR 1.53.

Issued in Washington, DC, on July 5, 2006.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 06–6107 Filed 7–6–06; 9:10 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, July 25, 2006, at 11 a.m., Central Time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 4 Taxpayer Advocacy Panel will be held Tuesday, July 25, 2006, at 11 a.m., Central Time via a telephone conference call. You can submit written comments to the panel by faxing the comments to (414) 231–2363, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or you can contact us at *http://www.improveirs.org.* This meeting is not required to be open to the public, but because we are always interested in community input we will accept public comments. Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 231–2360 for dial-in information.

The agenda will include the following: Various IRS issues.

Dated: July 7, 2006.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 06–6169 Filed 7–7–06; 3:20 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 7 Taxpayer Advocacy Panel (Including the States of Alaska, California, Hawaii, and Nevada)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 7 committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. The TAP will use citizen input to make recommendations to the Internal Revenue Service.

DATES: The meeting will be held Wednesday, July 26, 2006.

FOR FURTHER INFORMATION CONTACT: Dave Coffman at 1–888–912–1227, or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 7 Taxpayer Advocacy Panel will be held Wednesday, July 26, 2006 from 11 a.m. Pacific Time to 12 p.m. Pacific Time via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write to Dave Coffman, TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174 or you can contact us at *http://www.improveirs.org.* Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Dave Coffman. Mr. Coffman can be reached at 1–888–912–1227 or 206–220–6096.

The agenda will include the following: Various IRS issues.

Dated: July 7, 2006.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 06–6170 Filed 7–7–06; 3:20 pm]

BILLING CODE 4830–01–P

Federal Register

Tuesday,
July 11, 2006

Part II

Environmental Protection Agency

40 CFR Parts 60, 85 et al.

Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 85, 89, 94, 1039, 1065, and 1068

[EPA–HQ–OAR–2005–0029, FRL–8190–7]

RIN 2060–AM82

Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating standards of performance for stationary compression ignition (CI) internal combustion engines (ICE). The standards will implement section 111(b) of the Clean Air Act (CAA) and are based on the Administrator's determination that stationary CI ICE cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. The intended effect of the standards is to require all new, modified, and reconstructed stationary CI ICE to use the best demonstrated system of continuous emission reduction, considering costs, non-air quality health, and environmental and energy impacts, not just with add-on controls, but also by eliminating or reducing the formation of these pollutants. The final standards will reduce nitrogen oxides (NO_X) by an estimated 38,000 tons per year (tpy), particulate matter (PM) by an estimated 3,000 tpy, sulfur dioxide (SO_2) by an estimated 9,000 tpy, non-methane hydrocarbons (NMHC) by an estimated 600 tpy, and carbon monoxide (CO) by an estimated 18,000 tpy in the year 2015.

DATES: The final rule is effective on September 11, 2006. The incorporation by reference of a certain publication listed in the final rule is approved by the Director of the Federal Register as of September 11, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2005–0029. We also rely on documents in Docket ID No. EPA–HQ–OAR–2003–0012 and incorporate that docket into the record for the final rule. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566–1742. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for EPA Docket Center is (202) 566–1742. As of the date of signature, the physical docket is temporarily unavailable due to flooding, but interested members of the public can receive the list of documents in the docket or any particular documents electronically by accessing the electronic docket or by calling the contact person. We hope that the physical docket will be accessible again before publication.

FOR FURTHER INFORMATION CONTACT: Mr. Jaime Pagán, Energy Strategies Group, Sector Policies and Programs Division (D243–01), U.S. EPA, Research Triangle Park, North Carolina 27711; telephone number (919) 541–5340; facsimile number (919) 541–5450; electronic mail address *pagan.jaime@epa.gov*.

SUPPLEMENTARY INFORMATION:

Regulated Entities. Categories and entities potentially regulated by this action include:

Category	NAICS [1]	Examples of regulated entities
Any manufacturer that produces or any industry using a stationary internal combustion engine as defined in the final rule.	2211	Electric power generation, transmission, or distribution.
	622110	Medical and surgical hospitals.
	335312	Motor and generator manufacturing.
	33391	Pump and compressor manufacturing.
	333992	Welding and soldering equipment manufacturing.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your engine is regulated by this action, you should examine the applicability criteria in § 60.4200 of the final rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of the final rule will be available on the WWW through the Technology Transfer Network Web site (TTN). Following signature, EPA will post a copy of the final rule on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg*. The TTN provides information and technology exchange in various areas of air pollution control.

Judicial Review. Under CAA section 307(b)(1), judicial review of the final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia by September 11, 2006. Under CAA section 307(d)(7)(B), only an objection to the final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under CAA section 307(b)(2), the requirements established by this final action may not be challenged separately in any civil or criminal proceedings brought by EPA to enforce these requirements.

Section 307(d)(7)(B) of the CAA further provides that ''[o]nly an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review.'' This section also provides a mechanism for EPA to convene a proceeding for reconsideration, ''[i]f the person raising an objection can demonstrate to EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the same

time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.'' Any person seeking to make such a demonstration to EPA should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Director of the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC 20004.

Background Information Document. EPA proposed new source performance standards (NSPS) for CI ICE on July 11, 2005 (70 FR 39870), and received 47 comment letters on the proposal. A background information document (BID) (''Response to Public Comments on Proposed Standards of Performance for Stationary Compression Ignition Internal Combustion Engines,'') containing EPA's responses to each public comment and the Economic Impact Analysis Report are available in Docket ID No. EPA–HQ–OAR–2005–0029.

Organization of This Document. The following outline is provided to aid in locating information in the preamble.

I. Background
II. Summary of the Final Rule
A. What is the source category regulated by the final rule?
B. What are the pollutants regulated by the final rule?
C. What sources are subject to the final rule?
D. What are the final standards?
E. What are the requirements for sources that are modified or reconstructed?
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III. Summary of Significant Changes Since Proposal
A. Applicability
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V. Summary of Environmental, Energy and Economic Impacts
A. What are the air quality impacts?
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VI. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act of 1995
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Congressional Review Act

I. Background

This action promulgates NSPS that will apply to new stationary CI ICE. New source performance standards implement section 111(b) of the CAA, and are issued for categories of sources which cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The standards apply to new stationary sources of emissions, *i.e.*, sources whose construction, reconstruction, or modification begins after a standard for those sources is proposed. NSPS require these sources to control emissions to the level achievable by best demonstrated technology (BDT), considering costs and any non-air quality health and environmental impacts and energy requirements.

II. Summary of the Final Rule

A. What is the source category regulated by the final rule?

The final rule applies to stationary CI ICE. A stationary internal combustion engine means any internal combustion engine, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary internal combustion engine is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition), and is not used to propel a motor vehicle or a vehicle used solely for competition. Stationary ICE include reciprocating ICE, rotary ICE, and other ICE, except combustion turbines. A CI engine means a type of stationary internal combustion engine that is not a spark ignition (SI) engine. A SI engine means a gasoline, natural gas, or liquefied petroleum gas fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are SI engines.

B. What are the pollutants regulated by the final rule?

The pollutants to be regulated by the final rule are NO_X, PM, CO, and NMHC.[1] Emissions of sulfur oxides (SO_X) will also be reduced through the use of lower sulfur fuel. Smoke emissions will also be reduced through the implementation of the final standards. Emissions of hazardous air pollutants (HAP) from these engines have been, or will be, regulated in separate rulemakings promulgated under CAA section 112.[2]

C. What sources are subject to the final rule?

The affected source for the CI ICE NSPS is each stationary CI internal combustion engine whose construction, modification or reconstruction commenced after July 11, 2005. The date of construction is the date the engine is ordered by the owner or operator. Stationary CI ICE manufactured prior to April 1, 2006, that are not fire pump engines are not subject to the final rule, unless the engines are modified or reconstructed after July 11, 2005. Stationary fire pump CI ICE manufactured prior to July 1, 2006, are not subject to the final rule either, unless the engines are modified or reconstructed after July 11, 2005. Manufacturers of 2007 and later model year stationary CI ICE that are not fire pumps are subject to the final rule. For fire pump engines, the date of manufacturing is the date the engine is built into a certified National Fire Protection Association (NFPA) fire pump engine. Manufacturers of fire

[1] Primarily for reasons of testing ease and because engine manufacturers are familiar with testing for NMHC, this rule, as with previous rules promulgating emission standards for mobile source internal combustion engines, uses NMHC rather than VOC as the metric for measuring organic compounds that can contribute to ozone formation. C.f. 40 CFR part 60, Method 25 (Determination of Total Gaseous Nonmethane Organic Emissions as Carbon.)

[2] Emissions of HAP from stationary reciprocating internal combustion engines (RICE) located at major sources were the subject of a final rule published on June 15, 2004 (69 FR 33473). Emissions of HAP from other stationary RICE will be the subject of another rulemaking that will be promulgated no later than December 20, 2007.

pump engines are subject to the final rule beginning with the first model year that new fire pump engines in a particular horsepower class must meet standards more stringent than Tier 1 standards, which can be any model year from 2008 to 2011, depending on the horsepower of the engine.

Owners and operators of new stationary CI ICE who are subject to the final rule (as discussed above) must meet the requirements of § 60.4208 of the final rule, which restricts the installation of engines subject to outdated emission standards. This restriction applies only to the installation of new engines subject to the final rule, and does not apply to the installation of previously used engines.

D. What are the final standards?

1. Overview

The format of the final standard is an output-based emission standard for PM, NO_X, CO, and NMHC in units of emissions mass per unit work performed (grams per kilowatt-hour (g/KW-hr)) and smoke standards as a percentage. The emission standards are generally modeled after EPA's standards for nonroad and marine diesel engines. The nonroad diesel engine standards are phased in over several years and have Tiers with increasing levels of stringency. The engine model year in which the Tiers take effect varies for different size ranges of engines. The Tier 1 standards were phased in for nonroad diesel engines beginning in 1996 to 2000. The Tier 2 nonroad CI standards are phased in starting from 2001 to 2006, and the Tier 3 limits are phased in starting from 2006 to 2008. The Tier 3 limits apply for engines greater than or equal to 50 and less than or equal to 750 horsepower (HP) only. Tier 4 limits for nonroad engines are phased in beginning in 2008.

2. Final Standards for Engine Manufacturers

Engine manufacturers must meet the emission standards of the rule during the useful life of the engine. a. 2007 Model Year and Later Non-Emergency Stationary CI ICE ≤3,000 HP and With a Displacement <10 Liters per Cylinder. The standards require that engine manufacturers certify their 2007 model year and later non-emergency stationary CI ICE with a maximum engine power less than or equal to 3,000 HP and a displacement of less than 10 liters per cylinder to the Tier 2 through Tier 4 nonroad diesel engine standards as shown in table 1 of this preamble, as applicable, for all pollutants, for the same model year and maximum engine power.

TABLE 1.—NO_X, NMHC, CO, AND PM EMISSION STANDARDS IN G/KW-HR (G/HP-HR) FOR 2007 MODEL YEAR AND LATER NON-EMERGENCY ENGINES ≤3,000 HP AND WITH A DISPLACEMENT <10 LITERS PER CYLINDER AND 2011 MODEL YEAR AND LATER NON-EMERGENCY ENGINES >3,000 HP AND WITH A DISPLACEMENT <10 LITERS PER CYLINDER [a]

Maximum engine power	Model year(s)	NMHC + NO_X	NMHC	NO_X	CO	PM
KW<8 (HP<11)	2007	7.5 (5.6)			8.0 (6.0)	0.80 (0.60)
	2008+					0.40 (0.30)
8≤KW<19	2007				6.6 (4.9)	0.80 (0.60)
(11≤HP<25)	2008+					0.40 (0.30)
19≤KW<37 (25≤HP<50)	2007	7.5 (5.6)			5.5 (4.1)	0.60 (0.45)
	2008–2012					0.30 (0.22)
	2013+	4.7 (3.5)				0.03 (0.02)
37≤KW<56 (50≤HP<75)	2007	7.5 (5.6)			5.0 (3.7)	0.40 (0.30)
	2008–2012	4.7 (3.5)				[a] 0.30 (0.22)
	2013+					0.03 (0.02)
56≤KW<75 (75≤HP<100)	2007	7.5 (5.6)				0.40 (0.30)
	2008–2011	4.7 (3.5)				
	2012–2013		[b] 0.19 (0.14)	[b] 0.40 (0.30)	5.0 (3.7)	0.02 (0.01)
	2014+		0.19 (0.14)	0.40 (0.30)		
75≤KW<130 (100≤HP<175)	2007	4.0 (3.0)				0.30 (0.22)
	2008–2011					
	2012–2013		[b] 0.19 (0.14)	[b] 0.40 (0.30)	5.0 (3.7)	0.02 (0.01)
	2014+		0.19 (0.14)	0.40 (0.30)		
130≤KW<560 (175≤HP<750)	2007–2010	4.0 (3.0)			3.5 (2.6)	0.20 (0.15)
	2011–2013		[b] 0.19 (0.14)	[b] 0.40 (0.30)		0.02 (0.01)
	2014+		0.19 (0.14)	0.40 (0.30)		
KW>560 (HP>750)	2007–2010	6.4 (4.8)			3.5 (2.6)	0.20 (0.15)
Except generator sets	2011–2014		0.40 (0.30)	3.5 (2.6)		0.10 (0.075)
	2015+		0.19 (0.14)	3.5 (2.6)		0.04 (0.03)
Generator sets 560<KW≤900 (750<HP≤1200)	2007–2010	6.4 (4.8)			3.5 (2.6)	0.20 (0.15)
	2011–2014		0.40 (0.30)	3.5 (2.6)		0.10 (0.075)
	2015+		0.19 (0.14)	0.67 (0.50)		0.03 (0.02)
Generator sets KW>900 (HP>1200)	2007–2010	6.4 (4.8)			3.5 (2.6)	0.20 (0.15)
	2011–2014		0.40 (0.30)	0.67 (0.50)		0.10 (0.075)
	2015+		0.19 (0.14)			0.03 (0.02)

[a] A manufacturer has the option of skipping the 0.30 g/KW-hr PM standard for all 37–56 KW (50–75 HP) engines. The 0.03 g/KW-hr standard would then take effect 1 year earlier for all 37–56 KW (50–75 HP) engines, in 2012. The Tier 3 standard (0.40 g/KW-hr) would be in effect until 2012.

[b] 50 percent of the engines produced have to meet the NO_X + NMHC standard, and 50 percent have to meet the separate NO_X and NMHC limits.

b. 2007 Model Year and Later Non-Emergency Stationary CI ICE >3,000 HP and With a Displacement <10 Liters per Cylinder. The standards require that engine manufacturers certify their 2007 through 2010 model year non-

emergency stationary CI ICE with a maximum engine power greater than 3,000 HP and a displacement of less than 10 liters per cylinder to the emission standards shown in table 2 of this preamble. For 2011 model year and later non-emergency stationary CI ICE with a maximum engine power greater than 3,000 HP and a displacement of less than 10 liters per cylinder, manufacturers must certify these engines to the Tier 4 nonroad diesel engine standards as shown in table 1 of this preamble, as applicable, for all pollutants, for the same model year and maximum engine power.

TABLE 2.—NO_X, NMHC, CO, AND PM EMISSION STANDARDS IN G/KW-HR (G/HP-HR) FOR PRE-2007 MODEL YEAR ENGINES WITH A DISPLACEMENT <10 LITERS PER CYLINDER AND 2007–2010 MODEL YEAR ENGINES >3,000 HP AND WITH A DISPLACEMENT <10 LITERS PER CYLINDER

Maximum engine power	NMHC + NO_X	HC	NO_X	CO	PM
KW<8 (HP<11)	10.5 (7.8)			8.0 (6.0)	1.0 (0.75)
8≤KW<19 (11≤HP<25)	9.5 (7.1)			6.6 (4.9)	0.80 (0.60)
19≤KW<37 (25≤HP<50)	9.5 (7.1)			5.5 (4.1)	0.80 (0.60)
37≤KW<56 (50≤HP<75)			9.2 (6.9)		
56≤KW<75 (75≤HP<100)			9.2 (6.9)		
75≤KW<130 (100≤HP<175)			9.2 (6.9)		
130≤KW<225 (175≤HP<300)		1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
225≤KW<450 (300≤HP<600)		1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
450≤KW≤560 (600≤HP≤750)		1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
KW>560 (HP>750)		1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)

c. 2007 Model Year and Later Non-Emergency Stationary CI ICE with a Displacement ≥10 and <30 Liters per Cylinder. The standards require that engine manufacturers certify their 2007 model year and later non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power. These emission standards are shown in table 3 of this preamble.

TABLE 3.— NO_X, THC, CO, AND PM EMISSION STANDARDS IN G/KW-HR FOR 2007 MODEL YEAR AND LATER STATIONARY CI ICE WITH A DISPLACEMENT ≥10 AND <30 LITERS PER CYLINDER

Engine size—liters per cylinder, rated power	THC + NO_X	CO	PM
5.0≤displacement<15.0 All Power Levels	7.8	5.0	0.27
15.0≤displacement<20.0 <3,300 KW	8.7	5.0	0.50
15.0≤displacement<20.0 ≥3,300 KW	9.8	5.0	0.50
20.0≤displacement<25.0 All Power Levels	9.8	5.0	0.50
25.0≤displacement<30.0 All Power Levels	11.0	5.0	0.50

d. 2007 Model Year and Later Emergency Stationary CI ICE <30 Liters per Cylinder. The standards require that manufacturers certify their 2007 model year and later emergency stationary CI ICE less than or equal to 3,000 HP and with a displacement of less than 10 liters per cylinder that are not fire pump engines to Tier 2 through Tier 3 nonroad CI engine emission standards, and Tier 4 nonroad CI engine standards that do not require add-on control, according to the nonroad diesel engine schedule. Manufacturers must certify their 2007 through 2010 model year emergency stationary CI ICE greater than 3,000 HP and with a displacement less than 10 liters per cylinder that are not fire pump engines to the emission standards shown in table 2 of this preamble. Manufacturers must certify their 2011 model year and later emergency stationary CI ICE that are greater than 3,000 HP and with a displacement less than 10 liters per cylinder that are not fire pumps to Tier 2 and Tier 3 nonroad CI engine standards, and to Tier 4 nonroad CI engine standards that do not require add-on control. Manufacturers are required to certify their 2007 model year and later emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the certification emission standards for new marine CI engines in 40 CFR 94.8. Manufacturers must certify their post-Tier 1 emergency fire pumps to the emission standards shown in table 4 of this preamble.

3. Final Standards for Owners and Operators

Owners and operators of stationary CI ICE are required to meet the emission standards in the final rule over the entire life of the engine.

a. Stationary CI ICE with a Displacement <30 Liters per Cylinder. Owners and operators that purchase pre-2007 model year stationary CI ICE with a displacement of less than 10 liters per cylinder that are not fire pump engines must meet the emission standards for pre-2007 model year engines, which are shown in table 2 of this preamble. Owners and operators that purchase pre-2007 model year stationary CI ICE with a displacement of greater than or equal to 10 and less than 30 liters per cylinder that are not fire pump engines must meet the emissions standards in 40 CFR 94.8(a)(1). Section 94.8(a)(1) specifies the following NO_X limits: 17.0 g/KW-hr (12.7 g/HP-hr) when the maximum test speed is less than 130 revolutions per minute (rpm); $45.0 \times N^{-0.20}$ when maximum test speed is at least 130 but less than 2000 rpm, where N is the maximum test speed of the engine in rpm; and 9.8 g/KW-hr (7.3 g/HP-hr) when maximum test speed is 2000 rpm or more.

Owners and operators that purchase fire pump engines must meet the emission standards in table 4 to the final rule.

Owners and operators that purchase 2007 model year and later stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines, and post-Tier 1 fire pump engines, must purchase an engine that is certified by the manufacturer according to the provisions of the rule.

b. Stationary CI ICE with a Displacement ≥30 Liters per Cylinder. Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder are required to reduce NO_X emissions by 90 percent or more, or alternatively they must limit the emissions of NO_X in the stationary CI internal combustion engine exhaust to 1.6 g/KW-hr (1.2 g/HP-hr). Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder are also required to reduce PM emissions by 60 percent or more, or alternatively they must limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 grams per KW-hour (0.11 grams per HP-hour).

4. Final Standards for Manufacturers and Owners and Operators of Emergency Stationary Fire Pump Engines

The rule requires that owners and operators of emergency fire pump engines meet the emission standards shown in table 4 of this preamble, for all pollutants, for the same model year and NFPA nameplate engine power. Starting with the model year in which the most stringent standards begin for each HP range, emergency fire pumps must be certified to the emission standards shown in table 4 of this preamble. Emergency fire pump engines between 50 and 600 HP with a rated speed of greater than 2,650 rpm have been given an additional 3 years to meet the most stringent emission standards.

TABLE 4.—NO_X, NMHC, CO, AND PM EMISSION STANDARDS IN G/KW-HR (G/HP-HR) FOR EMERGENCY FIRE PUMP ENGINES

Maximum engine power	Model year(s)	NMHC + NO_X	CO	PM
KW<8 (HP<11)	2010 and earlier	10.5 (7.8)	8.0 (6.0)	1.0 (0.75)
	2011 +	7.5 (5.6)	.....	0.40 (0.30)
8≤KW<19 (11≤HP<25)	2010 and earlier	9.5 (7.1)	6.6 (4.9)	0.80 (0.60)
	2011 +	7.5 (5.6)	.....	0.40 (0.30)
19≤KW<37 (25≤HP<50)	2010 and earlier	9.5 (7.1)	5.5 (4.1)	0.80 (0.60)
	2011 +	7.5 (5.6)	.....	0.30 (0.22)
37≤KW<56 (50≤HP<75)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011 + [a]	4.7 (3.5)	.....	0.40 (0.30)
56≤KW<75 (75≤HP<100)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011 + [a]	4.7 (3.5)	.....	0.40 (0.30)
75≤KW<130 (100≤HP<175)	2009 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2010 + [a]	4.0 (3.0)	.....	0.30 (0.22)
130≤KW<225 (175≤HP<300)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009 + [a]	4.0 (3.0)	.....	0.20 (0.15)
225≤KW<450 (300≤HP<600)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009 + [a]	4.0 (3.0)	.....	0.20 (0.15)
450≤KW≤560 (600≤HP≤750)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009 +	4.0 (3.0)	.....	0.20 (0.15)
KW>560 (HP>750)	2007 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2008 +	6.4 (4.8)	.....	0.20 (0.15)

[a] Emergency fire pump engines with a rated speed of greater than 2,650 rpm are allowed an additional 3 years to meet these standards.

5. Fuel Requirements

In addition to emission standards, the final rule requires that beginning October 1, 2007, owners and operators of stationary CI ICE that use diesel fuel must only use diesel fuel meeting the requirements of 40 CFR 80.510(a), which requires that diesel fuel have a maximum sulfur content of 500 parts per million (ppm) and either a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent. Beginning October 1, 2010, owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder that use diesel fuel must only use diesel fuel meeting the requirements of 40 CFR 80.510(b) for nonroad diesel fuel, which requires that diesel fuel have a maximum sulfur content of 15 ppm and either a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent. The final rule does not contain a standard for SO_2; the use of low sulfur diesel fuel will result in lower emissions of SO_2. EPA does not expect that the lubricity of the ultra low sulfur diesel (ULSD) will be an issue because additives can be added to ULSD to achieve a sufficient lubricity.

Manufacturers of stationary CI ICE with a displacement of 30 liters per cylinder or more indicated that they are able to operate their engines on 500 ppm sulfur fuel, but they do not have any experience operating their engines on 15 ppm sulfur fuel, and they need to perform testing to ensure there are no problems with the lubricity of the ULSD fuel. The use of ULSD is not required for owners and operators of these engines.

The fuel requirements of this rule only apply to engines that are subject to this rule, *i.e.*, those engines that meet the applicability provisions of § 60.4200 of the final rule.

E. What are the requirements for sources that are modified or reconstructed?

The final standards apply to stationary CI ICE that are modified or reconstructed after July 11, 2005. The guidelines for determining whether a source is modified or reconstructed are given in 40 CFR 60.14 and 40 CFR 60.15, respectively. Stationary CI ICE that are modified or reconstructed must meet the emission standards for the model year in which the engine was originally new, not the year the engine was modified or reconstructed. Therefore, a pre-2007 model year engine modified after 2007 must meet the emission standards for pre-2007 model year engines.

F. What are the requirements for demonstrating compliance?

1. Engine Manufacturers

Manufacturers of stationary CI ICE must demonstrate compliance with the final rule by certifying that their 2007 model year and later stationary CI ICE with displacement less than 30 liters per cylinder meet the emission standards in the final rule using the certification procedures in subpart B of 40 CFR part 89, subpart C of 40 CFR part 94, or subpart C of 40 CFR part 1039, as applicable, and must test their engines as specified in those parts. Manufacturers of fire pump engines do not have to certify Tier 1 engines and, for post-Tier 1 engines, may use the optional test cycle provided in table 6 to the final rule. Manufacturers of certified stationary CI ICE that must meet the emission standards of 40 CFR part 1039 must also meet the emission-related warranty requirements of 40 CFR 1039.120; the provisions in 40 CFR 1039.125 and 40 CFR 1039.130, which require the engine manufacturer to provide engine installation and maintenance instructions to buyers; the engine labeling requirements in 40 CFR 1039.135; and the general compliance provisions in 40 CFR part 1068. Manufacturers of certified stationary CI ICE that must meet the emission standards of 40 CFR part 89 or 40 CFR part 94 must meet the corresponding provisions of 40 CFR part 89 or 40 CFR part 94 for engines that would be covered by that part if they were nonroad (including marine) engines. After the Tier 4 standards take effect, manufacturers of emergency stationary CI ICE that do not meet the standards for non-emergency engines must add to each such emergency engine a permanent label which states that the engine is for emergency use only. Engine manufacturers must also specify in the owner's manual that operation of emergency engines is limited to emergency operations and required maintenance and testing.

Engine manufacturers that certify an engine family or families to standards under the final rule that are identical to standards applicable under 40 CFR part 89, 40 CFR part 94, or 40 CFR part 1039 for that model year may certify any such family that contains both nonroad (including marine) and stationary engines as a single engine family and/or may include any such family containing stationary engines in the averaging, banking and trading (ABT) provisions applicable for such engines under those parts.

EPA has used ABT often in the context of the nonroad engine program. The averaging provisions basically allow manufacturers to certify certain engine families to emission levels more stringent than required and to certify other engine families to levels less stringent than required, as long as the average emission levels to which these engine families are certified are at least equal to the appropriate standards. The banking program allows manufacturers to generate credits by certifying engine families to more stringent standards than required in a particular year and to use such credits in later years. The trading provisions allow engine manufacturers to trade credits with other engine manufacturers covered by the same requirements. The ABT provisions include significant restrictions and compliance requirements, including upper limits on the level to which any engine family may certify.

Under the nonroad engine program, the ABT provisions, where applied, are important elements in our determination of the standards of performance that represent ''the greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available for the engines * * * to which the standards apply, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers and to noise, energy and safety factors * * *.'' See CAA section 213(a)(3) and *Natural Resources Defense Council* v. *Thomas,* 805 F.2d 410, 425 (D.C. Cir. 1986) (upholding EPA regulations allowing manufacturers to meet emission standards for heavy-duty engines by averaging among engine families); see also discussions at 69 FR 38996 (June 29, 2004) and 55 FR 30584, 93–99 (July 26, 1990).

Similarly, we believe that these ABT provisions are essential elements in our determination that the final standards reflect best BDT. The flexibility provided by the ABT provisions allows the manufacturer to adjust its compliance for engine families for which coming into compliance with the standards will be particularly difficult or costly, without special delays or exceptions having to be written into the final rule. Emission-credit programs also create an incentive for the early introduction of new technology (for example, to generate credits in early years to create compliance flexibility for later engines), which allows certain engine families to act as trailblazers for new technology. This improves the feasibility of achieving the standards for the entire population of regulated engines. EPA has concluded as a factual matter, as reflected in this final rule, that an ABT program, operated at the level of the manufacturer, represents the best system of emissions reductions, considering all relevant factors.

We believe the ABT provisions are appropriate for this program. The ABT provisions are applicable to engine manufacturers, who manufacture numerous engines for use in all areas of the country, as opposed to the final owner/operators of the units. These standards will apply to hundreds of different engine families that will be used in tens of thousands of different engines. The flexibility provided by the ABT program is an important instrument for manufacturers to use in meeting the stringent standards of this program affecting a large number of engine families.

We are finalizing minor revisions to several existing mobile source regulations to help incorporate several of these provisions.

EPA is requiring that manufacturers of stationary CI ICE that are seeking certificates of conformity be subject to the same fee provisions as those promulgated for comparable land-based and marine nonroad engines in EPA's most recent fees rulemaking (see 69 FR 26222, May 11, 2004) and be required to comply with the fees rule in the same manner as manufacturers already subject to the fees regulations. Because EPA will be providing certificates of conformity to stationary CI ICE manufacturers and, thus is providing a service or thing of value to the manufacturers, the Independent Offices Appropriations Act (31 U.S.C. 9701) authorizes such a fee collection. Having reviewed the recent fees rule for the motor vehicle and engine compliance program, and its associated cost study which examined EPA's incurred cost of compliance services, we believe that the fees provided in that rule are appropriate for the comparable costs of administering the compliance program for the engines associated with this final rule. These engines are subject to the same general compliance regime as land-based nonroad CI engines and, for those with a displacement between 10 and 30 liters per cylinder, marine engines covered by the existing fees rule. We believe fees for each respective request for certification of conformity for stationary CI ICE should have the same fee amount as for those engines.

Under the provisions of the existing fees rule, the initial fees for certification applications received in the 2004 and 2005 calendar years (for example, $1,822 and $826, respectively, for land-based nonroad CI engines and marine engines) are adjusted on an annual basis

based on several factors, including any changes in the number of certificates in the respective fee categories. Thus, the number of certificates that EPA issues for the engines covered by this final rule will be included in the respective fee categories when EPA conducts its annual calculation for the purposes of adjusting fees based on the existing regulatory formula. Please note that the fee amounts for calendar year 2006 have slightly increased from the fee amounts for the 2004 and 2005 calendar year fees. See EPA's Guidance Letter CCD–05–05 at *http://www.epa.gov/otaq/cert/dearmfr/dearmfr.htm*. Finally, EPA believes it appropriate to commence the collection of fees immediately for each certification of conformity request once the final rule becomes effective.

2. Owners and Operators

All engines and control devices must be installed, configured, operated, and maintained according to the specifications and instructions provided by the engine manufacturer. EPA has also included the option for owners and operators to follow procedures developed by the owner or operator that have been approved by the engine manufacturer for cases where site-specific conditions may require changes to the manufacturer's typical guidelines. Other compliance requirements for owners and operators of stationary CI ICE depend on the displacement and model year of the engine. Owners and operators of pre-2007 model year engines with a displacement less than 30 liters per cylinder and Tier 1 fire pump engines can demonstrate compliance by purchasing an engine that is certified to meet the nonroad emission standards for the model year and maximum engine power of the engine. Other information such as performance test results for each pollutant for a test conducted on a similar engine; data from the engine manufacturer; data from the control device vendor; or conducting a performance test can also be used to demonstrate compliance with the emission standards. The records which indicate that the engine is complying with the emission standards of the final rule must be kept on file by the owner or operator of the engine and be available for inspection by the enforcing agency. Engine manufacturers and/or control device vendors may provide such information at the time of sale. Manufacturers that provide such information to their customers may also choose to place a label on the engine that indicates the engine meets the applicable standards for stationary CI ICE under 40 CFR part 60, subpart IIII, as long as the label does not violate or otherwise interfere with other labels or requirements mandated by other regulations. If the owner or operator chooses to conduct a performance test to demonstrate compliance with the final rule, the test must be conducted according to the in-use testing procedures of 40 CFR 1039, subpart F.

Starting with 2007 model year engines with a displacement of less than 30 liters per cylinder, owners and operators of engines that are not fire pump engines are required to demonstrate compliance by purchasing an engine certified to meet the applicable emission standard for the model year and maximum engine power of the engine. Certified fire pump engines will be available between 2008 and 2011, depending on the size of the engine. For 2007 model year and later fire pump engines that are not required to be certified, owners and operators can demonstrate compliance using the procedures specified for pre-2007 model year engines. Beginning with the model years shown in table 3 to the final rule, owners and operators of fire pump engines must purchase certified engines.

If in-use testing is conducted, the owner and operator of engines with a displacement of less than 30 liters per cylinder would be required to meet not-to-exceed (NTE) emission standards instead of the standards in tables 1 and 2 of this preamble. Engines that are complying with the emission standards in 40 CFR part 1039 (Tier 4 standards) must not exceed the NTE standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d) starting when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039. Engines that are complying with the emission standards in 40 CFR 89.112 (Tier 2/3 standards), and engines that are pre-2007 model year engines must meet the NTE standards in Equation 1 of this preamble:

$$NTE = (STD) \times (M) \qquad \text{(Eq. 1)}$$

Where:

NTE = The NTE emission standard for each pollutant.

STD = The certification emission standard specified for each pollutant in table 1 or 2 of this preamble for the same model year and maximum engine power.

M = 1.25

Alternatively, stationary CI ICE that are complying with the emission standards in 40 CFR 89.112 or that are pre-2007 model year engines may use the testing procedures specified for engines with a displacement of greater than or equal to 30 liters per cylinder, described in the next paragraph, instead of the NTE provisions discussed above.

Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must conduct an initial performance test to demonstrate compliance with the emissions reductions requirements, establish operating parameters and monitor operating parameters continuously. Non-emergency engines with a displacement of greater than or equal to 30 liters per cylinder must also conduct annual performance tests. The NTE standards do not apply to engines that have a displacement of greater than or equal to 30 liters per cylinder. Testing conducted on these engines must be performed to demonstrate that NO_X and PM emission standards are achieved, and the tests must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.

G. What are the monitoring requirements?

Owners and operators of stationary CI ICE that are equipped with catalyzed diesel particulate filters (CDPF) must install a backpressure monitor that will notify the operator when the high backpressure limit of the engine is approached. All emergency stationary CI ICE must have a non-resettable hour meter to track the number of hours operated during any type of operation.

H. What are the reporting and recordkeeping requirements?

The owner or operator of non-emergency stationary CI ICE that are greater than 3,000 HP or with a displacement of greater than or equal to 10 liters per cylinder, and non-emergency stationary CI ICE pre-2007 model year engines greater than 175 HP and not certified, must submit an initial notification. The initial notification must contain information identifying the owner or operator, the engine and control device, and the fuel used. As mentioned, engines that are not certified have various options for demonstrating initial compliance, which would be documented in records available on-site. Also, all owners and operators must keep records of all information necessary to demonstrate compliance with the emission standards such as records of all notifications submitted, any maintenance conducted on the engine, any performance tests conducted on the engine (or performance tests conducted on a similar engine that is used to

demonstrate compliance), engine manufacturer or control device vendor information, *etc.* Owners and operators of certified engines must keep records of documentation from the manufacturer that the engine is certified to meet the emission standards. Owners and operators of engines that are equipped with CDPF must install a backpressure monitor and are required to maintain records of any corrective action taken after the backpressure monitor has notified the owner or operator that the backpressure limit is approached. These records must be available for viewing upon request by the enforcing agency. Owners and operators of emergency engines are not required to submit initial notifications. However, these engines must have a non-resettable hour meter. Owners and operators of emergency engines are required to keep records of their hours of operation. Owners and operators must record the time of operation of the engine and the reason the engine was in operation during that time.

III. Summary of Significant Changes Since Proposal

Most of the rationale used to develop the proposed rule remains the same for the final rule. Therefore, the rationale previously provided in the rule, as proposed, is not repeated in the final rule, and the rationale sections of the rule, as proposed, should be referred to. Changes that have been made to the rule since proposal are discussed in this section with rationale following in the Summary of Responses to Major Comments section.

A. Applicability

The final rule includes an exemption for engines used at test cells/stands.

The final rule also exempts area sources from title V permit requirements.

B. Fuel Requirements

The proposed rule required the same fuel requirements for all engines, except engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands. The final rule does not require owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder subject to the rule that use diesel fuel to meet the 15 ppm fuel sulfur requirements. Owners and operators of these engines are subject to the 500 ppm fuel requirements only, starting October 1, 2007.

In addition, EPA received comments on the proposal requesting that EPA delay the sulfur requirements for diesel fuel intended for stationary ICE in rural areas of Alaska until 2010, consistent with the approach that was expected to be proposed for nonroad and highway engines in rural Alaska. EPA believes it is appropriate to address stationary, highway and nonroad fuel requirements in one rule where all issues can be addressed and resolved. Therefore, on October 13, 2005 (70 FR 59690), EPA proposed to revise the provisions of 40 CFR part 69 (Special Exemptions from the CAA) to delay low sulfur fuel requirements for rural areas of Alaska until December 1, 2010, except that certain engines, including any 2011 model year and later stationary CI engines operating in rural Alaska prior to December 1, 2010, would be required to meet the 15 ppm sulfur requirement for diesel fuel. EPA has included a special section in the final rule that specifies that until December 1, 2010, owners and operators of stationary CI engines located in Alaska should refer to 40 CFR part 69 to determine the diesel fuel requirements applicable to such engines.

In addition, the final regulations include language that allows Alaska to submit for EPA approval through rulemaking process, by no later than January 11, 2008, an alternative plan for implementing the requirements of this regulation for public-sector electrical utilities located in rural areas of Alaska not accessible by the Federal Aid Highway System. The alternative plan must be based on the requirements of section 111 of the CAA including any increased risks to human health and the environment and must also be based on the unique circumstances related to remote power generation, climatic conditions, and serious economic impacts resulting from implementation of 40 CFR Part 60, Subpart IIII.

EPA has included an option in the final rule for owners and operators of pre-2011 model year engines located in remote areas of Alaska to petition the Administrator to use any fuels mixed with used oil that do not meet the fuel requirements in § 60.4207 of the final rule beyond the required fuel deadlines. The owner or operator must show that there is no other place to burn the used oil. Each petition, if approved, is valid for a period of up to 6 months.

EPA has clarified that the fuel requirements in § 60.4207 of the final rule only apply to stationary CI ICE that are subject to the rule, and do not apply to new engines manufactured prior to April 1, 2006, unless they have been modified or reconstructed after July 15, 2005.

C. Maintenance and Testing

The proposed rule limited the use of emergency engines for the purpose of maintenance and testing to 30 hours per year. This limit has been increased in the final rule to 100 hours per year. EPA has also included a provision that allows anyone to petition the Administrator for additional hours, beyond the allowed 100 hours per year, if such additional hours should prove to be necessary for maintenance and testing reasons. EPA will not require a petition for additional hours if the hours beyond 100 hours per year for maintenance and testing purposes are mandated by regulation such as State or local requirements.

D. Emission Standards

The emission standards for engines with a displacement of greater than or equal to 30 liters per cylinder in the final rule are different than in the rule, as proposed. EPA received comments that the proposed PM standards and the proposed NO_X g/KW-hr standard were not achievable. EPA revised the standards for the final rule and believes the final levels are achievable through the use of on-engine controls, aftertreatment, and lower sulfur fuel.

E. Recordkeeping

For emergency engines, EPA proposed that owners and operators record the use of the engine during non-emergency operation. These hours would be recorded through the non-resettable hour meter. Based on comments received on the rule, as proposed, EPA has determined that it is appropriate to require records of all operation, including hours operated during non-emergencies and hours operated during emergencies. The owner must also record the time of operation of the engine and the reason the engine was in operation during that time.

IV. Summary of Responses to Major Comments

A more detailed summary of comments and EPA's responses can be found in the Summary of Public Comments document, which is available from the rulemaking docket (*see* **ADDRESSES** section).

A. Applicability/Effective Date

Comment: One commenter expressed that the 6-month installation date deadlines in § 60.4208 of the proposed rule are problematic and unworkable. The period of time between the manufacture of a stationary CI engine and its installation is regularly in excess of 6 months. The NSPS should incorporate the relevant anti-stockpiling

from the nonroad rule (40 CFR 89.1003(b)(4)) instead.

Another commenter said that § 60.4208(a) of the proposed rule does not exclude fire pumps (emergency CI ICE), but § 60.4208(c) through (f) of the proposed rule does. A 6-month time limitation will become problematic, the commenter said. Due to construction project complexities, size and delays, NFPA certified fire pump engines may not be installed for as long as 1 year after the date of sale by the NFPA certifier. The NFPA certified fire pump engines are typically not purchased for inventory, and therefore, are self regulated by the date of manufacturer. The commenter stated that fire pump engines should be exempt from this fixed time restriction.

Response: EPA agrees with the commenters that the 6-month deadline for installing engines of a previous tier is not long enough to allow for the time that typically elapses between order and installation of an engine and may prevent engine manufacturers from using up existing inventories of engines. Therefore, EPA increased the time limit to 24 months after the beginning of the model year. EPA has also included anti-stockpiling provisions similar to those used for nonroad engines to prohibit stockpiling of previous tier engines in the final rule. Also, EPA was concerned about imports of non-compliant stationary CI engines and has made it clear in § 60.4208 of the final rule that the limitations of that section apply to imports of engines with a displacement of less than 30 liters per cylinder also. Engines with a displacement greater than or equal to 30 liters per cylinder are not included in this provision since compliance with the emission standards for those engines can only be demonstrated through on-site stack testing. Finally, EPA has exempted stationary emergency fire pump engines from the deadlines in § 60.4208(a) and (b) of the final rule to account for the fact that fire pumps have different timing requirements for the emission standards they have to meet.

Comment: One commenter requested that the rule exempt area sources from the requirement to have a title V permit solely because of the presence of an affected engine.

Response: Section 502(a) of the CAA specifies the sources that are required to obtain operating permits under title V. These sources include (1) any affected source subject to the acid deposition provisions of title IV of the CAA, (2) any major source, (3) any source required to have a permit under parts C or D of title I of the CAA, (4) ''any other source (including an area source) subject to standards under section 111 (new source performance standards) or 112 (national emissions standards for hazardous air pollutants),'' and (5) any other stationary source in a category designated by regulations promulgated by the Administrator.

Section 502(a) of the CAA also provides that the Administrator may ''promulgate regulations to exempt one or more source categories (in whole or in part) from the requirements of this subsection if the Administrator finds that compliance with such requirements is impracticable, infeasible, or unnecessarily burdensome on such categories, except that the Administrator may not exempt any major source from such requirements.'' EPA has exempted many area sources subject to section 111 or 112 standards from title V requirements in prior rulemakings, in particular see a recent final rule, 70 FR 75320, December 19, 2005, that provides additional background information and rationale for such exemptions for a large number of area sources subject to CAA section 112 standards.

In the case of affected stationary CI engines located at area sources, EPA believes compliance with permit requirements under title V would be impracticable, infeasible and unnecessarily burdensome for the reasons explained below.

First, title V permits would be unnecessarily burdensome for area sources subject to this final rule because title V would not result in significant improvements to compliance with the CAA section 111(b) standard for the area sources. (The term ''title V permits'' used here refers to permits issued under 40 CFR parts 70 or 71 by either a State or local agency or EPA.) For a great number of these area sources, these engines are the only emission source and the owner/operator (often a hospital or a school) will not be at all familiar with the requirements for permits. To demonstrate compliance with these section 111(b) standards, the final rule requires the owner or operator of the area source to purchase a certified stationary CI engine. Certification that the engine meets the emission reduction requirements of this final rule is done by the manufacturer of the engine, rather than the area source that owns or operates the engine. This strategy places a significant amount of responsibility for compliance with the standard on the manufacturer, compared to many other emission standards that place the compliance responsibility on the owner or operator. EPA believes this strategy is the most effective way to ensure that the standard is met during the useful life of the engine. Also, title V would not result in significant improvements to compliance with the standard for these area sources because the section 111(b) standard itself contains adequate compliance requirements for these area sources, consistent with the CAA, without relying on title V.

Second, title V would impose certain burdens and costs on area sources subject to this final rule that EPA does not believe are justified when compared to the potential for title V permits to improve compliance with the CAA section 111(b) standards for such sources. This is so because EPA believes the costs and burdens of title V permits for the typical area sources subject to this final rule would be significant. This assessment is not based on any particular empirical data or study but on a review of the types of stand-alone area sources that would be subject to the final rule, for example, small farming operations using diesel engines for irrigation purposes and small businesses and residential homeowners using diesel engines for back-up electrical power generation. (See current ICR for 40 CFR part 70, EPA ICR # 1587.06 and OMB control number 2060–0243 for EPA's best estimate of the burdens and costs of title V for sources subject to 40 CFR part 70 on a national, aggregate basis.) Also, as explained above, EPA's judgment is that requiring operating permits for these area sources would not result in significant improvements to compliance over that already required by this final rule. Thus, the burdens and cost of title V permits for these area sources would be significant, and in any case, they will be unnecessary and not justified, when compared to the low potential for title V permits to improve compliance, consistent with the ''unnecessarily burdensome'' criterion of section 502(a) of the CAA.

The strategy of this final rule, requiring the manufacture of cleaner burning emission sources (manufacturer-based controls), has been employed in other CAA section 111 standards, for example, the NSPS for new residential woodstoves (subpart AAA of 40 CFR part 60). We exempted area sources subject to the woodstove NSPS in the final rule for 40 CFR part 70 (57 FR 32250, July 21, 1992) for reasons similar to those we describe today for stationary CI IC engines. (40 CFR 70.3(b)(4) and 40 CFR 71.3(b)(4).)

Thus, we have decided to exempt area sources subject to this final rule from title V operating permit requirements under 40 CFR part 70 and 40 CFR part 71, and we have changed the applicability language in the final regulations to specify this. Under this approach, title V exemptions are

allowed for an area source, provided the area source is not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for another reason, such as when the source becomes a major source. Also note that this exemption only affects whether an area source is required to obtain an operating permit, it has no bearing on any other requirements of this final rule.

B. Modeling Mobile Source Program

Comment: Two commenters stated that the proposed standard layers mobile source requirements with similar 40 CFR part 60 requirements. These mobile legacy provisions, such as the General Provisions and testing requirements for nonroad engines, are foreign to stationary source operators. Two commenters said that a rule modeled after mobile standards is unnecessarily complex and includes requirements that are inconsistent with the legacy of stationary sources affected under 40 CFR part 60. One commenter was concerned that an array of unforeseen implementation issues could arise in translating the mobile source criteria to stationary sources.

One commenter said that the limits are based upon the engine model year and could lead to confusion. Limits for stationary sources have in the past been based upon the date of construction or operation. Two adjacent facilities may install identical engines manufactured by different companies and are of different model years. These engines could be subject to different limits. The facility that is subject to the more stringent limits may challenge the fairness of the limits and the cost to comply with the more stringent limits. This can be avoided by establishing limits based upon the date a source commences operation. The commenter added that compliance with NSPS limits is primarily based upon manufacturer guarantees. This is a new regulatory strategy for stationary sources. The New York (NY) Department of Environmental Conservation (DEC) issues permits to facility owners/operators, which are contracts whereby the permittee agrees to comply with all applicable provisions. Manufacturers are not parties to permits issued by the NY DEC. Any violation of a permit condition is, therefore, the responsibility of the permittee. Any enforcement action initiated by the NY DEC would be against the permittee, not the manufacturer. The NY DEC's distributed generation rule (6 NYCRR part 222) is structured in this way. If an engine is not in compliance with the limits, the owner/operator may have legal recourse against the manufacturer depending upon the conditions of a warranty. The NY DEC, not being a party to a warranty, would not have legal recourse against the manufacturer. This commenter recommended that the owner/operator be responsible for compliance with emission limits under the NSPS.

Response: EPA disagrees with these commenters on certain issues. EPA agrees that aligning the NSPS with mobile standards and placing significant responsibility with manufacturer is somewhat unusual, but it is not an unprecedented regulatory strategy for stationary sources (40 CFR part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters). EPA has determined that it is appropriate to develop a regulatory strategy for internal combustion engines that is generally directed towards engine manufacturers. EPA recognizes that the proposed approach is different than the strategy typically followed in NSPS rulemaking for stationary sources, which is often aimed at the owners and operators of stationary sources. However, EPA has worked with engine manufacturers throughout the rule development process, and it was determined that developing a rule that will affect engines at the manufacturing level, will achieve the best system of emission reduction while taking into account the cost of achieving such reductions. The certification of nonroad diesel engines is a well-established program that engine manufacturers are familiar with. Engine manufacturers have indicated that they often design and manufacture the same engines for nonroad use as for stationary use. As mentioned in the preamble to the proposed rule, the vast majority of stationary CI engines are consumer products produced in mass quantities. Internal combustion engines have traditionally been regulated through the manufacturer for purposes of meeting mobile source regulations. Manufacturers have extensive experience with complying with such standards. It is also simpler, more reliable, and comparatively inexpensive to regulate stationary CI engines employing the same approach as for mobile sources than to create a new approach based on testing by every owner and operator.

Moreover, EPA believes this method of regulation will be much easier for owners and operators (represented by the commenters) than a set of regulations aimed primarily at owners and operators. The commenters note that the proposed standards layer mobile source requirements on 40 CFR part 60 requirements, but EPA's mobile source regulations are directed towards manufacturers, so they will not substantially affect owners and operators. In general, owners and operators will be required to purchase certified engines, which are likely to be the only new engines available, since manufacturers will not be able to sell uncertified engines. This would seem to be preferable from an owner/operator's perspective than having to individually test all of its new engines initially and periodically thereafter to show compliance with the standards, and to engage in all of the other compliance procedures normally required for stationary sources. While EPA acknowledges that this approach is one with which stationary source owners and operators may not be accustomed, EPA believes that this approach will provide less burden to owners and operators than a more standard NSPS approach. Regarding the comments from NY DEC, EPA believes that because the owner/operator will be purchasing certified engines, it will know prior to purchase and installation the emission limits and costs for the engine. A manufacturer would not be selling identical engines for different model years unless the engine met the standards for both model years, so there would be no increased cost for the user. Unlike in other regulations, the emission-related costs are known from the outset, because they are inherent in the cost of the certified engine. The NSPS should have no effect on the manner in which NY DEC ensures compliance with its distributed generation rule. However, as discussed below, owners and operators do have responsibilities under the NSPS, compliance with which can be readily determined. EPA agrees that it would be appropriate to specify what parts of the General Provisions apply to engines subject to subpart IIII of 40 CFR part 60. In the final rule, EPA has included a table listing which General Provisions from 40 CFR part 60, subpart A, apply to stationary CI engines subject to this subpart.

C. Fuel Requirements

Comment: One commenter stated that no operating experience currently exists for engines with a displacement of greater than or equal to 30 liters per cylinder with 15 ppm sulfur fuel, and therefore, an alternative should be worked out. The use of ULSD may have impacts on safety, reliability and durability of the stationary engine. At the current stage of technology, engine manufacturers will not be able to guarantee an engine operating

exclusively on ULSD. According to the European Union (EU) Directive 1999/32/EC, the maximum sulfur content of heavy fuel oil is a maximum of 1 weight percent (10,000 ppm) from January 1, 2003, and in gas oil a maximum of 0.1 weight percent (1,000 ppm) from January 1, 2008. These fuels can be used in stationary CI engine plants without installed flue-gas desulfurization. According to the EU 2001/80/EC Directive, a maximum of 0.5 weight percent sulfur (850 milligrams per Normal (273.15 °Kelvin, 101.3 kilo Pascal (kPa)) cubic meters (mg/Nm^3) SO_2 at 3 percent oxygen (O_2) and 280 mg/Nm^3 SO_2 at 15 percent O_2 fuel oil can be used in 50 to 100 megawatt (MW) boiler plants. Large CI engines are designed to operate on heavy fuel oil and the use of ultra clean light fuel oils (with different density, viscosity, etc., properties) may cause operation problems. The commenter requested that for large engines the requirement should be equivalent to 500 ppm after 2010 on the U.S. mainland. The commenter also stated it was reasonable for EPA to exempt Guam, American Samoa and the Commonwealth of the Northern Mariana Islands from fuel limits.

Another commenter expressed that additional time may be necessary to phase in the use of ULSD with respect to new engines with a displacement of 30 liters per cylinder or greater.

Response: EPA requested comments on whether ownes and operators of stationary CI engines with a displacement of greater than or equal to 30 liters per cylinder should be required to use ULSD fuel. There is no information regarding the effect of burning 15 ppm sulfur fuel in stationary CI engines with a displacement of greater than or equal to 30 liters per cylinder and operators of these engines have expressed concerns with burning such fuel. Manufacturers of engines with high displacement have told EPA that there is a large variety of fuels used in these engines and that the fuel used can contain a high sulfur content. The fuels used in large displacement engines are of a different grade than the fuels used in nonroad engines. Information EPA has received indicates that engines with a displacement of greater than or equal to 30 liters per cylinder are often designed to operate on residual fuels containing up to 5 percent sulfur, but that these engines can also operate on fuels with lower fuel content. Further information on this subject can be found in the docket (EPA–HQ–OAR–2005–0029–0146). EPA believes it would be inappropriate to require owners and operators of these engines to use ULSD as the impacts of using such fuel are unknown. However, EPA does believe it is appropriate to require these engines to utilize fuel containing 500 ppm sulfur or less, consistent with the commenter's statement. The final rule has been written to require owners and operators of stationary CI engines with a displacement of greater than or equal to 30 liters per cylinder to use 500 ppm sulfur fuel starting October 1, 2007. Owners and operators of stationary CI engines with a displacement of greater than or equal to 30 liters per cylinder are not required to use 15 ppm sulfur fuel, but must use 500 ppm fuel from October 1, 2007, and beyond.

Comment: One commenter expressed that the proposed fuel requirements would be burdensome to some facilities that store and use large inventories of diesel fuel. To comply with the proposed fuel requirements, an owner or operator of stationary CI engines with large fuel inventories may have to dilute/blend existing diesel fuel inventories with fuel that is virtually sulfur-free prior to each compliance date in § 60.4207 of the proposed rule, and sample/analyze the blended fuel for sulfur content, and cetane index or aromatic content to document compliance with the fuel content requirements. Sources with large fuel inventories may require dilution quantities that exceed the existing storage tank capacities, and diluting/blending would be an expensive task. Diluting/blending fuel to meet these requirements would require the procurement of diesel fuel that has a sulfur content and cetane index or aromatic content that would be much more stringent than the specified fuel sulfur content standards. As an alternative, owners/operators would have to deplete existing diesel fuel inventories completely prior to each compliance date and then purchase fuel that meets the requirements of 40 CFR 80.510(a) and (b) for just-in-time fuel delivery prior to each compliance date. This alternative is not reasonable for owners/operators that operate 24 hours a day. Also, depleting inventories to zero potentially would cause owners/operators to have to clean/remove tank bottoms to prevent fouling of fuel lines and equipment, and to have to dispose of off-specification diesel fuel, producing additional costs. The commenter requested that EPA include a grandfather clause that would allow owners/operators to continue to use up existing fuel inventories after October 1, 2007, and October 1, 2010. Alternatively, EPA could revise § 60.4207(a) and (b) of the proposed rule by replacing the word ''use'' with ''purchase.''

Response: EPA believes it is providing sufficient time for owners and operators to switch to using lower sulfur fuel. Substantial amounts of fuel meeting the fuel requirements will be available in the years and months prior to implementation of the fuel requirements. However, EPA understands that there may be cases where sources may be unable to use up existing non-compliant fuel inventories prior to the fuel compliance dates of the rule. EPA does not think it would be appropriate to include an open-ended provision allowing owners and operators to use up existing non-compliant fuel inventories after October 1, 2007 and October 1, 2010. Also, EPA does not believe it would be appropriate to use the word ''purchase'' instead of ''use'' in § 60.4207 of the rule. A more reasonable provision, which takes into account that there may be varying volumes of existing fuels from site to site, would be for the owners and operators to petition the Administrator for additional time beyond the schedule set in the final rule to use up existing non-compliant fuels. EPA believes that a case-by-case approach to dealing with existing fuel inventories is more appropriate and will incorporate the uniqueness of each source's fuel inventory situation. EPA has incorporated a provision into the final rule that allows owners and operators that have stationary CI engines subject to the rule to petition the Administrator for additional time to use up existing fuel inventories. If approved, the petition is valid for a period of up to 6 months. If additional time is needed beyond that, the owner or operator would have to submit another petition to the Administrator. Also, EPA does not believe such a provision should be included for engines built after 2011 as these stationary CI engines will require the use of ULSD in order to operate properly. Therefore, the final rule includes the provision to petition the Administrator to use up existing non-compliant fuel for a period of 6 months only for pre-2011 model year stationary CI engines.

D. Maintenance and Testing

Comment: Several commenters said that the testing and maintenance allowance for emergency engines in the proposed rule was not sufficient. Many commenters recommended revising the definition of emergency engines to be consistent with 40 CFR part 63, subpart ZZZZ, for stationary RICE. Commenters recommended various maintenance and testing allowances. One commenter

recommended a minimum of 8 hours per month or 96 hours per year. One commenter encouraged EPA to either exempt hospitals, categorically from the restrictions, or apply a reasonable allowance of combined total operations of all emergency generators per hospital facility to 2,000 hours per year. Four commenters recommended that EPA specify 100 hours per year instead, as a maximum for maintenance and readiness testing. Some commenters recommended that regulatory agencies could establish site-specific limits for maintenance checks and readiness testing. One commenter recommended allowing hospitals to petition for an exemption raising the limit beyond 100 hours as a permanent exemption or a one-time exemption. One commenter recommended limiting maintenance and testing activities to 78 hours per year. One commenter said that the operation of an emergency engine should be at the discretion of the owner or operator, based on the engine manufacturer's recommendations and any applicable health and safety codes. The commenter believed this requirement is unnecessary because non-emergency engines will be allowed to operate without any hourly limitations.

Response: As summarized above and in more detail in the Summary of Public Comments document, EPA received several comments on the issue of maintenance and testing of stationary emergency engines. EPA proposed to limit the time emergency engines spend during maintenance and testing to 30 hours per year, based on information available at the time of proposal indicating that 30 hours per year would be sufficient to address operation for such activities. For example, NFPA requirements stipulated 30 minutes per week (27 hours per year) for maintenance and testing purposes to ensure that the engine would respond properly in the event of an emergency. A survey conducted by the California (CA) Air Resources Board (ARB) indicated that emergency engines spend on average of about 30 hours per year for all operation. The proposed limit of 30 hours per year for maintenance and testing for stationary emergency CI engines was also consistent with the CA Airborne Toxic Control Measure (ATCM). Since the proposal of the rule, CA increased the maintenance and testing limit based on new information it had received, which indicated that more frequent testing was required by certain healthcare regulatory bodies. Local air districts in CA are allowed to approve additional hours of operation for maintenance and testing beyond 30 hours per year, and the ATCM also includes a sliding scale based on the PM levels the engine emits, of up to 100 hours per year. Considering the extent to which commenters provided information indicating that the proposed 30 hours per year allowance was not sufficient for most emergency engines, EPA has determined that it is appropriate to allow emergency engines to operate 100 hours per year during maintenance and testing. It is crucial to allow owners and operators of emergency engines to sufficiently test and maintain their emergency engines to ensure the engines will respond properly and as expected during an emergency situation. The engines must respond without failure and without lengthy periods of startup and adequate testing and maintenance must therefore be performed. Based on the comments received, EPA believes that 100 hours per year is a sufficient amount to ensure readiness of emergency engines in most cases. The final rule has been written to limit operation of emergency engines to 100 hours per year during maintenance and testing operation. In addition, EPA believes that there may be cases where it is necessary for an owner or operator of emergency engines to operate their emergency engines beyond 100 hours per year to ensure their engines will respond as needed during an emergency. Additionally, Federal, State or local safety standards may require maintenance and testing beyond 100 hours per year. Therefore, EPA has incorporated a provision into the final rule that allows owners and operators to petition the Administrator for approval to operate their emergency engines for more than 100 hours per year for maintenance and testing purposes. If a sufficient case is presented, the Administrator may approve such petitions for additional time to conduct maintenance checks and readiness testing to ensure that emergency engines can be used for their intended application during emergency situations. A petition is not required if an owner or operator can show that operation beyond 100 hours is required by regulation such as State or local requirements. EPA does not believe it is generally appropriate to allow unlimited hours for maintenance and testing, or hours well in excess of 100 hours, as suggested by some commenters, given the substantial emissions that can occur from these engines during their operation and the ability of owners and operators to meet their maintenance and testing needs under the final provisions. The California ARB presented in Table IV–1 of their Staff Report from 2003 that PM and NO_X emissions from emergency standby engines in 2002 were 0.3 and 6.4 tons per day, respectively. The maintenance and testing allowance in the final rule would include training for and simulation of emergency situations and EPA believes the 100 hours per year would be sufficient to account for such operation. Documented engine repair would also be considered maintenance and testing and the change from 30 to 100 hours per year should provide enough hours to make necessary repairs. Finally, peak shaving is not considered emergency use and EPA has clarified this in the definition of emergency engine in the final rule.

E. Emission Standards

Comment: One commenter stated that as was the case with the nonroad engines from which stationary CI engines are derived, it remains the case that less stringent standards are necessary for non-generator engines greater than 750 HP.

One commenter said that EPA should set stringent NO_X emissions standards for all engines greater than 750 HP that are based on the use of add-on control technologies. The commenter estimated that stationary diesel engines greater than 750 HP make up about 20 percent of the total stationary engine population, but account for more than half the total emissions of NO_X. The commenter has seen enough successful examples of the use of selective catalytic reduction (SCR) to control NO_X emissions from stationary engines to conclude that EPA should base its NO_X emissions standards for these engines on the use of add-on controls. EPA describes in docket information that SCR has been successfully installed in several applications based on State and vendor information. Several additional add-on NO_X controls that are under development are described in the docket as well; NO_X adsorbers, ozone injection and lean NO_X catalysts. While these technologies are not commercially available yet, they could become viable options within the timeframe of these standards. The commenter believed the current use of SCR and the other available options for add-on NO_X control support the more stringent standards. The commenter is not aware of any special issues with add-on controls on non-generator stationary engines. The commenter believed the issues would be no different than those associated with stationary generator sets and, therefore, saw no reason to set more lenient standards.

One commenter believed that NO_X standards for non-generator, stationary engines with HP ratings of greater than

750 should be equivalent to NO_X standards proposed for generators. Selective catalytic reduction systems have already been installed on stationary engines in this size range and can provide high efficiency NO_X reductions in a cost effective manner. The commenter believed that installation issues with SCR on non-generator engines are no different than those associated with generator engines.

One commenter strongly urged EPA to set aftertreatment forcing NO_X standards for all non-emergency engines with a displacement of less than 10 liters per cylinder and greater than 750 HP. The rationale for setting less stringent standards for nonroad engines other than generator sets were concerns about designing NO_X adsorbers for the space constraints and physical stresses associated with mobile heavy equipment. These conditions do not apply to stationary engines. In the July 2004 nonroad rulemaking, EPA noted the use of SCR on stationary engines as a rationale for aftertreatment forcing NO_X standards for mobile generator set engines.

Regarding EPA's request for comments on whether the generator standards for NO_X should be applied for non-emergency engines greater than 750 HP, one commenter believed that the non-emergency generator engines should be limited to the same levels of emissions as other available ways to generate electricity from fossil fuel. The commenter recommended that limits for engines greater than 750 HP be as stringent as limits for non-emergency engines in sizes between 75 HP and 750 HP, because the larger engines should be able to achieve the same limit as smaller engines, and there is sufficient time to transfer technology to engines greater than 750 HP. If a large engine cannot achieve comparable emission levels, then cleaner equipment, such as turbines, should be used.

Two commenters made the comment that the requirement for add-on controls for engines above 750 HP with a displacement below 10 liters per cylinder should apply solely to continuously operating non-emergency generators.

Response: EPA proposed emission standards for non-emergency non-generators above 750 HP that were not based on the use of add-on controls for NO_X and were less stringent than the proposed standards for generator sets above 750 HP. These standards were consistent with nonroad standards for the same size engines. EPA solicited comments on this issue in the preamble to the proposed rule and received the comments as summarized above. Based on available information and comments received on this issue, EPA still believes it is appropriate to distinguish between non-generators and generators when finalizing standards for non-emergency stationary CI engines above 750 HP. EPA did not receive any specific information or data demonstrating that the standards applicable to generator sets are feasible for engines above 750 HP that are not generator sets. Engine manufacturers have repeatedly expressed that less stringent standards are necessary for non-generator set engines greater than 750 HP. Engine manufacturers have also repeatedly expressed the need to have standards for stationary engines that are consistent with the standards for nonroad engines. No change has been made to the final rule, which includes, as proposed, emission standards consistent with nonroad standards. The standards distinguish between non-generator sets and generator sets, and require less stringent levels for non-emergency engines that are not generator sets, based on improved combustion systems and engine-based NO_X control technologies. (It should be noted that the PM standards for engines above 750 HP, both for generators and non-generators, will likely require particulate traps.)

Comment: As summarized in more detail in the Summary of Public Comments document, EPA received several comments on the proposed standards for engines with a displacement of greater than or equal to 30 liters per cylinder. One commenter said that the NO_X standards for these engines would incur significant costs for the owner and operator, and for emergency engines make it impossible to operate the unit reliably when actually needed. The cost of installing and maintaining an SCR system for large CI engines is outrageously high, especially for applications in Alaska, according to the commenter. These control systems are only marginally cost effective for Alaska units that are meant to be operated continuously. The cost of SCR controls for emergency units outweighs the benefit of having large reliable emergency power available. A recent prevention of significant deterioration project rejected SCR due to high costs. Selective catalytic reduction subsystems must be kept instantly ready over a long period of time in standby mode. One important aspect is having the urea/water mixture heated to prevent freeze up during extremely low temperatures. The system is not simple and operators/mechanics have to be well trained. In most areas of Alaska, such skilled labor is not available. Unless such large units are simple to maintain/operate, they will quickly fall into disrepair or become unusable in an emergency. For emergency engines, the technology that is proven to have the highest reliability while in standby mode should be used. Fuel Injection Timing Retard (FITR) is the technology. It reduces NO_X by 15 to 20 percent, and has been demonstrated as the most cost effective for arctic conditions. FITR technology should also be allowed for engines with a displacement of greater than 10 liters per cylinder unless/until manufacturers establish a proven record of reliable readiness from cold start conditions. This may require delay of emission control requirements for an additional 3 years beyond current implementation dates.

This commenter also said that the PM limits in the proposed rule for engines with a displacement of greater than or equal to 30 liters per cylinder are unrealistic, and there are no current control technologies that are ''available'' to meet these standards. There have been no applications of electrostatic precipitators (ESP) to stationary sources in the U.S. to date (based on RACT/BACT/LAER Clearinghouse, September 1, 2005). A currently available technology, particulate filter traps, is suited to these large units, although PM removal is less than 60 percent. The commenter noted that PM emissions will already be reduced considerably by the use of low sulfur diesel (LSD) and ULSD. When the reduction from using low sulfur fuel is considered, an additional 50 percent overall reduction from particulate trap technology will meet EPA's goal of reducing PM emissions nationwide. Requiring the use of ESP for emergency units undermines unit reliability and would increase unit size. Approximately 10 percent of the power generated by an emergency CI ICE would be used solely to power an ESP. This would cause all such emergency units to be resized at an increased capacity. The commenter recommended a 50 percent PM reduction or an emission limit of 0.15 g/KW-hr (0.113 g/HP-hr).

Another commenter provided several comments on the proposed standards for engines with high displacement. The commenter stated that environmental impacts and cost effects have not been evaluated and efficient add-on abatement techniques (SCR for NO_X, etc.) will always be needed as a result of the proposal. Only a small number of large CI ICE are sold per year to the U.S. and, therefore, one can forecast that the environmental impact of these engines with respect to the total emissions in the

U.S. is small. The commenter said that in the U.S. territories there are several of these engines, e.g., in Puerto Rico there is a 20 MW electric (MWe) plant and in Guam there is an 80 MWe plant. The proposed limits will raise the electricity produced in these power plants considerably. This might have impacts on the small governmental jurisdiction area flexibility and have significant adverse affect on the supply of energy. This would be in contradiction to the Regulatory Flexibility Act and Executive Order 13211: Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution or Use. The commenter said that the proposed NO_X limit of 0.4 g/KW-hr (0.30 g/HP-hr) equates to about 50 mg/Nm^3 (at 15 percent oxygen (O_2)) and is very strict. This limit is much stricter than World Bank Guidelines or the United Kingdom (UK) limits as referred to in the proposed text. The World Bank NO_X limit for non degraded air-sheds is 2,000 milligram per normal cubic meter (mg/Nm^3) and in degraded air-sheds 400 mg/Nm^3 (at 15 percent O_2) (about 3.1 g/KW-hr). In the UK, the NO_X limits are: 1,300/1,400 mg/Nm^3 (at 15 percent O_2) (about 10.1/10.9 g/KW-hr) (light fuel/heavy fuel oils) for plants less than 50 MW and 200–300 mg/Nm^3 (at 15 percent O_2) (about 1.6–2.3 g/KW-hr) for oil fired plants greater than 50 MW. Extensive research and development work with NO_X emissions from large liquid fired CI ICE has reduced emissions remarkably by primary measures (typically 30 to 35 percent) during the last decade. Primary methods are low NO_X combustion focusing on optimizing: Closing timing of inlet valve, design of fuel injection equipment on the engine, new camshaft, etc. The proposed limit means in practice that SCR is always needed. Selective catalytic reduction needs a reagent aqueous urea/ammonia or pure ammonia to work, and lack of the reagent delivery infrastructure in certain areas will make the proper use of SCR impossible. In order to give industry an incentive to develop new cost-effective primary methods and to continue the positive development in the past decade, the proposed limit should be more realistic based on the zoning approach (attainment/non-attainment area, mainland U.S./other areas). This commenter made some recommendations for acceptable NO_X and PM emission limits, which can be found in the Summary of Public Comments document. The commenter stated that the proposed PM limit of 0.12 g/KW-hr (0.09 g/HP-hr) equals about 16 mg/Nm^3 (at 15 percent O_2). This is a very strict limit, much stricter than the British and World Bank limits, which are 50 mg/Nm^3 (at 15 percent O_2) (about 0.38 g/KW-hr) for large CI plants and 100 mg/Nm^3 (at 15 percent O_2) (about 0.75 g/KW-hr) for smaller CI plants. The ESP is bulky and has a high investment cost. In the Integrated Pollution Prevention and Control Reference Document on Best Available Techniques for Large Combustion Power Plants (BREF) document for large combustion installations, it states that ''Due to the different temperature and oxygen content of the diesel flue-gas, the electrical properties of the diesel particulates (e.g., resistivity, etc.,) are different compared to particulates from a boiler flue-gas, and proper testing of the ESP (electrical precipitator) is needed to commercial release.'' Only a few CI plants are equipped with ESP, and the technical availability of ESP needs to be evaluated case-by-case. In the European Integrated Pollution Prevention and Control, the best available technique is considered to be the use of low ash and low sulfur fuel. Particulate matter limits range from 30 to 50 mg/Nm^3 (at 15 percent O_2) (about 0.23 to 0.38 g/KW-hr) depending on whether heavy or light fuel oil is used. The commenter recommended PM limits in line with the EU BREF document for large CI ICE plant stations (greater than 50 MW). For smaller CI ICE plants, the commenter recommended a PM limit according to the UK approach.

One commenter said that EPA must require stringent PM emissions limits for engines with a displacement of greater than or equal to 30 liters per cylinder. Particulate matter emissions from stationary diesel engines are associated with extremely serious health impacts, including premature mortality and cancer. It would be clearly arbitrary and capricious for EPA to exempt the very largest engines, which it recognizes as operating for thousands of hours per year, from protective control requirements for PM emissions. EPA is correct in its assessment that the cost of SCR to reduce NO_X emissions from these engines is justified because they are so large and because the cost of SCR would be manageable in comparison to the cost of the engines themselves. Similarly, the size of these engines and the hazard posed by their emissions compels EPA to require them to achieve PM reductions that are at least as protective, if not greater than, those for smaller engines. EPA's proposal for these very large engines fails to meet the most basic requirement of section 111 of the CAA, that stringent emissions standards be applied to all sources within the designated category. There is no evidence that a thorough technical analysis of cost or feasibility was performed for these large engines. EPA does not explain why particulate filters could not be developed to apply to these engines. Nor does it explain why ESP, the technology on which the 60 percent control requirement is based, could not be designed to work as effectively in this application as they are known to do in many others, and achieve reductions far in excess of 60 percent. The commenter urged EPA to remedy this deficiency in the final rule by promulgating more stringent control requirements for this class of very large, very highly polluting engines.

Response: EPA does not agree with the commenter that SCR control systems are not a feasible option for engines located in Alaska. There are at least three facilities in Alaska that have stationary engines equipped with SCR, see the memorandum entitled ''Emission Standards for Engines with a Displacement of ≥30 Liters per Cylinder,'' available from the rulemaking docket. EPA does not expect that there will be any emergency engines with a displacement greater than 30 liters per cylinder; however, to the extent that such units exist, they will be very substantial emitters during use and should be required to use the best technology available. In response to the commenter's statement regarding readiness testing, EPA has increased the maintenance and testing allowance for emergency engines from 30 to 100 hours per year in the final rule, with the option to submit a petition for additional hours. EPA agrees in general with the comments regarding the proposed emission limitation for PM. The final rule has been written considering the comments received and requires 60 percent PM reduction or an emission limit of 0.15 g/KW-hr (0.11 g/HP-hr). EPA believes the PM standard will be achievable through the use of lower sulfur fuel, on-engine controls, and aftertreatment. EPA believes that the PM percent reduction requirement is feasible through application of ESP. Based on information EPA has received, the technology is capable of reducing PM by 60 percent. Other information indicates that the technology could reduce PM by even more; from 55 to 85 percent when operating on heavy fuel oil, see information in the docket.

EPA does not agree with the commenter that EPA did not evaluate costs and environmental impacts. EPA has provided detailed analyses of the expected costs of this regulation and the expected emission reductions and benefits and evaluated the technology

for this rule based on best demonstrated technology, not lowest achievable emission rate. EPA evaluated the environmental and economic impacts of the best demonstrated control technologies, which are documented in a memorandum included in the docket entitled ''Emission Standards for Engines with a Displacement of ≥30 Liters per Cylinder.'' While there are few CI ICE with a displacement of greater than or equal to 30 liters per cylinder, they are individually very large emitters of pollutants. Moreover, in regulating criteria pollutants such as ozone and PM, it is assumed that the emissions come from numerous different sources whose individual contribution may be relatively small. Further, as noted in the analyses, there are benefits from these standards in attainment areas, and these national regulations are designed to provide protection from pollution occurring in all areas of the country, not merely nonattainment areas. EPA does not believe that the final emission standards will have a significant adverse effect on the price of electricity and the supply of energy, and the commenters did not provide any data to support this assertion. While EPA disagrees with much of the commenter's statements, EPA has evaluated all comments received on this matter and agrees with the comments that the proposed NO_X g/KW-hr emission limitation and the proposed PM emission standards were too stringent. The final rule requires engines with a displacement greater than 30 liters per cylinder to reduce NO_X emissions by at least 90 percent or meet a NO_X emission limitation of 1.6 g/KW-hr (1.2 g/HP-hr), and to reduce PM emissions by at least 60 percent or meet a PM emission limitation of 0.15 g/KW-hr (0.11 g/HP-hr). There are several facilities worldwide that are successfully using ESP for PM control and specific examples of such installations can be found in the Summary of Public Comments document. Sources can also use other approaches, including traps, the use of lower sulfur fuel, and on-engine controls. The PM emission limit is consistent with comments received from one of the commenters. Regarding the NO_X standard, SCR has been demonstrated as feasible for stationary CI ICE and is in use on several engines in the U.S. SCR technology is capable of achieving emission reductions of 90 percent or greater in many cases. EPA reviewed emission rates of stationary CI engines with a displacement of greater than or equal to 30 liters per cylinder and based on an average uncontrolled NO_X emission rate from these engines of about 11.8 g/HP-hr, applying SCR with a reduction efficiency of 90 percent yields a controlled NO_X emission rate of 1.2 g/HP-hr. EPA therefore believes the final standards for NO_X are appropriate. Also note, that the commenter seems to concede that these standards are feasible, because the commenter accepts the proposed (more stringent) standards in nonattainment areas. EPA notes that this regulation applies only to new engines, not existing engines. The only engines manufactured prior to April 1, 2006, covered by this regulation are engines that are modified or reconstructed, as is required under the CAA. For further discussion regarding EPA's final standards for engines with a displacement greater than 30 liters per cylinder, see the memorandum entitled ''Emission Standards for Engines with a Displacement of ≥30 Liters per Cylinder.''

F. Military Training Engines

Comment: One commenter recommended that the rule exempt engines used in training and testing of military personnel in the operation, maintenance and repair of engines. These engines may have to be configured similarly to engines used by the U.S. or its allies in combat operations, which may make it difficult or impossible for them to comply with the NSPS.

Response: EPA agrees that it is appropriate to exempt engines used for military purposes. A national security exemption exists already (see, e.g., 40 CFR part 89 subpart J). Engines meeting the conditions specified in 40 CFR 89.908, and the corresponding provisions in parts 94 and 1068, will be considered exempt from the regulations for stationary CI ICE. An engine that receives the national security exemption under the non-road engine provisions when purchased will continue to be exempt if used as a stationary ICE, as long as it continues to be used for national security purposes. In addition, engines that receive a national security exemption will also be exempt from the fuel requirements in section 60.4207 of the final regulations. EPA believes that these provisions address the commenter's concerns.

V. Summary of Environmental, Energy and Economic Impacts

A. What are the air quality impacts?

The final rule will reduce NO_X emissions from stationary CI ICE by an estimated 38,000 tpy, PM emissions by about 3,000 tpy, non-methane hydrocarbon (NMHC) emissions by about 600 tpy, SO_2 emissions by an estimated 9,000 tpy, and CO emissions by approximately 18,000 tpy in the year 2015. Reductions are presented for the year 2015 because it is the model year for which certified stationary CI ICE would have to meet the final Tier 4 emission standards. EPA estimates that approximately 81,500 stationary CI ICE will be affected by the final rule in the year 2015. Of these, EPA estimates that 20 percent are used in non-emergency applications. EPA expects very few stationary CI ICE with a displacement of 30 liters per cylinder or more to be installed per year, and no emissions or emissions reductions have been estimated for these engines. A secondary impact of the final rule is the reduction of HAP that will result from the use of CDPF. EPA estimates that emissions of HAP will be reduced by approximately 93 tons in the year 2015.

The final rule will reduce NO_X emissions from stationary CI ICE by an estimated 270,000 tpy, PM emissions by about 17,000 tpy, NMHC emissions by about 8,000 tpy, SO_2 emissions by an estimated 24,000 tpy, and CO emissions by approximately 95,000 tpy in the year 2030. EPA estimated emissions reductions for the year 2030 because it is expected that almost all of the air quality impacts will be incorporated by that year, given turnover of old engines.

B. What are the cost impacts?

The total costs of the final rule are mostly based on the cost associated with purchasing and installing NO_X adsorber and CDPF controls on non-emergency stationary CI ICE. A smaller portion of the total costs are attributed to the cost of reporting and the cost for performance testing for a portion of the pre-2007 model year engines. The cost of NO_X adsorber and CDPF were based on information developed for the nonroad rule for diesel engines. EPA expects that very few stationary CI ICE with a displacement of 30 cylinders or more would be installed in the U.S. and, therefore, no costs have been estimated. However, if stationary CI ICE of such displacement are installed, there would be associated notification and compliance testing costs. Further information on how EPA estimated the total costs of the final rule can be found in a memorandum included in the docket (Docket ID. No. EPA–HQ–OAR–2005–0029).

The total national capital cost for the final rule is estimated to be approximately $67 million in the year 2015, with a total national annual cost of $57 million in the year 2015. The year 2015 is the model year for which all stationary CI ICE would have to meet

the final Tier 4 emission standards. The total national capital and annual costs in the year 2030 are estimated to be $93 and $286 million, respectively.

C. What are the economic impacts?

The final rule affects new sources of stationary diesel engines as part of generator sets and welding equipment, pump and compressor equipment, and irrigation equipment. We performed an economic impact analysis, whose methodology is based on that for the nonroad diesel engine rule promulgated by EPA in 2004 that estimates changes in prices and output for affected sources using the annual compliance costs estimated for the final rule. All estimates are for year 2015, since this is the year for which the compliance cost impacts are estimated.

The increases in price estimated for this equipment are the following: 2.3 percent—irrigation systems, 4.3 percent—pumps and compressors, and 10.0 percent—generator sets and welding equipment. While these price increases appear substantial, the corresponding reductions in output are quite small. They are: 0.01 percent—irrigation systems, 0.03 percent—pumps and compressors, and 0.42 percent—generator sets and welding equipment. The price increases and reductions in output were larger for smaller sized engines when compared to larger sized ones. These small reductions in output are due to limited change in demand from consumers in response to the estimated price changes as based on market data utilized in the nonroad rule economic impact analysis. The overall total annual social costs, which reflect changes in consumer and producer behavior in response to the compliance costs, are $39.1 million (2002$) or almost identical to the compliance costs.

The economic impacts are relatively small since the change in expected output from affected industries will be quite small. Thus, the industries producing the affected engines and the consumers who would use these engines will experience little or no impact as a result of the final rule.

For more information, refer to the economic impact analysis report that is in the public docket.

D. What are the non-air health, environmental and energy impacts.

EPA does not anticipate any significant non-air health, environmental or energy impacts as a result of the final rule.

E. What are the benefits?

We estimate the benefits of this rule to be $1.36 billion (2000$) in the year 2015. We base this estimate on the approach and methodology laid out in EPA's 2004 benefits analysis supporting the regulation of emissions from nonroad diesel engines (included in the Final Regulatory Impact Analysis (RIA): Control of Emissions from Nonroad Diesel Engines, May 2004). We chose this analysis as the basis since most of the elements in that rule are similar to those covered here. The engine type, the controls applied, and the pollutants affected are similar to those covered by the Nonroad Diesel engine rule. In addition, EPA believes that these types of engines are broadly distributed across the country similar in distribution to nonroad diesel engines. These four factors lead us to believe is appropriate to use the benefits transfer approach and values in the Nonroad Diesel engine rule analysis for estimating the benefits of this rule. Specifically, these estimates are based on application of the benefits scaling approach derived from the benefits analyses completed for that rulemaking. The methodology is laid out in the Nonroad Diesel RIA.

For this RIA, we did not go through the detailed uncertainty assessment used in the Nonroad Diesel RIA because we lack the necessary air quality input data to run the benefits model. However, the results of a Monte Carlo analysis of the health and welfare benefits presented in Appendix B of the Nonroad Diesel RIA can provide some evidence of the uncertainty surrounding the benefits results presented in this analysis. At the 5th percentile, the monetized benefits are roughly one quarter of the mean benefits estimate and at the 95th percentile they are roughly double the mean. We also used an approach for estimating benefits in which we applied an expert elicitation approach. An expert elicitation approach uses a probabilistic approach that provides quantitative measures of uncertainty from multiple sources as integrated by experts. For the expert elicitation based approach, the 95th percentile of total benefits is approximately three times the mean, while the 5th percentile is approximately one-twentieth of the mean. The overall range from 5th to 95th is somewhat wider than that of the statistical based approach.

Using these values as a guide, we assumed that the distribution of values for this rule would be similar. Thus, at the 5th percentile, monetized benefits would be roughly $340 million (2000$) and at the 95th percentile, monetized benefits would be roughly $2.7 billion (2000$) assuming a 3 percent discount rate. This is the same discount rate we apply in our benefits estimate listed above. Using estimates derived from the expert elicitation approach and again assuming a 3 percent discount rate, monetized benefits at the 5th percentile would be roughly $68 million (2000$) and at the 95th percentile, monetized benefits would be roughly $4.4 billion (2000$).

With the annualized costs of this rulemaking estimated at $57 million (2000$) in 2015 and with benefits of $1.36 billion (2000$) for that same year, EPA believes that the benefits are likely to exceed the costs. Please refer to the Nonroad diesel RIA for a detailed discussion of the uncertainties considered in EPA's benefit analyses.

For more information, please refer to the RIA for this rule that is available in the docket.

VI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether a regulatory action is ''significant'' and, therefore, subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB has notified EPA that it considers this a ''significant regulatory action'' within the meaning of the Executive Order. EPA has submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

B. Paperwork Reduction Act

The information collection requirements in the final rule have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The Information Collection Request (ICR) document prepared by EPA has been assigned EPA ICR number 2196.01.

The information requirements are based on notification, recordkeeping, and reporting requirements in the NSPS General Provisions (40 CFR part 60, subpart A), which are mandatory for all operators subject to national emission standards. These recordkeeping and reporting requirements are specifically authorized by section 114 of the CAA (42 U.S.C. 7414). All information submitted to EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to Agency policies set forth in 40 CFR part 2, subpart B.

The final rule will require maintenance inspections of the control devices but will not require any notifications or reports beyond those required by the General Provisions. The recordkeeping requirements require only the specific information needed to determine compliance.

The annual monitoring, reporting, and recordkeeping burden for this collection (averaged over the first 3 years after the effective date of the final rule) is estimated to be 145,000 labor hours per year at a total annual cost of $9,593,700. This estimate includes a one-time notification, engine certification, and recordkeeping. There are no capital/start-up costs associated with the monitoring requirements over the 3-year period of the ICR. The operation and maintenance costs for the monitoring requirements over the 3-year period of the ICR are estimated to be $242,300 per year.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

For the purposes of assessing the impacts of the final rule on small entities, small entity is defined as a small business based on the following Small Business Administration small business size definitions that are based on employee size: NAICS 335312—Motor and Generator Manufacturing—1,000 employees; NAICS 333911—Pump and Pumping Equipment Manufacturing—500 employees; NAICS 333912—Air and Gas Compressor Manufacturing—500 employees; NAICS 333992—Welding and Soldering Equipment Manufacturing—500 employees. In addition, a small governmental jurisdiction is defined as a government of a city, county, town, school district or special district with a population of less than 50,000, and a small organization is defined as any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final rule on small entities, I conclude that this final action will not have a significant economic impact on a substantial number of small entities. The small entities directly regulated by the final rule are businesses within the NAICS codes mentioned above. There are 104 ultimate parent businesses that will be affected by the final rule. Sixty of these businesses are small according to the SBA small business size standards. Four of these sixty firms will have an annualized compliance cost of more than 1 percent of sales associated with meeting the requirements of the final rule, and one of these four will have a compliance cost of more than 3 percent of sales. For more information on the small entity impacts, refer to the economic impact and small business analyses in the rulemaking docket.

Although the final rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless tried to reduce the impact of the final rule on small entities. A majority of the affected facilities are primarily small entities (e.g., small businesses). When developing the rule, EPA took special steps to ensure that the burdens imposed on small entities were reasonable.

EPA is including the same provisions for small manufacturers and small refiners that the nonroad CI engine rule does. EPA is helping small entities by providing a lead time for the required emission standards and fuel requirements. Owners and operators of non-emergency stationary CI ICE are subject to minimum reporting and owners and operators of emergency stationary CI ICE do not have to submit any reports. EPA has also specifically worked with industry to provide special provisions for emergency fire pump engine manufacturers, some of which are small businesses, to develop a rule that is achievable for this segment.

D. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least-costly, most cost-effective, or least-burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least-costly, most cost-effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small

governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this final rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. Thus, this final rule is not subject to the requirements of sections 202 and 205 of the UMRA. In addition, EPA has determined that the final rule contains no regulatory requirements that might significantly or uniquely affect small governments because it contains no requirements that apply to such governments or impose obligations upon them. Therefore, the final rule is not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) requires us to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

The final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The final rule primarily affects private industry, and does not impose significant economic costs on State or local governments. Thus, Executive Order 13132 does not apply to the final rule.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000) requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.''

The final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to the final rule.

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

Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

We interpret Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. The final rule is not subject to Executive Order 13045 because it is based on technology performance and not on health or safety risks.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

The final rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The basis for this determination is provided below.

The economic impact analysis (EIA) estimates changes in prices and production levels for all energy markets (i.e., petroleum, natural gas, electricity, and coal). We also estimate how changes in the energy markets will impact other users of energy, with a focus on those that would employ the non-emergency stationary CI engines affected by the final rule. The estimated increase in demand for ULSD in 2015 (the year for which the impacts of the final rule are estimated) associated with the final rule is 63.2 million gallons, or 1.505 million barrels for that year. This amount is equivalent to 4,123 barrels per day additional demand of ULSD. The expected increase in demand for ULSD will not likely be a difficulty for refiners to meet in 2015. Hence, no significant adverse effect on the supply of this fuel is expected from implementation of the final rule. All impact estimates for other types of energy are below the thresholds that must be evaluated under this Executive Order, and no adverse effects are expected to the distribution and use of energy. The estimates contained within the EIA thus show that there is no significant adverse effect on the supply, distribution, or use of energy associated with the final rule.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113, Section 12(d), 15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in their regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) developed or adopted by one or more voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through annual reports to OMB, with explanations when an agency does not use available and applicable voluntary consensus standards.

This final rule involves technical standards. EPA cites the standard test procedures in 40 CFR part 1039, subpart F, which in turn cites the procedures in 40 CFR part 1065, 40 CFR 86.1310 for full flow dilution, 40 CFR 89.412 to 89.418 for raw-gas sampling using steady-state tests, 40 CFR 89.112(c) for partial-flow sampling for gaseous emissions during steady-state tests,

California Regulations for New 1996 and Later Heavy-duty Off-Road Diesel Cycle Engines, 40 CFR 89.112(c), 40 CFR part 86, subpart N (7/1/99), and 40 CFR 86.1309 for non-petroleum diesel fuel. The procedures in 40 CFR part 1065 also allow any CA ARB or International Organization for Standardization (ISO) standard if shown to be equivalent.

Consistent with the NTTAA, EPA conducted searches to identify voluntary consensus standards in addition to these methods. One voluntary consensus standard was found that is potentially applicable to the methods cited. This standard is not acceptable as an alternative for the indicated test procedures, as discussed below.

The voluntary consensus standard ISO IS0 8178–l:1996, ''Reciprocating Internal Combustion Engines—Exhaust Emission Measurement—Part 1: Test-bed Measurement of Gaseous and Particulate Exhaust Emissions,'' is not acceptable as an alternative to the test procedures in §§ 60.4212 and 60.4213 of the final rule (specifically 40 CFR 86.1310) for the following reasons. Although ISO 8178–1:1996 has many of the features of EPA test procedures, the ISO standard allows the gaseous measurements to be made in an undiluted sample whereas EPA procedures in 40 CFR 86.1310 require at least one dilution of the sample. The ISO method does allow the gaseous measurements to be made during the double diluted sampling procedures for PM, but it is not required by the ISO method. Also, in the measurement of hydrocarbons, the ISO method only specifies that the sample lines are to be maintained above 70°C and advises that the flow capacity of the sample lines is used to prevent condensation. In EPA procedures in 40 CFR 86.1310, the sample lines must be maintained at 191°C during the hydrocarbon tests to prevent condensation.

Sections 60.4212 and 60.4213 of the final rule list the testing method included in the regulation. Under § 63.7(f) and § 63.8(f) of subpart A of the General Provisions, a source may apply to EPA for permission to use alternative test methods or alternative monitoring requirements in place of any required testing methods, performance specifications, or procedures.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this final 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 a ''major rule'' as defined by 5 U.S.C. 804(2). The final rule will be effective on September 11, 2006.

List of Subjects

40 CFR Part 60

Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 85

Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

40 CFR Part 89

Administrative practice and procedure, Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Vessels, Warranties.

40 CFR Part 94

Administrative practice and procedure, Air pollution control, Imports, Penalties, Reporting and recordkeeping requirements, Vessels, Warranties.

40 CFR Part 1039

Administrative practice and procedure, Air pollution control.

40 CFR Part 1065

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

40 CFR Part 1068

Administrative practice and procedure, Air pollution control, Imports, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements, Warranties.

Dated: June 28, 2006.

Stephen L. Johnson,

Administrator.

■ For the reasons stated in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended to read as follows:

PART 60—[AMENDED]

■ 1. The authority citation for part 60 continues to read as follows:

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

Subpart A—[AMENDED]

■ 2. Section 60.17(a) is amended by redesignating paragraphs (a)(84) through (a)(91) as paragraphs (a)(85) through (a)(92), respectively and adding a new paragraph (a)(84) to read as follows:

§ 60.17 Incorporations by Reference.

* * * * *

(a) * * *

(84) ASTM D6348–03, Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, IBR approved for table 7 of Subpart IIII of this part.

* * * * *

■ 3. Part 60 is amended by adding subpart IIII to read as follows:

Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

What This Subpart Covers

Sec.

60.4200 Am I subject to this subpart?

Emission Standards for Manufacturers

60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?

60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?

60.4203 How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?

Emission Standards for Owners and Operators

60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

Fuel Requirements for Owners and Operators

60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?

Other Requirements for Owners and Operators

60.4208 What is the deadline for importing and installing stationary CI ICE produced in the previous model year?

60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

Compliance Requirements

60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?

60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

Testing Requirements for Owners and Operators

60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?

60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?

Notification, Reports, and Records for Owners and Operators

60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

Special Requirements

60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?

60.4216 What requirements must I meet for engines used in Alaska?

60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

General Provisions

60.4218 What parts of the General Provisions apply to me?

Definitions

60.4219 What definitions apply to this subpart?

Tables to Subpart IIII of Part 60

Table 1 to Subpart IIII of Part 60—Emission Standards for Stationary Pre-2007 Model Year Engines with a displacement of <10 liters per cylinder and 2007–2010 Model Year Engines >2,237 KW (3,000 HP) and with a displacement of <10 liters per cylinder

Table 2 to Subpart IIII of Part 60—Emission Standards for 2008 Model Year and Later Emergency Stationary CI ICE <37 KW (50 HP) and with a Displacement of <10 liters per cylinder

Table 3 to Subpart IIII of Part 60—Certification Requirements for Stationary Fire Pump Engines

Table 4 to Subpart IIII of Part 60—Emission Standards for Stationary Fire Pump Engines

Table 5 to Subpart IIII of Part 60—Labeling and Recordkeeping Requirements for New Stationary Emergency Engines

Table 6 to Subpart IIII of Part 60—Optional 3-Mode Test Cycle for Stationary Fire Pump Engines

Table 7 to Subpart IIII of Part 60—Requirements for Performance Tests for Stationary CI ICE with a displacement of ≥30 liters per cylinder

Table 8 to Subpart IIII of Part 60—Applicability of General Provisions to Subpart IIII

Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

What This Subpart Covers

§ 60.4200 Am I subject to this subpart?

(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

(1) Manufacturers of stationary CI ICE with a displacement of less than 30 liters per cylinder where the model year is:

(i) 2007 or later, for engines that are not fire pump engines,

(ii) The model year listed in table 3 to this subpart or later model year, for fire pump engines.

(2) Owners and operators of stationary CI ICE that commence construction after July 11, 2005 where the stationary CI ICE are:

(i) Manufactured after April 1, 2006 and are not fire pump engines, or

(ii) Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.

(3) Owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005.

(b) The provisions of this subpart are not applicable to stationary CI ICE being tested at a stationary CI ICE test cell/stand.

(c) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

(d) Stationary CI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C (or the exemptions described in 40 CFR part 89, subpart J and 40 CFR part 94, subpart J, for engines that would need to be certified to standards in those parts), except that owners and operators, as well as manufacturers, may be eligible to request an exemption for national security.

Emission Standards for Manufacturers

§ 60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 kilowatt (KW) (3,000 horsepower (HP)) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same model year and maximum engine power.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 through 2010 model year non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(c) Stationary CI internal combustion engine manufacturers must certify their 2011 model year and later non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same maximum engine power.

(d) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30

liters per cylinder to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

§ 60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section.

(1) For engines with a maximum engine power less than 37 KW (50 HP):

(i) The certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants for model year 2007 engines, and

(ii) The certification emission standards for new nonroad CI engines in 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, 40 CFR 1039.115, and table 2 to this subpart, for 2008 model year and later engines.

(2) For engines with a maximum engine power greater than or equal to 37 KW (50 HP), the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (b)(1) through (2) of this section.

(1) For 2007 through 2010 model years, the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(2) For 2011 model year and later, the certification emission standards for new nonroad CI engines for engines of the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants.

(c) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

(d) Beginning with the model years in table 3 to this subpart, stationary CI internal combustion engine manufacturers must certify their fire pump stationary CI ICE to the emission standards in table 4 to this subpart, for all pollutants, for the same model year and NFPA nameplate power.

§ 60.4203 How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?

Engines manufactured by stationary CI internal combustion engine manufacturers must meet the emission standards as required in §§ 60.4201 and 60.4202 during the useful life of the engines.

Emission Standards for Owners and Operators

§ 60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

(a) Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of less than 10 liters per cylinder must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder must comply with the emission standards for new CI engines in § 60.4201 for their 2007 model year and later stationary CI ICE, as applicable.

(c) Owners and operators of non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (c)(1) and (2) of this section.

(1) Reduce nitrogen oxides (NO_X) emissions by 90 percent or more, or limit the emissions of NO_X in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (g/KW-hr) (1.2 grams per HP-hour (g/HP-hr)).

(2) Reduce particulate matter (PM) emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

§ 60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

(a) Owners and operators of pre-2007 model year emergency stationary CI ICE with a displacement of less than 10 liters per cylinder that are not fire pump engines must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in § 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

(c) Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants.

(d) Owners and operators of emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (d)(1) and (2) of this section.

(1) Reduce NO_X emissions by 90 percent or more, or limit the emissions of NO_X in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (1.2 grams per HP-hour).

(2) Reduce PM emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

§ 60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in §§ 60.4204 and 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.

Fuel Requirements for Owners and Operators

§ 60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?

(a) Beginning October 1, 2007, owners and operators of stationary CI ICE subject to this subpart that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).

(b) Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.

(c) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of paragraphs (a) and (b) of this section beyond the dates required for the purpose of using up existing fuel inventories. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

(d) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart that are located in areas of Alaska not accessible by the Federal Aid Highway System may petition the Administrator for approval to use any fuels mixed with used lubricating oil that do not meet the fuel requirements of paragraphs (a) and (b) of this section. Owners and operators must demonstrate in their petition to the Administrator that there is no other place to use the lubricating oil. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

(e) Stationary CI ICE that have a national security exemption under § 60.4200(d) are also exempt from the fuel requirements in this section.

Other Requirements for Owners and Operators

§ 60.4208 What is the deadline for importing or installing stationary CI ICE produced in the previous model year?

(a) After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.

(b) After December 31, 2009, owners and operators may not install stationary CI ICE with a maximum engine power of less than 19 KW (25 HP) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines.

(c) After December 31, 2014, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 19 KW (25 HP) and less than 56 KW (75 HP) that do not meet the applicable requirements for 2013 model year non-emergency engines.

(d) After December 31, 2013, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 56 KW (75 HP) and less than 130 KW (175 HP) that do not meet the applicable requirements for 2012 model year non-emergency engines.

(e) After December 31, 2012, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 130 KW (175 HP), including those above 560 KW (750 HP), that do not meet the applicable requirements for 2011 model year non-emergency engines.

(f) After December 31, 2016, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 560 KW (750 HP) that do not meet the applicable requirements for 2015 model year non-emergency engines.

(g) In addition to the requirements specified in §§ 60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (f) of this section after the dates specified in paragraphs (a) through (f) of this section.

(h) The requirements of this section do not apply to owners or operators of stationary CI ICE that have been modified, reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location.

§ 60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in § 60.4211.

(a) If you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine.

(b) If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in § 60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

Compliance Requirements

§ 60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?

(a) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of less than 10 liters per cylinder to the emission standards specified in § 60.4201(a) through (c) and § 60.4202(a), (b) and (d) using the certification procedures required in 40 CFR part 89, subpart B, or 40 CFR part 1039, subpart C, as applicable, and must test their engines as specified in those parts. For the purposes of this subpart, engines certified to the standards in table 1 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89. For the purposes of this subpart, engines certified to the standards in table 4 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89, except that engines with NFPA nameplate power of less than 37 KW (50 HP) certified to model year 2011 or later standards shall be subject to the same requirements as engines certified to the standards in 40 CFR part 1039.

(b) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the emission standards specified in § 60.4201(d) and § 60.4202(c) using the certification procedures required in 40 CFR part 94 subpart C, and must test their engines as specified in 40 CFR part 94.

(c) Stationary CI internal combustion engine manufacturers must meet the requirements of 40 CFR 1039.120, 40 CFR 1039.125, 40 CFR 1039.130, 40 CFR 1039.135, and 40 CFR part 1068 for engines that are certified to the emission standards in 40 CFR part 1039. Stationary CI internal combustion engine manufacturers must meet the corresponding provisions of 40 CFR part 89 or 40 CFR part 94 for engines that would be covered by that part if they were nonroad (including marine) engines. Labels on such engines must

refer to stationary engines, rather than or in addition to nonroad or marine engines, as appropriate. Stationary CI internal combustion engine manufacturers must label their engines according to paragraphs (c)(1) through (3) of this section.

(1) Stationary CI internal combustion engines manufactured from January 1, 2006 to March 31, 2006 (January 1, 2006 to June 30, 2006 for fire pump engines), other than those that are part of certified engine families under the nonroad CI engine regulations, must be labeled according to 40 CFR 1039.20.

(2) Stationary CI internal combustion engines manufactured from April 1, 2006 to December 31, 2006 (or, for fire pump engines, July 1, 2006 to December 31 of the year preceding the year listed in table 3 to this subpart) must be labeled according to paragraphs (c)(2)(i) through (iii) of this section:

(i) Stationary CI internal combustion engines that are part of certified engine families under the nonroad regulations must meet the labeling requirements for nonroad CI engines, but do not have to meet the labeling requirements in 40 CFR 1039.20.

(ii) Stationary CI internal combustion engines that meet Tier 1 requirements (or requirements for fire pumps) under this subpart, but do not meet the requirements applicable to nonroad CI engines must be labeled according to 40 CFR 1039.20. The engine manufacturer may add language to the label clarifying that the engine meets Tier 1 requirements (or requirements for fire pumps) of this subpart.

(iii) Stationary CI internal combustion engines manufactured after April 1, 2006 that do not meet Tier 1 requirements of this subpart, or fire pumps engines manufactured after July 1, 2006 that do not meet the requirements for fire pumps under this subpart, may not be used in the U.S. If any such engines are manufactured in the U.S. after April 1, 2006 (July 1, 2006 for fire pump engines), they must be exported or must be brought into compliance with the appropriate standards prior to initial operation. The export provisions of 40 CFR 1068.230 would apply to engines for export and the manufacturers must label such engines according to 40 CFR 1068.230.

(3) Stationary CI internal combustion engines manufactured after January 1, 2007 (for fire pump engines, after January 1 of the year listed in table 3 to this subpart, as applicable) must be labeled according to paragraphs (c)(3)(i) through (iii) of this section.

(i) Stationary CI internal combustion engines that meet the requirements of this subpart and the corresponding requirements for nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate.

(ii) Stationary CI internal combustion engines that meet the requirements of this subpart, but are not certified to the standards applicable to nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate, but the words ''stationary'' must be included instead of ''nonroad'' or ''marine'' on the label. In addition, such engines must be labeled according to 40 CFR 1039.20.

(iii) Stationary CI internal combustion engines that do not meet the requirements of this subpart must be labeled according to 40 CFR 1068.230 and must be exported under the provisions of 40 CFR 1068.230.

(d) An engine manufacturer certifying an engine family or families to standards under this subpart that are identical to standards applicable under parts 89, 94, or 1039 for that model year may certify any such family that contains both nonroad (including marine) and stationary engines as a single engine family and/or may include any such family containing stationary engines in the averaging, banking and trading provisions applicable for such engines under those parts.

(e) Manufacturers of engine families discussed in paragraph (d) of this section may meet the labeling requirements referred to in paragraph (c) of this section for stationary CI ICE by either adding a separate label containing the information required in paragraph (c) of this section or by adding the words ''and stationary'' after the word ''nonroad'' or ''marine,'' as appropriate, to the label.

(f) Starting with the model years shown in table 5 to this subpart, stationary CI internal combustion engine manufacturers must add a permanent label stating that the engine is for stationary emergency use only to each new emergency stationary CI internal combustion engine greater than or equal to 19 KW (25 HP) that meets all the emission standards for emergency engines in § 60.4202 but does not meet all the emission standards for non-emergency engines in § 60.4201. The label must be added according to the labeling requirements specified in 40 CFR 1039.135(b). Engine manufacturers must specify in the owner's manual that operation of emergency engines is limited to emergency operations and required maintenance and testing.

(g) Manufacturers of fire pump engines may use the test cycle in table 6 to this subpart for testing fire pump engines and may test at the NFPA certified nameplate HP, provided that the engine is labeled as ''Fire Pump Applications Only''.

(h) Engine manufacturers, including importers, may introduce into commerce uncertified engines or engines certified to earlier standards that were manufactured before the new or changed standards took effect until inventories are depleted, as long as such engines are part of normal inventory. For example, if the engine manufacturers' normal industry practice is to keep on hand a one-month supply of engines based on its projected sales, and a new tier of standards starts to apply for the 2009 model year, the engine manufacturer may manufacture engines based on the normal inventory requirements late in the 2008 model year, and sell those engines for installation. The engine manufacturer may not circumvent the provisions of §§ 60.4201 or 60.4202 by stockpiling engines that are built before new or changed standards take effect. Stockpiling of such engines beyond normal industry practice is a violation of this subpart.

(i) The replacement engine provisions of 40 CFR 89.1003(b)(7), 40 CFR 94.1103(b)(3), 40 CFR 94.1103(b)(4) and 40 CFR 1068.240 are applicable to stationary CI engines replacing existing equipment that is less than 15 years old.

§ 60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

(a) If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.

(b) If you are an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in §§ 60.4204(a) or 60.4205(a), or if you are an owner or operator of a CI fire pump engine that is manufactured prior to the model years in table 3 to this subpart and must comply with the emission standards

specified in § 60.4205(c), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) through (5) of this section.

(1) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

(2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.

(3) Keeping records of engine manufacturer data indicating compliance with the standards.

(4) Keeping records of control device vendor data indicating compliance with the standards.

(5) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in § 60.4212, as applicable.

(c) If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in § 60.4204(b) or § 60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in § 60.4205(c), you must comply by purchasing an engine certified to the emission standards in § 60.4204(b), or § 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's specifications.

(d) If you are an owner or operator and must comply with the emission standards specified in § 60.4204(c) or § 60.4205(d), you must demonstrate compliance according to the requirements specified in paragraphs (d)(1) through (3) of this section.

(1) Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in § 60.4213.

(2) Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(i) through (v) of this section.

(i) Identification of the specific parameters you propose to monitor continuously;

(ii) A discussion of the relationship between these parameters and NO_X and PM emissions, identifying how the emissions of these pollutants change with changes in these parameters, and how limitations on these parameters will serve to limit NO_X and PM emissions;

(iii) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(iv) A discussion identifying the methods and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(3) For non-emergency engines with a displacement of greater than or equal to 30 liters per cylinder, conducting annual performance tests to demonstrate continuous compliance with the emission standards as specified in § 60.4213.

(e) Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under § 60.4205 but not § 60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited.

Testing Requirements for Owners and Operators

§ 60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?

Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to this subpart must do so according to paragraphs (a) through (d) of this section.

(a) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F.

(b) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.

(c) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \qquad \text{(Eq. 1)}$$

Where:

STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.

Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in § 60.4213 of this subpart, as appropriate.

(d) Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model

year engines in § 60.4204(a), § 60.4205(a), or § 60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in § 60.4204(a), § 60.4205(a), or § 60.4205(c), determined from the equation in paragraph (c) of this section.

Where:

STD = The standard specified for that pollutant in § 60.4204(a), § 60.4205(a), or § 60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in § 60.4204(a), § 60.4205(a), or § 60.4205(c) may follow the testing procedures specified in § 60.4213, as appropriate.

§ 60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?

Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must conduct performance tests according to paragraphs (a) through (d) of this section.

(a) Each performance test must be conducted according to the requirements in § 60.8 and under the specific conditions that this subpart specifies in table 7. The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in § 60.8(c).

(c) You must conduct three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must last at least 1 hour.

(d) To determine compliance with the percent reduction requirement, you must follow the requirements as specified in paragraphs (d)(1) through (3) of this section.

(1) You must use Equation 2 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \qquad \text{(Eq. 2)}$$

Where:

C_i = concentration of NO_X or PM at the control device inlet,

C_o = concentration of NO_X or PM at the control device outlet, and

R = percent reduction of NO_X or PM emissions.

(2) You must normalize the NO_X or PM concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen (O_2) using Equation 3 of this section, or an equivalent percent carbon dioxide (CO_2) using the procedures described in paragraph (d)(3) of this section.

$$C_{adj} = C_d \frac{5.9}{20.9 - \%\,O_2} \qquad \text{(Eq. 3)}$$

Where:

C_{adj} = Calculated NO_X or PM concentration adjusted to 15 percent O_2.

C_d = Measured concentration of NO_X or PM, uncorrected.

5.9 = 20.9 percent O_2 − 15 percent O_2, the defined O_2 correction value, percent.

$\%O_2$ = Measured O_2 concentration, dry basis, percent.

(3) If pollutant concentrations are to be corrected to 15 percent O_2 and CO_2 concentration is measured in lieu of O_2 concentration measurement, a CO_2 correction factor is needed. Calculate the CO_2 correction factor as described in paragraphs (d)(3)(i) through (iii) of this section.

(i) Calculate the fuel-specific F_o value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

$$F_o = \frac{0.209_{F_d}}{F_c} \qquad \text{(Eq. 4)}$$

Where:

F_o = Fuel factor based on the ratio of O_2 volume to the ultimate CO_2 volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is O_2, percent/100.

F_d = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm^3/J ($dscf/10^6$ Btu).

F_c = Ratio of the volume of CO_2 produced to the gross calorific value of the fuel from Method 19, dsm^3/J ($dscf/10^6$ Btu).

(ii) Calculate the CO_2 correction factor for correcting measurement data to 15 percent O_2, as follows:

$$X_{CO_2} = \frac{5.9}{F_o} \qquad \text{(Eq. 5)}$$

Where:

X_{CO2} = CO_2 correction factor, percent.

5.9 = 20.9 percent O_2 − 15 percent O_2, the defined O_2 correction value, percent.

(iii) Calculate the NO_X and PM gas concentrations adjusted to 15 percent O_2 using CO_2 as follows:

$$C_{adj} = C_d \frac{X_{CO_2}}{\%CO_2} \qquad \text{(Eq. 6)}$$

Where:

C_{adj} = Calculated NO_X or PM concentration adjusted to 15 percent O_2.

C_d = Measured concentration of NO_X or PM, uncorrected.

$\%CO_2$ = Measured CO_2 concentration, dry basis, percent.

(e) To determine compliance with the NO_X mass per unit output emission limitation, convert the concentration of NO_X in the engine exhaust using Equation 7 of this section:

$$ER = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{\text{KW-hour}} \qquad \text{(Eq. 7)}$$

Where:

ER = Emission rate in grams per KW-hour.

C_d = Measured NO_X concentration in ppm.

1.912×10^{-3} = Conversion constant for ppm NO_X to grams per standard cubic meter at 25 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Brake work of the engine, in KW-hour.

(f) To determine compliance with the PM mass per unit output emission limitation, convert the concentration of PM in the engine exhaust using Equation 8 of this section:

$$ER = \frac{C_{adj} \times Q \times T}{\text{KW-hour}} \qquad \text{(Eq. 8)}$$

Where:

ER = Emission rate in grams per KW-hour.

C_{adj} = Calculated PM concentration in grams per standard cubic meter.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Energy output of the engine, in KW.

Notification, Reports, and Records for Owners and Operators

§ 60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

(a) Owners and operators of non-emergency stationary CI ICE that are greater than 2,237 KW (3,000 HP), or have a displacement of greater than or equal to 10 liters per cylinder, or are pre-2007 model year engines that are greater than 130 KW (175 HP) and not certified, must meet the requirements of paragraphs (a)(1) and (2) of this section.

(1) Submit an initial notification as required in § 60.7(a)(1). The notification must include the information in paragraphs (a)(1)(i) through (v) of this section.

(i) Name and address of the owner or operator;

(ii) The address of the affected source;

(iii) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;

(iv) Emission control equipment; and

(v) Fuel used.

(2) Keep records of the information in paragraphs (a)(2)(i) through (iv) of this section.

(i) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(ii) Maintenance conducted on the engine.

(iii) If the stationary CI internal combustion is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards.

(iv) If the stationary CI internal combustion is not a certified engine, documentation that the engine meets the emission standards.

(b) If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(c) If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

Special Requirements

§ 60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?

(a) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are required to meet the applicable emission standards in § 60.4205. Non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder, must meet the applicable emission standards in § 60.4204(c).

(b) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are not required to meet the fuel requirements in § 60.4207.

§ 60.4216 What requirements must I meet for engines used in Alaska?

(a) Prior to December 1, 2010, owners and operators of stationary CI engines located in areas of Alaska not accessible by the Federal Aid Highway System should refer to 40 CFR part 69 to determine the diesel fuel requirements applicable to such engines.

(b) The Governor of Alaska may submit for EPA approval, by no later than January 11, 2008, an alternative plan for implementing the requirements of 40 CFR part 60, subpart IIII, for public-sector electrical utilities located in rural areas of Alaska not accessible by the Federal Aid Highway System. This alternative plan must be based on the requirements of section 111 of the Clean Air Act including any increased risks to human health and the environment and must also be based on the unique circumstances related to remote power generation, climatic conditions, and serious economic impacts resulting from implementation of 40 CFR part 60, subpart IIII. If EPA approves by rulemaking process an alternative plan, the provisions as approved by EPA under that plan shall apply to the diesel engines used in new stationary internal combustion engines subject to this paragraph.

§ 60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

(a) Owners and operators of stationary CI ICE that do not use diesel fuel, or who have been given authority by the Administrator under § 60.4207(d) of this subpart to use fuels that do not meet the fuel requirements of paragraphs (a) and (b) of § 60.4207, may petition the Administrator for approval of alternative emission standards, if they can demonstrate that they use a fuel that is not the fuel on which the manufacturer of the engine certified the engine and that the engine cannot meet the applicable standards required in § 60.4202 or § 60.4203 using such fuels.

(b) [Reserved]

General Provisions

§ 60.4218 What parts of the General Provisions apply to me?

Table 8 to this subpart shows which parts of the General Provisions in §§ 60.1 through 60.19 apply to you.

Definitions

§ 60.4219 What definitions apply to this subpart?

As used in this subpart, all terms not defined herein shall have the meaning given them in the CAA and in subpart A of this part.

Combustion turbine means all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components and sub-components comprising any simple cycle combustion turbine, any regenerative/recuperative cycle combustion turbine, the combustion turbine portion of any cogeneration cycle combustion system, or the combustion turbine portion of any combined cycle steam/electric generating system.

Compression ignition means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

Diesel fuel means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.

Diesel particulate filter means an emission control technology that reduces PM emissions by trapping the particles in a flow filter substrate and periodically removes the collected particles by either physical action or by oxidizing (burning off) the particles in a process called regeneration.

Emergency stationary internal combustion engine means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary ICE used to produce power for critical networks or equipment

(including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc. Stationary CI ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.

Engine manufacturer means the manufacturer of the engine. See the definition of ''manufacturer'' in this section.

Fire pump engine means an emergency stationary internal combustion engine certified to NFPA requirements that is used to provide power to pump water for fire suppression or protection.

Manufacturer has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures a stationary engine for sale in the United States or otherwise introduces a new stationary engine into commerce in the United States. This includes importers who import stationary engines for sale or resale.

Maximum engine power means maximum engine power as defined in 40 CFR 1039.801.

Model year means either:

(1) The calendar year in which the engine was originally produced, or

(2) The annual new model production period of the engine manufacturer if it is different than the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year. For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was originally produced.

Other internal combustion engine means any internal combustion engine, except combustion turbines, which is not a reciprocating internal combustion engine or rotary internal combustion engine.

Reciprocating internal combustion engine means any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work.

Rotary internal combustion engine means any internal combustion engine which uses rotary motion to convert heat energy into mechanical work.

Spark ignition means relating to a gasoline, natural gas, or liquefied petroleum gas fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

Stationary internal combustion engine means any internal combustion engine, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary internal combustion engine is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition), and is not used to propel a motor vehicle or a vehicle used solely for competition. Stationary ICE include reciprocating ICE, rotary ICE, and other ICE, except combustion turbines.

Subpart means 40 CFR part 60, subpart IIII.

Useful life means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. The values for useful life for stationary CI ICE with a displacement of less than 10 liters per cylinder are given in 40 CFR 1039.101(g). The values for useful life for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder are given in 40 CFR 94.9(a).

Tables to Subpart IIII of Part 60

TABLE 1 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY PRE-2007 MODEL YEAR ENGINES WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER AND 2007–2010 MODEL YEAR ENGINES >2,237 KW (3,000 HP) AND WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER

[As stated in §§ 60.4201(b), 60.4202(b), 60.4204(a), and 60.4205(a), you must comply with the following emission standards]

Maximum engine power	Emission standards for stationary pre-2007 model year engines with a displacement of <10 liters per cylinder and 2007–2010 model year engines >2,237 KW (3,000 HP) and with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)				
	NMHC + NO_X	HC	NO_X	CO	PM
KW<8 (HP<11)	10.5 (7.8)	.....	.....	8.0 (6.0)	1.0 (0.75)
8≤KW<19 (11≤HP<25)	9.5 (7.1)	.....	.....	6.6 (4.9)	0.80 (0.60)
19≤KW<37 (25≤HP<50)	9.5 (7.1)	.....	.....	5.5 (4.1)	0.80 (0.60)
37≤KW<56 (50≤HP<75)	.....	.....	9.2 (6.9)	.....	.....
56≤KW<75 (75≤HP<100)	.....	.....	9.2 (6.9)	.....	.....
75≤KW<130 (100≤HP<175)	.....	.....	9.2 (6.9)	.....	.....
130≤KW<225 (175≤HP<300)	.....	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
225≤KW<450 (300≤HP<600)	.....	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
450≤KW≤560 (600≤HP≤750)	.....	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
KW>560 (HP>750)	.....	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)

TABLE 2 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR 2008 MODEL YEAR AND LATER EMERGENCY STATIONARY CI ICE <37 KW (50 HP) WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER

[As stated in § 60.4202(a)(1), you must comply with the following emission standards]

Engine power	Emission standards for 2008 model year and later emergency stationary CI ICE <37 KW (50 HP) with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)			
	Model year(s)	NO_X + NMHC	CO	PM
KW<8 (HP<11)	2008+	7.5 (5.6)	8.0 (6.0)	0.40 (0.30)
8≤KW<19 (11≤HP<25)	2008+	7.5 (5.6)	6.6 (4.9)	0.40 (0.30)
19≤KW<37 (25≤HP<50)	2008+	7.5 (5.6)	5.5 (4.1)	0.30 (0.22)

TABLE 3 TO SUBPART IIII OF PART 60.—CERTIFICATION REQUIREMENTS FOR STATIONARY FIRE PUMP ENGINES

[As stated in § 60.4202(d), you must certify new stationary fire pump engines beginning with the following model years:]

Engine power	Starting model year engine manufacturers must certify new stationary fire pump engines according to § 60.4202(d)
KW<75 (HP<100)	2011
75≤KW<130 (100≤HP<175)	2010
130≤KW≤560 (175≤HP≤750)	2009
KW>560 (HP>750)	2008

TABLE 4 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY FIRE PUMP ENGINES

[As stated in §§ 60.4202(d) and 60.4205(c), you must comply with the following emission standards for stationary fire pump engines]

Maximum engine power	Model year(s)	NMHC + NO_X	CO	PM
KW<8 (HP<11)	2010 and earlier	10.5 (7.8)	8.0 (6.0)	1.0 (0.75)
	2011+	7.5 (5.6)	.....	0.40 (0.30)
8≤KW<19 (11≤HP<25)	2010 and earlier	9.5 (7.1)	6.6 (4.9)	0.80 (0.60)
	2011+	7.5 (5.6)	.....	0.40 (0.30)
19≤KW<37 (25≤HP<50)	2010 and earlier	9.5 (7.1)	5.5 (4.1)	0.80 (0.60)
	2011+	7.5 (5.6)	.....	0.30 (0.22)
37≤KW<56 (50≤HP<75)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011+ [1]	4.7 (3.5)	.....	0.40 (0.30)
56≤KW<75 (75≤HP<100)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011+ [1]	4.7 (3.5)	.....	0.40 (0.30)
75≤KW<130 (100≤HP<175)	2009 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2010+ [2]	4.0 (3.0)	.....	0.30 (0.22)
130≤KW<225 (175≤HP<300)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+ [3]	4.0 (3.0)	.....	0.20 (0.15)
225≤KW<450 (300≤HP<600)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+ [3]	4.0 (3.0)	.....	0.20 (0.15)
450≤KW≤560 (600≤HP≤750)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+	4.0 (3.0)	.....	0.20 (0.15)
KW>560 (HP>750)	2007 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2008+	6.4 (4.8)	.....	0.20 (0.15)

[1] For model years 2011–2013, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 revolutions per minute (rpm) may comply with the emission limitations for 2010 model year engines.

[2] For model years 2010–2012, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2009 model year engines.

[3] In model years 2009–2011, manufacturers of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2008 model year engines.

TABLE 5 TO SUBPART IIII OF PART 60.—LABELING AND RECORDKEEPING REQUIREMENTS FOR NEW STATIONARY EMERGENCY ENGINES

[You must comply with the labeling requirements in § 60.4210(f) and the recordkeeping requirements in § 60.4214(b) for new emergency stationary CI ICE beginning in the following model years:]

Engine power	Starting model year
19≤KW<56 (25≤HP<75)	2013
56≤KW<130 (75≤HP<175)	2012
KW≥130 (HP≥175)	2011

TABLE 6 TO SUBPART IIII OF PART 60.—OPTIONAL 3-MODE TEST CYCLE FOR STATIONARY FIRE PUMP ENGINES

[As stated in § 60.4210(g), manufacturers of fire pump engines may use the following test cycle for testing fire pump engines:]

Mode No.	Engine speed [1]	Torque (percent) [2]	Weighting factors
1	Rated	100	0.30
2	Rated	75	0.50
3	Rated	50	0.20

[1] Engine speed: ±2 percent of point.
[2] Torque: NFPA certified nameplate HP for 100 percent point. All points should be ±2 percent of engine percent load value.

TABLE 7 TO SUBPART IIII OF PART 60.—REQUIREMENTS FOR PERFORMANCE TESTS FOR STATIONARY CI ICE WITH A DISPLACEMENT OF ≥30 LITERS PER CYLINDER

[As stated in § 60.4213, you must comply with the following requirements for performance tests for stationary CI ICE with a displacement of ≥30 liters per cylinder:]

For each	Complying with the requirement to	You must	Using	According to the following requirements
1. Stationary CI internal combustion engine with a displacement of ≥30 liters per cylinder.	a. Reduce NO_X emissions by 90 percent or more.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, appendix A.	(a) Sampling sites must be located at the inlet and outlet of the control device.
		ii. Measure O_2 at the inlet and outlet of the control device;	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A.	(b) Measurements to determine O_2 concentration must be made at the same time as the measurements for NO_X concentration.
		iii. If necessary, measure moisture content at the inlet and outlet of the control device; and,	(3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(c) Measurements to determine moisture content must be made at the same time as the measurements for NO_X concentration.
		iv. Measure NO_X at the inlet and outlet of the control device.	(4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(d) NO_X concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
	b. Limit the concentration of NO_X in the stationary CI internal combustion engine exhaust.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, Appendix A.	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O_2 concentration of the stationary internal combustion engine exhaust at the sampling port location; and,	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A.	(b) Measurements to determine O_2 concentration must be made at the same time as the measurement for NO_X concentration.
		iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and,	(3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(c) Measurements to determine moisture content must be made at the same time as the measurement for NO_X concentration.
		iv. Measure NO_X at the exhaust of the stationary internal combustion engine.	(4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(d) NO_X concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
	c. Reduce PM emissions by 60 percent or more.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, appendix A.	(a) Sampling sites must be located at the inlet and outlet of the control device.

TABLE 7 TO SUBPART IIII OF PART 60.—REQUIREMENTS FOR PERFORMANCE TESTS FOR STATIONARY CI ICE WITH A DISPLACEMENT OF ≥30 LITERS PER CYLINDER—Continued

[As stated in § 60.4213, you must comply with the following requirements for performance tests for stationary CI ICE with a displacement of ≥30 liters per cylinder:]

For each	Complying with the requirement to	You must	Using	According to the following requirements
		ii. Measure O_2 at the inlet and outlet of the control device;	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A.	(b) Measurements to determine O_2 concentration must be made at the same time as the measurements for PM concentration.
		iii. If necessary, measure moisture content at the inlet and outlet of the control device; and	(3) Method 4 of 40 CFR part 60, appendix A.	(c) Measurements to determine and moisture content must be made at the same time as the measurements for PM concentration.
		iv. Measure PM at the inlet and outlet of the control device.	(4) Method 5 of 40 CFR part 60, appendix A.	(d) PM concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
	d. Limit the concentration of PM in the stationary CI internal combustion engine exhaust.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, Appendix A.	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O_2 concentration of the stationary internal combustion engine exhaust at the sampling port location; and	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A.	(b) Measurements to determine O_2 concentration must be made at the same time as the measurements for PM concentration.
		iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(3) Method 4 of 40 CFR part 60, appendix A.	(c) Measurements to determine moisture content must be made at the same time as the measurements for PM concentration.
		iv. Measure PM at the exhaust of the stationary internal combustion engine.	(4) Method 5 of 40 CFR part 60, appendix A.	(d) PM concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

TABLE 8 TO SUBPART IIII OF PART 60.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART IIII

[As stated in § 60.4218, you must comply with the following applicable General Provisions:]

General Provisions citation	Subject of citation	Applies to subpart	Explanation
§ 60.1	General applicability of the General Provisions	Yes.	
§ 60.2	Definitions	Yes	Additional terms defined in § 60.4219.
§ 60.3	Units and abbreviations	Yes.	
§ 60.4	Address	Yes.	
§ 60.5	Determination of construction or modification	Yes.	
§ 60.6	Review of plans	Yes.	
§ 60.7	Notification and Recordkeeping	Yes	Except that § 60.7 only applies as specified in § 60.4214(a).
§ 60.8	Performance tests	Yes	Except that § 60.8 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder and engines that are not certified.
§ 60.9	Availability of information	Yes.	
§ 60.10	State Authority	Yes.	
§ 60.11	Compliance with standards and maintenance requirements.	No	Requirements are specified in subpart IIII.
§ 60.12	Circumvention	Yes.	

TABLE 8 TO SUBPART IIII OF PART 60.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART IIII—Continued

[As stated in § 60.4218, you must comply with the following applicable General Provisions:]

General Provisions citation	Subject of citation	Applies to subpart	Explanation
§ 60.13	Monitoring requirements	Yes	Except that § 60.13 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder.
§ 60.14	Modification	Yes.	
§ 60.15	Reconstruction	Yes.	
§ 60.16	Priority list	Yes.	
§ 60.17	Incorporations by reference	Yes.	
§ 60.18	General control device requirements	No.	
§ 60.19	General notification and reporting requirements	Yes.	

PART 85—[AMENDED]

■ 4. The authority citation for part 85 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 5. Section 85.2401 is amended by revising paragraphs (a)(6), (a)(11), and (a)(12) and adding paragraph (a)(13) to read as follows:

§ 85.2401 To whom do these requirements apply?

(a) * * *

(6) Nonroad compression-ignition engines (See 40 CFR parts 89 and 1039);

* * * * *

(11) Heavy-duty highway gasoline vehicles (evaporative emissions certification only) (See 40 CFR part 86);

(12) Large nonroad spark-ignition engines (engines >19 KW) (See 40 CFR part 1048); and

(13) Stationary internal combustion engines (See 40 CFR part 60, subpart IIII).

* * * * *

■ 6. Section 85.2403 is amended by revising the definition for ''Federal certificate'' in paragraph (a), revising paragraphs (b)(8) and (b)(9), and adding paragraphs (b)(10) and (b)(11) to read as follows:

§ 85.2403 What definitions apply to this subpart?

(a) * * *

* * * * *

Federal certificate is a Certificate of Conformity issued by EPA which signifies compliance with emission requirements in any of the parts specified in paragraph (b) of this section.

* * * * *

(b) * * *

(8) 40 CFR part 1039;

(9) 40 CFR part 1048;

(10) 40 CFR part 1051; and

(11) 40 CFR part 60, subpart IIII.

■ 7. Section 85.2405 is amended by adding paragraph (e) to read as follows:

§ 85.2405 How much are the fees?

* * * * *

(e) Fees for stationary CI internal combustion engine certificate requests shall be calculated in the same manner as for NR CI certificate requests for engines with a displacement less than 10 liters per cylinder, and in the same manner as for marine engine certificate requests for engines with a displacement greater than or equal to 10 liters per cylinder. Fees for certificate requests where the certificate would apply to stationary and mobile engines shall be calculated in the same manner as fees for the certificate requests for the applicable mobile source engines.

PART 89—[AMENDED]

■ 8. The authority citation for part 89 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 9. Section 89.1 is amended by adding paragraph (d) to read as follows:

§ 89.1 Applicability.

* * * * *

(d) This part applies as specified in 40 CFR part 60 subpart IIII, to compression-ignition engines subject to the standards of 40 CFR part 60, subpart IIII.

■ 10. Section 89.115 is amended by adding paragraph (d)(11) to read as follows:

§ 89.115 Application for certificate.

* * * * *

(d) * * *

(11) A statement indicating whether the engine family contains only nonroad engines, only stationary engines, or both.

■ 11. Section 89.201 is revised to read as follows:

§ 89.201 Applicability.

Nonroad compression-ignition engines subject to the provisions of subpart A of this part are eligible to participate in the averaging, banking, and trading program described in this subpart. To the extent specified in 40 CFR part 60, subpart IIII, stationary engines certified under this part and subject to the standards of 40 CFR part 60, subpart IIII, may participate in the averaging, banking, and trading program described in this subpart.

PART 94—[AMENDED]

■ 12. The authority citation for part 94 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 13. Section 94.1 is amended by adding paragraph (d) to read as follows:

§ 94.1 Applicability.

* * * * *

(d) This part applies as specified in 40 CFR part 60, subpart IIII, to compression-ignition engines subject to the standards of 40 CFR part 60, subpart IIII.

■ 14. Section 94.301 is revised to read as follows:

§ 94.301 Applicability.

Marine engine families subject to the standards of subpart A of this part are eligible to participate in the certification averaging, banking, and trading program described in this subpart. The provisions of this subpart apply to manufacturers of new engines that are subject to the emission standards of § 94.8. To the extent specified in 40 CFR part 60, subpart IIII, stationary engines certified under this part and subject to the standards of 40 CFR part 60, subpart IIII, may participate in the averaging, banking, and trading program described in this subpart.

PART 1039—[AMENDED]

■ 15. The authority citation for part 1039 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 16. Section 1039.1 is amended by revising paragraph (c) to read as follows:

§ 1039.1 Does this part apply for my engines?

* * * * *

(c) The definition of nonroad engine in 40 CFR 1068.30 excludes certain engines used in stationary applications. These engines may be required by subpart IIII of 40 CFR part 60 to comply with some of the provisions of this part 1039; otherwise, these engines are only required to comply with the requirements in § 1039.20. In addition, the prohibitions in 40 CFR 1068.101 restrict the use of stationary engines for nonstationary purposes unless they are certified under this part 1039, or under the provisions of 40 CFR part 89 or 40 CFR part 94, to the same standards that would apply to nonroad engines for the same model year.

* * * * *

■ 17. Section 1039.20 is amended by revising paragraphs (a) and (b) and adding paragraph (c) to read as follows:

§ 1039.20 What requirements from this part apply to excluded stationary engines?

* * * * *

(a) You must add a permanent label or tag to each new engine you produce or import that is excluded under § 1039.1(c) as a stationary engine and is not required by 40 CFR part 60, subpart IIII, to meet the requirements of this part 1039, or the requirements of parts 89 or 94, that are equivalent to the requirements applicable to nonroad or marine engines for the same model year. To meet labeling requirements, you must do the following things:

(1) Attach the label or tag in one piece so no one can remove it without destroying or defacing it.

(2) Secure it to a part of the engine needed for normal operation and not normally requiring replacement.

(3) Make sure it is durable and readable for the engine's entire life.

(4) Write it in English.

(5) Follow the requirements in § 1039.135(g) regarding duplicate labels if the engine label is obscured in the final installation.

(b) Engine labels or tags required under this section must have the following information:

(1) Include the heading ''EMISSION CONTROL INFORMATION.''

(2) Include your full corporate name and trademark. You may instead include the fill corporate name and trademark of another company you choose to designate.

(3) State the engine displacement (in liters) and maximum engine power (or in the case of fire pumps, NFPA nameplate engine power).

(4) State: ''THIS ENGINE IS EXEMPTED FROM THE REQUIREMENTS OF 40 CFR PARTS 89 AND 1039 AS A ''STATIONARY ENGINE.'' INSTALLING OR USING THIS ENGINE IN ANY OTHER APPLICATION MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.''

(c) Stationary engines required by 40 CFR part 60, subpart IIII, to meet the requirements of this part 1039, or parts 89 or 94, must meet the labeling requirements of 40 CFR 60.4210.

■ 18. Section 1039.205 is amended by revising paragraph (v) to read as follows:

§ 1039.205 What must I include in my application?

* * * * *

(v) State whether your certification is intended to include engines used in stationary applications. State whether your certification is limited for certain engines. If this is the case, describe how you will prevent use of these engines in applications for which they are not certified. This applies for engines such as the following:

(1) Constant-speed engines.

(2) Engines used for transportation refrigeration units that you certify under the provisions of § 1039.645.

(3) Hand-startable engines certified under the provisions of § 1039.101(c).

(4) Engines above 560 KW that are not certified to emission standards for generator-set engines.

* * * * *

■ 19. Section 1039.705 is amended by revising paragraph (c) to read as follows:

§ 1039.705 How do I generate and calculate emission credits?

* * * * *

(c) In your application for certification, base your showing of compliance on projected production volumes for engines whose point of first retail sale is in the United States. As described in § 1039.730, compliance with the requirements of this subpart is determined at the end of the model year based on actual production volumes for engines whose point of first retail sale is in the United States. Do not include any of the following engines to calculate emission credits:

(1) Engines exempted under subpart G of this part or under 40 CFR part 1068.

(2) Exported engines.

(3) Engines not subject to the requirements of this part, such as those excluded under § 1039.5.

(4) Engines in families that include only stationary engines, except for engines in families certified to standards that are identical to standards applicable under this part 1039 to nonroad engines of the same type for the same model year.

(5) Any other engines, where we indicate elsewhere in this part 1039 that they are not to be included in the calculations of this subpart.

PART 1065—[AMENDED]

■ 20. The authority citation for part 1065 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 21. Section 1065.1 is amended by adding paragraph (a)(5) to read as follows:

§ 1065.1 Applicability.

(a) * * *

(5) Stationary compression-ignition engines certified using the provisions of 40 CFR part 1039, as indicated under 40 CFR part 60, subpart IIII, the standard-setting part for these engines.

* * * * *

PART 1068—[AMENDED]

■ 22. The authority citation for part 1068 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 23. Section 1068.1 is amended by adding paragraph (a)(4) to read as follows:

§ 1068.1 Does this part apply to me?

(a) * * *

(4) Stationary compression-ignition engines certified to the provisions of 40 CFR part 1039, as indicated under 40 CFR part 60, subpart IIII.

* * * * *

■ 24. Section 1068.310 is amended by revising paragraph (b) to read as follows:

§ 1068.310 What are the exclusions for imported engines?

* * * * *

(b) *Stationary engines.* The definition of nonroad engine in 40 CFR 1068.30 does not include certain engines used in stationary applications. Such engines may be subject to the standards of 40 CFR part 60. Engines that are excluded from the definition of nonroad engine in this part and not required to be certified to standards under 40 CFR part 60 are not subject to the restrictions on imports in § 1068.301(b), but only if they are properly labeled. Section 1068.101 restricts the use of stationary engines for non-stationary purposes unless they are certified under 40 CFR Part 60 to the same standards that would apply to nonroad engines for the same model year.

* * * * *

[FR Doc. 06–5968 Filed 7–10–06; 8:45 am]

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Federal Register

Tuesday,
July 11, 2006

Part III

Environmental Protection Agency

Fifty-Eighth Report of the TSCA Interagency Testing Committee to the Administrator of the Environmental Protection Agency; Receipt of Report and Request for Comments; Notice

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2006–0470; FRL–8073–7]

Fifty-Eighth Report of the TSCA Interagency Testing Committee to the Administrator of the Environmental Protection Agency; Receipt of Report and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) transmitted its Fifty-Eighth Report to the Administrator of EPA on May 31, 2006. In the 58th ITC Report, which is included with this notice, the ITC is revising the TSCA section 4(e) *Priority Testing List* by removing 8 High Production Volume (HPV) orphan chemicals, 3 indium compounds, 12 tungsten compounds, and 12 vanadium compounds. Pursuant to the statements made in the 56th and 57th ITC Reports, the ITC is listing 286 new HPV chemicals in the appendix of this 58th ITC Report to provide interested Federal and State agencies, stakeholders, and the public with the Chemical Abstract Registry Numbers (CAS No.) and names of chemicals with production or importation volumes exceeding 1 million pounds on only the 2002 Inventory Update Rule (IUR). In addition, the ITC is providing sources of publicly available data on its website, *http://www.epa.gov/opptintr/itc*, for 120 of the 286 new HPV chemicals and 120 of the 235 new HPV chemicals listed in the 56th ITC Report. These include sources of acute and chronic toxicity, mutagenicity, reproductive effects or developmental toxicity, ecological effects, environmental fate and National Toxicology Program data for which there were publicly available studies. The ITC is providing these data sources to facilitate the efforts of Federal and State agencies, interested stakeholders, and members of the public in obtaining basic health effects and environmental data for new HPV chemicals.

DATES: Comments must be received on or before August 10, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2006–0470, by one of the following methods.

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery*: OPPT Document Control Office (DCO), EPA East, Rm. 6428, 1201 Constitution Ave., NW., Washington, DC, Attention: Docket ID number EPA–HQ–OPPT–2006–0470. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DOC's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2006–0470. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through regulations.gov or in hard copy at the OPPT Docket, EPA Docket Center (EPA/DC), EPA West, Rm. B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This notice is directed to the public in general. It may, however, be of particular interest to you if you manufacture (defined by statute to include import) and/or process TSCA-covered chemicals and you may be identified by the North American Industrial Classification System (NAICS) codes 325 and 32411. Because this notice is directed to the general public and other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at the estimate.

vi. Provide specific examples to illustrate your concerns, and suggested alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

The Toxic Substances Control Act (TSCA) (15 U.S.C. 260l *et seq.*) authorizes the Administrator of EPA to promulgate regulations under TSCA section 4(a) which requires the testing of chemicals and chemical groups in order to develop data relevant to determining the risks that such chemicals and chemical groups may present to health or the environment. Section 4(e) of TSCA established the ITC to recommend chemicals and chemical groups to the Administrator of EPA for priority testing consideration. Section 4(e) of TSCA directs the ITC to revise the TSCA section 4(e) *Priority Testing List* at least every 6 months.

You may access additional information about the ITC at *http://www.epa.gov/opptintr/itc* or through the website for OPPTS at *http://www.epa.gov/opptsfrs/home/opptsim.htm*.

A. The ITC's 58th Report

In this 58th ITC Report to the Administrator of EPA, the ITC is revising the TSCA section 4(e) *Priority Testing List* by removing 8 HPV orphan chemicals, 3 indium compounds, 12 tungsten compounds, and 12 vanadium compounds. Pursuant to the statements made in the 56th and 57th ITC Reports, the ITC is listing 286 new HPV chemicals in the appendix of this 58th Report to provide interested Federal and State agencies, stakeholders, and the public with the CAS numbers and names of chemicals with production or importation volumes exceeding 1 million pounds on only the 2002 IUR. In addition, the ITC is providing sources of publicly available data on its website, *http://www.epa.gov/opptintr/itc*, for 120 of the 286 new HPV chemicals and 120 of the 235 new HPV chemicals listed in the 56th ITC Report. These include sources of acute and chronic toxicity, mutagenicity, reproductive effects or developmental toxicity, ecological effects, environmental fate and National Toxicology Program data for which there were publicly available studies. The ITC is providing these data sources to facilitate the efforts of Federal and State agencies, interested stakeholders, and members of the public in obtaining basic health effects and environmental data for new HPV chemicals.

B. Status of the Priority Testing List

The ITC is revising the TSCA section 4(e) *Priority Testing List* by removing 8 HPV orphan chemicals, 3 indium compounds, 12 tungsten compounds, and 12 vanadium compounds.

List of Subjects

Environmental protection, Chemicals, Hazardous substances.

Dated: June 29, 2006.

Charles M. Auer,

Director, Office Pollution Prevention and Toxics.

Fifty-Eighth Report of the TSCA Interagency Testing Committee to the Administrator, U.S. Environmental Protection Agency

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Appendix to the 58th ITC Report—Chemical Abstracts Service Registry Number (CAS No.) and TSCA Inventory Names of 286 HPV Chemicals in the 2002 Inventory Update Rule, But Not in the 1990, 1994, or 1998 Inventory Update Rules

SUMMARY

The ITC is revising the Toxic Substances Control Act (TSCA) section 4(e) *Priority Testing List* by removing 8 High Production Volume (HPV) orphan chemicals, 3 indium compounds, 12 tungsten compounds, and 12 vanadium compounds. Pursuant to the statements made in the 56th and 57th ITC Reports, the ITC is listing 286 new HPV chemicals in the appendix of this 58th ITC Report to provide interested Federal and State agencies, stakeholders, and the public with the Chemical Abstracts Service Registry Number (CAS No.) and names of chemicals with production or importation volumes exceeding 1 million pounds on only the 2002 Inventory Update Rule (IUR). In addition, the ITC is providing sources of publicly available data on its website, *http://www.epa.gov/opptintr/itc*, for 120 of the 286 new HPV chemicals and 120 of the 235 new HPV chemicals listed in the 56th ITC Report. These include sources of acute and chronic toxicity, mutagenicity, reproductive effects or developmental toxicity, ecological effects, environmental fate and National Toxicology Program data for which there were publicly available studies. The ITC is providing these data sources to facilitate the efforts of Federal and State agencies, interested stakeholders, and members of the public in obtaining basic health effects and environmental data for new HPV chemicals.

The TSCA section 4(e) *Priority Testing List* is Table 1 of this unit.

TABLE 1.—TSCA SECTION 4(E) PRIORITY TESTING LIST (MAY 2006)

ITC Report	Date	Chemical name/group	Action
31	January 1993	13 Chemicals with insufficient dermal absorption rate data	Designated
32	May 1993	16 Chemicals with insufficient dermal absorption rate data	Designated
35	November 1994	4 Chemicals with insufficient dermal absorption rate data	Designated
37	November 1995	4-tert-Butylphenol and Branched nonylphenol (mixed isomers)	Recommended
41	November 1997	Phenol, 4-(1,1,3,3-tetramethylbutyl)-	Recommended
53	November 2003	10 Tungsten compounds	Recommended
55	December 2004	238 HPV orphan chemicals	Recommended
56	August 2005	5 HPV orphan Chemicals	Recommended

I. Background

The ITC was established by section 4(e) of TSCA ''to make recommendations to the Administrator respecting the chemical substances and mixtures to which the Administrator should give priority consideration for the promulgation of rules for testing under section 4(a).... At least every six months ..., the Committee shall make such revisions to the *Priority Testing List* as it determines to be necessary and transmit them to the Administrator together with the Committee's reasons for the revisions '' (Public Law 94–469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*). ITC Reports are available from the ITC's website within a few days of submission to the Administrator and from EPA's website (*http://www.epa.gov/fedrgstr*) after publication in the **Federal Register**. The ITC produces its revisions to the *Priority Testing List* with administrative and technical support from the ITC Staff, ITC Members, and their U.S. Government organizations, and contract support provided by EPA. ITC Members and Staff are listed at the end of this report.

II. TSCA Section 8 Reporting

A. TSCA Section 8 Reporting Rules

Following receipt of the ITC's report (and the revised *Priority Testing List*) by the EPA Administrator, the EPA's Office of Pollution Prevention and Toxics (OPPT) may add the chemicals from the revised *Priority Testing List* to the TSCA section 8(a) Preliminary Assessment Information Reporting (PAIR) or TSCA section 8(d) Health and Safety Data Reporting (HaSDR) rules. The PAIR rule requires manufacturers (including importers) of chemicals added to the *Priority Testing List* to submit production and exposure reports (*http://www.epa.gov/opptintr/chemtest/pairform.pdf*). The HaSDR rule requires manufacturers (including importers) of chemicals added to the *Priority Testing List* to submit unpublished health and safety studies under TSCA section 8(d) that must be in compliance with the revised HaSDR rule (Ref. 1).

B. ITC's Use of TSCA Section 8 and Other Information

The ITC's use of TSCA section 8 and other information is described in the 52nd ITC Report (Ref. 2).

C. Previous Requests to Add Chemicals to the TSCA Section 8(a) PAIR Rule and Section 8(d) HaSDR Rule

In the 56th ITC Report, the ITC requested that EPA add 243 of the 251 HPV Challenge Program orphan chemicals on the *Priority Testing List* to TSCA section 8(a) PAIR and 8(d) HaSDR rules (Ref 3). HPV Challenge Program chemicals are those with U.S. annual production or importation volumes of 1 million pounds or more reported to EPA in response to the 1990 IUR (*http://www.epa.gov/opptintr/chemrtk/hpv_1990.htm*) supplemented with some HPV chemicals from the 1994 IUR (*http://www.epa.gov/opptintr/chemrtk/hpv_1994.htm*). HPV Challenge Program orphan chemicals are those for which companies have not made commitments in accordance with EPA's Policy Regarding Acceptance of New Commitments to Sponsor Chemicals under the HPV Challenge Program. The June 27, 2005 policy is described in *http://www.epa.gov/chemrtk/hpvpolcy.htm* and outlines a process by which EPA continues to encourage commitments from U.S. manufacturers and importers of HPV Challenge Program chemicals and defines specific timelines for submitting test plans and robust summaries. At this time, the ITC is requesting that EPA not add the 8 HPV Challenge Program orphan chemicals listed in Tables 2 and 3 of the 56th ITC Report (Ref. 3) to the TSCA section 8(a) PAIR and 8(d) HaSDR rules for the reasons stated in section IV.A.1. of this report.

In the 56th ITC Report (Ref. 3), the ITC also requested that EPA add tungsten oxide ($W_{10}O_{29}$) (CAS No. 12037–58–0) and tungsten oxide ($W_{18}O_{49}$) (CAS No. 12037–57–9) to the TSCA section 8(a) PAIR rule. At this time, the ITC is requesting that EPA not add tungsten oxides, $W_{10}O_{29}$ (CAS No. 12037–58–0) and $W_{18}O_{49}$ (CAS No. 12037–57–9) to the TSCA section 8(a) PAIR rule for the reasons stated in section IV.A.2. of this report.

III. ITC's Activities During this Reporting Period (December 2005 to May 2006)

In the 56th ITC Report, the ITC discussed the Extended HPV (EHPV) Program of the American Chemistry Council (ACC), Soap and Detergent Association (SDA), and Synthetic Organic Chemical Manufacturers Association (SOCMA) and its data-availability study of 235 new HPV chemicals with 1998 and 2002 IUR production or importation volume data greater than 1 million pounds (Ref. 3). In the 57th ITC Report, the ITC stated that a data-availability study of 286 new HPV chemicals with only 2002 IUR production or importation volume data greater than 1 million pounds may be made available after reviewing comments on the study of the 235 new HPV chemicals (Ref. 4).

In response to comments, the ITC is making publicly available on its website the data sources for 120 of the 235 new HPV chemicals and 120 of the 286 new HPV chemicals for which data were available. These sources are based on December 2004 and August 2005 data-availability studies, respectively. Neither the 235 new HPV chemicals discussed in the 56th ITC Report, nor the 286 new HPV chemicals listed in the appendix of this 58th ITC Report, include chemicals that were in the EPA's HPV Challenge Program.

The methods that ITC used to conduct the data-availability study of the 286 new HPV chemicals (and the 235 new HPV chemicals discussed in the 56th ITC Report) were identical to the methods that EPA used for assessing the availability of data for the 1990 HPV Challenge Program List of Chemicals (*http://www.epa.gov/chemrtk/hazchem.pdf*), but was expanded to include studies sponsored by the NTP (*http://ntp-server.niehs.nih.gov*). The methods that EPA used for the 1990 HPV chemicals were designed to determine if there were available studies for 6 endpoints (listed in this unit) that were required for the Organization for Economic Cooperation and Development (OECD) Screening Information Data Set (SIDS) dossiers. The methods were designed to determine if there were available studies for four health-effects endpoints (acute toxicity, chronic toxicity, mutagenicity, reproductive effects/developmental toxicity), ecological effects endpoints, environmental fate endpoints, and other health-effects endpoints (e.g., neurotoxicity and carcinogenicity) for which data might be available from the National Toxicology Program.

Also during this reporting period, the ITC discussed:

1. New commitments for the 251 HPV Challenge Program orphan chemicals on the TSCA section 4(e) *Priority Testing List* from the 56th ITC Report (Ref. 3).

2. Information from the Indium Corporation of America and Umicore (formerly Arconium Specialty Alloys) related to the data needs for indium tin oxide (CAS No. 50926–11–9).

3. Reports submitted in response to the December 7, 2004 PAIR rule (Ref. 5) and information from the International Tungsten Industry Association related to the data needs for tungsten oxide ($W_{18}O_{49}$) (CAS No. 12037–57–9) and tungsten oxide ($W_{10}O_{29}$) (CAS No. 12037–58–0).

4. Data from the June 11, 2003 PAIR rule (Ref. 6) and a recent study that described the toxicity of vanadium compounds to mallard ducks and Canada geese (Ref. 7).

IV. Revisions to the TSCA Section 4(e) Priority Testing List: Chemicals Removed from the Priority Testing List

A. HPV Orphan Chemicals

The ITC is removing 8 HPV orphan chemicals from the *Priority Testing List* (Table 2 of this unit).

TABLE 2.—HPV ORPHAN CHEMICALS BEING REMOVED FROM THE PRIORITY TESTING LIST

CAS No.	Chemical name
78–42–2	Phosphoric acid, tris(2-ethylhexyl) ester
140–08–9	Ethanol, 2-chloro-, phosphite (3:1)
12645–31–7	Phosphoric acid, 2-ethylhexyl ester
25586–42–9	Phosphorous acid, tris(methylphenyl) ester
68511–40–0	1-Propanamine, 3-(tridecyloxy)-, branched
68553–14–0	Hydrocarbons, C_{8-11}
68953–70–8	Oxirane, reaction products with ammonia, distn. residues
70024–67–8	Benzenesulfonic acid, C_{16-24}-alkyl derives

The ITC is removing these 8 HPV orphan chemicals because test plans and robust summaries were submitted to the EPA in compliance with the Policy Regarding Acceptance of New Commitments to Sponsor Chemicals under the HPV Challenge Program. At this time, 243 HPV orphan chemicals remain on the *Priority Testing List*.

B. Indium Compounds

In the 47th ITC Report, the ITC added 37 indium compounds to the *Priority Testing List* to obtain importation, production, use, exposure, and health effects information to meet U.S. Government data needs (Ref. 8). Twenty-eight indium compounds were removed from the *Priority Testing List* because no production or importation data were submitted to EPA in response to the July 26, 2001 PAIR rule (Ref. 9). These 28 indium compounds are listed in the 51st ITC Report (Ref. 10). The remaining 9 indium compounds were added to the May 4, 2004 TSCA section 8(d) HaSDR rule (Ref. 11). In the 56th ITC Report (Ref. 3), the ITC removed 6 of the 9 indium compounds remaining on the *Priority Testing List* because information submitted in response to the PAIR rule suggested low potential for occupational exposure and because only one study (acute toxicity of indium chloride) was submitted in response to the HaSDR rule.

In this 58th ITC Report, the ITC is removing indium (CAS No. 7440–74–6), indium tin oxide (CAS No. 50926–11–9), and indium phosphide (CAS No. 22398–80–7) from the *Priority Testing List* because information submitted in response to the July 26, 2001 PAIR rule (Ref. 9) and information submitted by the Indium Corporation of America and Umicore suggested low potential for occupational exposure and because no studies for these indium compounds were submitted in response to the May 4, 2004 HaSDR rule (Ref. 11).

C. Tungsten Compounds

In the 53rd ITC Report, the ITC added 20 tungsten compounds to the *Priority Testing List* to obtain importation, production, use, exposure, and health effects information to meet U.S. Government data needs (Ref. 12). The ITC is removing 10 tungsten compounds from the *Priority Testing List* because information submitted in response to the December 7, 2004 PAIR rule (Ref. 5) suggested low potential for occupational exposure (Table 3 of this unit).

TABLE 3.—TUNGSTEN COMPOUNDS BEING REMOVED FROM THE PRIORITY TESTING LIST

CAS No.	Chemical name
7790–60–5	Tungstate (WO_4^{2-}), dipotassium, (T-4)-
7790–85–4	Cadmium tungsten oxide ($CdWO_4$)
11105–11–6	Tungsten oxide (WO_3), hydrate

TABLE 3.—TUNGSTEN COMPOUNDS BEING REMOVED FROM THE PRIORITY TESTING LIST—Continued

CAS No.	Chemical name
11120–01–7	Sodium tungsten oxide
12027–38–2	Tungstate(4-),[.mu.12-[orthosilicato(4-)-.kappa.O:.kappa.O:.kappa.O:.kappa.O′:.kappa.O′:.kappa.O′:.kappa.O″.kappa.O″:.kappa.O″:.kappa.O‴:kappa.O‴:.kappa.O‴]]tetracosa-.mu.-oxododecaoxododeca-,t tetrahydrogen
12067–99–1	Tungsten hydroxide oxide phosphate
12141–67–2	Tungstate ($W_{12}(OH)_2O_{38}^{6-}$-), hexasodium
13283–01–7	Tungsten chloride (WCl_6), (OC-6–11)-
14040–11–0	Tungsten carbonyl ($W(CO)_6$), (OC-6–11)-
23321–70–2	Tungsten oxide (WO_3), dihydrate

Table 4 of this unit lists the 10 tungsten compounds remaining on the *Priority Testing List*.

TABLE 4.— TUNGSTEN COMPOUNDS REMAINING ON THE PRIORITY TESTING LIST

CAS No.	Chemical name
1314–35–8	Tungsten oxide (WO_3)
7440–33–7	Tungsten
7783–03–1	Tungstate (WO_4^{2-}), dihydrogen, (T-4)-
7783–82–6	Tungsten fluoride (WF_6), (OC-6–11)-
10213–10–2	Tungstate (WO_4^{2-}), disodium, dihydrate, (T-4)-
11120–25–5	Tungstate ($W_{12}(OH)_2O_{40}^{10-}$), decaammonium
12028–48–7	Tungstate ($W_{12}(OH)_2O_{38}^{6-}$), hexaammonium
12036–22–5	Tungsten oxide (WO_2)
12138–09–9	Tungsten sulfide (WS_2)
13472–45–2	Tungstate (WO_4^{2-}), disodium, (T-4)-

In the 56th ITC Report (Ref. 3), the ITC added tungsten oxide ($W_{18}O_{49}$) (CAS No. 12037–57–9) and tungsten oxide ($W_{10}O_{29}$) (CAS No. 12037–58–0) to the *Priority Testing List*. The ITC is requesting EPA not add these two tungsten oxides to the TSCA section 8(a) PAIR rule because information submitted by the International Tungsten Industry Association outlined the problems associated with reporting production of specific tungsten oxides and difficulties of estimating worker exposures for specific tungsten oxides.

D. Vanadium Compounds

In the 51st ITC Report, the ITC added 43 vanadium compounds to the *Priority Testing List* to obtain importation, production, use, exposure, and health effects information to meet U.S. Government data needs (Ref. 10). At the ITC's request, the EPA added the 43 vanadium compounds to the June 11, 2003 PAIR rule (Ref. 6). In the 54th ITC Report, the ITC removed 25 vanadium compounds from the *Priority Testing List* because information submitted in response to the PAIR rule suggested low potential for occupational exposure (Ref. 13). In the 56th ITC Report, the ITC removed an additional 6 vanadium compounds from the *Priority Testing List* because they were unlikely to be impoundment contaminants (Ref. 3).

At this time, the ITC is removing the remaining 12 vanadium compounds from the *Priority Testing List* (Table 5 of this unit).

TABLE 5.—VANADIUM COMPOUNDS BEING REMOVED FROM THE PRIORITY TESTING LIST

CAS No.	Chemical name
1314–34–7	Vanadium oxide (V_2O_3) [Vanadium trioxide]
1314–62–1	Vanadium oxide (V_2O_5) [Vanadium pentoxide]
7632–51–1	Vanadium chloride (VCl_4), (T-4)- [Vanadium tetrachloride]
7727–18–6	Vanadium, trichlorooxo-, (T-4)- [Vanadium oxytrichloride]
7803–55–6	Vanadate (VO_3^{1-}), ammonium [Ammonium metavanadate]

TABLE 5.—VANADIUM COMPOUNDS BEING REMOVED FROM THE PRIORITY TESTING LIST—Continued

CAS No.	Chemical name
12166–27–7	Vanadium sulfide (VS)
12604–58–9	Vanadium alloy, base, V,C,Fe (Ferrovanadium)
13517–26–5	Sodium vanadium oxide ($Na_4V_2O_7$) [Sodium pyrovanadate]
13718–26–8	Vanadate (VO_3^{1-}), sodium [Sodium metavanadate]
13721–39–6	Sodium vanadium oxide (Na_3VO_4) [Sodium orthovanadate]
13769–43–2	Vanadate (VO_3^{1-}), potassium [Potassium metavanadate]
14059–33–7	Bismuth vanadium oxide ($BiVO_4$)

The ITC is removing these 12 vanadium compounds from the *Priority Testing List* after reviewing information submitted by the American Petroleum Institute and Electric Power Research Institute that was discussed in the 56th ITC Report (Ref. 3), comments from the Color Pigments Manufacturers Association on bismuth vanadium oxide manufacturing and product formulation (Refs. 14, 15, 16), reports submitted in response to the June 11, 2003 PAIR rule (Ref. 6), and data published by Rattner et al. (Ref. 7).

Most of the 12 vanadium compounds have the potential to contaminate impoundments (fluid-filled depressions) at industrial facilities. However, as discussed in the 56th ITC Report (Ref. 3), the American Petroleum Institute reported < 1 part per billion (ppb) vanadium in one of their member's

waste ponds and Electric Power Research Institute suggested that concentrations of vanadium compounds in fly-ash ponds would likely range from 10 to 100 ppb vanadium. These concentrations are far less than the 467,000 ppb vanadium in the acidic (pH 4.5) Delaware petroleum refinery fly-ash pond in which over 50 Canada geese died.

The ITC is removing these 12 vanadium compounds from the *Priority Testing List* because most impoundments are likely to be alkaline (causing the vanadium compounds to precipitate) and because the American Petroleum Institute and Electric Power Research Institute data suggested that impoundments contain low concentrations of vanadium relative to the avian lethal concentrations reported by Rattner et al. (Ref. 7).

V. References

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VI. The TSCA Interagency Testing Committee

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CAS No.	TSCA Inventory name
62–38–4	Mercury, (acetato-.kappa.O)phenyl-
75–10–5	Methane, difluoro-
75–85–4	2-Butanol, 2-methyl-
77–98–5	Ethanaminium, N,N,N-triethyl-, hydroxide
78–90–0	1,2-Propanediamine
79–29–8	Butane, 2,3-dimethyl-
84–75–3	1,2-Benzenedicarboxylic acid, dihexyl ester
95–13–6	1H-Indene
95–38–5	1H-Imidazole-1-ethanol, 2-(8-heptadecenyl)-4,5-dihydro-
95–96–5	1,4-Dioxane-2,5-dione, 3,6-dimethyl-
96–14–0	Pentane, 3-methyl-
96–37–7	Cyclopentane, methyl-
100–46–9	Benzenemethanamine
100–63–0	Hydrazine, phenyl-
106–36–5	Propanoic acid, propyl ester
107–51–7	Trisiloxane, octamethyl-
109–61–5	Carbonochloridic acid, propyl ester
112–11–8	9-Octadecenoic acid (9Z)-, 1-methylethyl ester
112–63–0	9,12-Octadecadienoic acid (9Z,12Z)-, methyl ester
112–82–3	Hexadecane, 1-bromo-
120–56–9	Ethanol, 2,2'-[1,2-ethanediylbis(oxy)]bis-, dibenzoate
123–26–2	Octadecanamide, N,N'-1,2-ethanediylbis[12-hydroxy-
123–76–2	Pentanoic acid, 4-oxo-
126–71–6	Phosphoric acid, tris(2-methylpropyl) ester
126–83–0	1-Propanesulfonic acid, 3-chloro-2-hydroxy-, monosodium salt
141–05–9	2-Butenedioic acid (2Z)-, diethyl ester
142–31–4	Sulfuric acid, monooctyl ester, sodium salt
143–08–8	1-Nonanol
144–49–0	Acetic acid, fluoro-
150–46–9	Boric acid (H3BO3), triethyl ester
288–32–4	1H-Imidazole
302–01–2	Hydrazine
383–63–1	Acetic acid, trifluoro-, ethyl ester
408–35–5	Hexadecanoic acid, sodium salt
409–21–2	Silicon carbide (SiC)
463–40–1	9,12,15-Octadecatrienoic acid, (9Z,12Z,15Z)-

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CAS No.	TSCA Inventory name
505–52–2	Tridecanedioic acid
506–12–7	Heptadecanoic acid
506–30–9	Eicosanoic acid
513–53–1	2-Butanethiol
540–88–5	Acetic acid, 1,1-dimethylethyl ester
544–64–9	9-Tetradecenoic acid, (9Z)-
578–54–1	Benzenamine, 2-ethyl-
585–88–6	D-Glucitol, 4-O-.alpha.-D-glucopyranosyl-
590–29–4	Formic acid, potassium salt
618–88–2	1,3-Benzenedicarboxylic acid, 5-nitro-
624–48–6	2-Butenedioic acid (2Z)-, dimethyl ester
629–25–4	Dodecanoic acid, sodium salt
678–39–7	1-Decanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-
764–85–2	Nonanoyl chloride
812–00–0	Phosphoric acid, monomethyl ester
822–12–8	Tetradecanoic acid, sodium salt
867–13–0	Acetic acid, (diethoxyphosphinyl)-, ethyl ester
1191–15–7	Aluminum, hydrobis(2-methylpropyl)-
1326–85–8	C.I. Sulphur Black 2
1327–41–9	Aluminum chloride, basic
1327–53–3	Arsenic oxide (As2O3)
1344–08–7	Sodium sulfide (Na2(Sx))
1477–55–0	1,3-Benzenedimethanamine
1515–72–6	1H-Isoindole-1,3(2H)-dione, 2-butyl-
1559–35–9	Ethanol, 2-[(2-ethylhexyl)oxy]-
1873–88–7	Trisiloxane, 1,1,1,3,5,5,5-heptamethyl-
2043–57–4	Octane, 1,1,1,2,2,3,3,4,4,5,5,6,6-tridecafluoro-8-iodo-
2091–29–4	9-Hexadecenoic acid
2155–70–6	Stannane, tributyl[(2-methyl-1-oxo-2-propenyl)oxy]-
2224–33–1	2-Butanone, O,O',O''-(ethenylsilylidyne)trioxime
2226–96–2	1-Piperidinyloxy, 4-hydroxy-2,2,6,6-tetramethyl-
2425–77–6	1-Decanol, 2-hexyl-
2475–46–9	C.I. Disperse Blue 3
2579–20–6	1,3-Cyclohexanedimethanamine
2627–95–4	Disiloxane, 1,3-diethenyl-1,1,3,3-tetramethyl-
2752–17–2	Ethanamine, 2,2'-oxybis-

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CAS No.	TSCA Inventory name
3547–33–9	Ethanol, 2-(octylthio)-
3741–80–8	2-Benzothiazolesulfenamide, N-(2-benzothiazolylthio)-N-(1,1-dimethylethyl)-
3811–73–2	2-Pyridinethiol, 1-oxide, sodium salt
3990–03–2	2-Butenedioic acid (2Z)-, monoethyl ester
4455–26–9	1-Octanamine, N-methyl-N-octyl-
4638–03–3	2-Propanol, 1-chloro-3-(2-propenyloxy)-
4986–89–4	2-Propenoic acid, 2,2-bis[[(1-oxo-2-propenyl)oxy]methyl]-1,3-propanediyl ester
5146–66–7	2,6-Octadienenitrile, 3,7-dimethyl-
5285–60–9	Benzenamine, 4,4'-methylenebis[N-(1-methylpropyl)-
5329–14–6	Sulfamic acid
5444–75–7	Benzoic acid, 2-ethylhexyl ester
5719–73–3	Thiosulfuric acid (H2S2O3), S,S'-1,6-hexanediyl ester, disodium salt
5964–35–2	Glycine, N,N'-1,2-ethanediylbis[N-(carboxymethyl)-, tetrapotassium salt
5973–71–7	Benzaldehyde, 3,4-dimethyl-
7173–51–5	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride
7320–34–5	Diphosphoric acid, tetrapotassium salt
7440–36–0	Antimony
7585–39–9	.beta.-Cyclodextrin
7647–10–1	Palladium chloride (PdCl2)
7647–14–5	Sodium chloride (NaCl)
7681–49–4	Sodium fluoride (NaF)
7758–11–4	Phosphoric acid, dipotassium salt
7782–44–7	Oxygen
8006–90–4	Oils, peppermint
9003–27–4	1-Propene, 2-methyl-, homopolymer
10026–04–7	Silane, tetrachloro-
10094–45–8	13-Docosenamide, N-octadecyl-, (13Z)-
10233–13–3	Dodecanoic acid, 1-methylethyl ester
10420–33–4	Butanedioic acid, acetyl-, dimethyl ester
10543–57–4	Acetamide, N,N'-1,2-ethanediylbis[N-acetyl-
12225–21–7	C.I. Pigment Yellow 100
12542–85–7	Aluminum, trichlorotrimethyldi-
13601–19–9	Ferrate(4-), hexakis(cyano-.kappa.C)-, tetrasodium, (OC-6–11)-
13780–06–8	Nitrous acid, calcium salt
14117–96–5	1,2-Benzenedicarboxylic acid, dioctadecyl ester
14593–46–5	2-Butanol, 2-methyl-, sodium salt

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CAS No.	TSCA Inventory name
15284–51–2	Tetradecanoic acid, calcium salt
15630–89–4	Carbonic acid disodium salt, compd. with hydrogen peroxide (H2O2) (2:3)
15875–13–5	1,3,5-Triazine-1,3,5(2H,4H,6H)-tripropanamine, N,N,N',N',N'',N''-hexamethyl-
16079–88–2	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
17084–02–5	Iron, [N-[2-[bis[(carboxy-.kappa.O)methyl]amino-.kappa.N]ethyl]-N-[2-(hydroxy-.kappa.O)ethyl]glycinato(3-)-.kappa.N,.kappa.O]
17511–60–3	4,7-Methano-1H-inden-6-ol, 3a,4,5,6,7,7a-hexahydro-, propanoate
17852–99–2	2-Naphthalenecarboxylic acid, 4-[(4-chloro-5-methyl-2-sulfophenyl)azo]-3-hydroxy-, calcium salt (1:1)
21282–97–3	Butanoic acid, 3-oxo-, 2-[(2-methyl-1-oxo-2-propenyl)oxy]ethyl ester
21645–51–2	Aluminum hydroxide (Al(OH)3)
22020–14–0	1-Decanamine, N-methyl-N-octyl-
22244–16–2	Benzenamine, 4,4'-[[4-(phenylimino)-2,5-cyclohexadien-1-ylidene]methylene]bis[N-phenyl-
23235–61–2	1,3-Propanediol, 2,2'-[oxybis(methylene)]bis[2-ethyl-
23601–39–0	3,6,9,12,15,18-Hexaoxaeicosane
24937–78–8	Acetic acid ethenyl ester, polymer with ethene
24969–11–7	Formaldehyde, polymer with 1,3-benzenediol
25038–59–9	Poly(oxy-1,2-ethanediyloxycarbonyl-1,4-phenylenecarbonyl)
25394–13–2	Benzenesulfonic acid, 2,2'-(1,2-ethenediyl)bis[5-amino-, sodium salt
25917–35–5	Hexanol
26760–64–5	Butene, 2-methyl-
26810–06–0	1,3-Benzenedicarboxylic acid, polymer with 1,2-ethanediol
26836–07–7	Benzenesulfonic acid, dodecyl-, compd. with 2-aminoethanol (1:1)
27070–58–2	Octadecene
27196–00–5	Tetradecanol
27251–68–9	Pentadecene
27344–41–8	Benzenesulfonic acid, 2,2'-([1,1'-biphenyl]-4,4'-diyldi-2,1-ethenediyl)bis-, disodium salt
27458–92–0	Isotridecanol
27603–25–4	1,3,4-Thiadiazole, 2-(methylsulfonyl)-5-(trifluoromethyl)-
27776–01–8	Benzene, methyl(phenylmethyl)-
28805–58–5	Butanedioic acid, octenyl-
29225–91–0	1,1'-Biphenyl, tris(1-methylethyl)-
29240–17–3	Propaneperoxoic acid, 2,2-dimethyl-, 1,1-dimethylpropyl ester
31335–74–7	Octanoic acid, 2,2-dimethyl-1,3-propanediyl ester
32539–16–5	1,3,4-Thiadiazole, 2-(methylthio)-5-(trifluoromethyl)-
34885–03–5	Cyclohexanemethanol, 4-methyl-
36443–68–2	Benzenepropanoic acid, 3-(1,1-dimethylethyl)-4-hydroxy-5-methyl-, 1,2-ethanediylbis(oxy-2,1-ethanediyl) ester

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CAS No.	TSCA Inventory name
36452–21–8	1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, disodium salt
36631–30–8	1,2,4-Benzenetricarboxylic acid, triisodecyl ester
39405–47–5	Dextrin, reaction products with boric acid
40372–66–5	1,2,4-Butanetricarboxylic acid, 2-phosphono-, sodium salt
41098–56–0	1,4-Benzenedisulfonic acid, 2,2'-[1,2-ethenediylbis[(3-sulfo-4,1-phenylene)imino[6-(diethylamino)-1,3,5-triazine-4,2-diyl]imino]]bis-, hexasodium salt
42482–06–4	2,5-Furandione, dihydro-3-(2-octenyl)-
42874–63–5	Phenol, 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitro-
51178–57–5	Poly(oxy-1,2-ethanediyl), .alpha.-(nonylsulfophenyl)-.omega.-hydroxy-, monosodium salt
51178–75–7	1,3-Benzenedicarboxylic acid, 5-sulfo-, monosodium salt, compd. with 1,6-hexanediamine (1:1)
54041–17–7	Acetamide, N-(4-fluorophenyl)-2-hydroxy-N-(1-methylethyl)–
55107–14–7	Pentanoic acid, 4,4-dimethyl-3-oxo-, methyl ester
55934–93–5	Propanol, [2-(2-butoxymethylethoxy)methylethoxy]-
56000–16–9	2-Oxetanone, 4-(8Z)-8-heptadecenylidene-3-(7Z)-7-hexadecenyl-
58240–57–6	Carbamic acid, [5-isocyanato-2(or 4)-methylphenyl]-, 2-ethylhexyl ester
60466–61–7	Naphthalene, 1,2,3,4-tetrahydro-5-(1-phenylethyl)-
61788–35–0	Butene, homopolymer, phosphosulfurized
61789–60–4	Pitch
61789–76–2	Amines, dicoco alkyl
61789–79–5	Amines, bis(hydrogenated tallow alkyl)
61790–47–4	Amines, rosin alkyl
61790–62–3	Fatty acids, coco, reaction products with N,N-dimethyl-1,3-propanediamine
61792–31–2	Dodecanamide, N-[3-(dimethyloxidoamino)propyl]-
63310–16–7	9-Octadecenoic acid (9Z)-, monoester with 1,2,3-propanetriol ester with boric acid (H3BO3)
64742–64–9	Distillates (petroleum), solvent-dewaxed light naphthenic
65996–84–1	Tar bases, coal, crude
66104–67–4	2-Butenedioic acid (2Z)-, mono[2-[2-[2-(dodecyloxy)ethoxy]ethoxy]ethyl] ester
66161–62–4	Glycine, N-(2-hydroxyethyl)-N-[2-[(1-oxododecyl)amino]ethyl]-, monosodium salt
66469–15–6	Isooctadecanoic acid, potassium salt
67700–98–5	Amines, C10–6-alkyldimethyl
67774–64–5	Fatty acids, tall-oil, polymers with glycerol, isophthalic acid, maleic anhydride, pentaerythritol, phthalic anhydride and soybean oil
67784–90–1	Fatty acids, coco, reaction products with 2-[(2-aminoethyl)amino]ethanol
67806–10–4	Tetradecanamide, N-[3-(dimethyloxidoamino)propyl]-
67845–80–1	Phenol, 2,6-bis[[bis(2-hydroxyethyl)amino]methyl]-4-dodecyl-
67846–14–4	1H-Imidazolium, 1-ethyl-2-(8Z)-8-heptadecenyl-4,5-dihydro-1-[2-[[(9Z)-1-oxo-9-octadecenyl]amino]ethyl]-, ethyl sulfate

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CAS No.	TSCA Inventory name
67859–63–6	9-Octadecenoic acid (9Z)-, (dimethylstannylene)bis(thio-2,1-ethanediyl) ester
67859–64–7	9,12-Octadecadienoic acid (9Z,12Z)-, (dimethylstannylene)bis(thio-2,1-ethanediyl) ester
68002–82–4	Fatty acids, C16–18 and C18-unsatd., compds. with diethanolamine
68039–49–6	3-Cyclohexene-1-carboxaldehyde, 2,4-dimethyl-
68131–37–3	Syrups, hydrolyzed starch, dehydrated
68139–89–9	Fatty acids, tall-oil, maleated
68140–14–7	Tall oil, reaction products with diethylenetriamine
68152–90–9	Soybean oil, sulfurized
68152–94–3	Tall oil, polymd.
68153–57–1	Fatty acids, tall-oil, reaction products with diethanolamine
68155–67–9	Ethanone, 1-(1,2,3,4,6,7,8,8a-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl)-
68186–90–3	C.I. Pigment Brown 24
68201–20–7	Octadecanoic acid, C12-18-alkyl esters
68333–28–8	Distillates (petroleum), hydrodesulfurized heavy catalytic cracked
68333–82–4	Amides, coco, N-(2-hydroxypropyl)
68389–47–9	Phosphorodithioic acid, 2-ethylhexyl 2-methylpropyl ester
68412–54–4	Poly(oxy-1,2-ethanediyl), .alpha.-(nonylphenyl)-.omega.-hydroxy-, branched
68424–59–9	Glycerides, C14–22 and C16–22-unsatd.
68476–47–1	Hydrocarbons, C2–6, C6–8 catalytic reformer
68477–30–5	Distillates (petroleum), catalytic reformer fractionator residue, intermediate-boiling
68477–96–3	Gases (petroleum), hydrogen absorber off
68512–61–8	Residues (petroleum), heavy coker and light vacuum
68517–09–9	Ethanone, 1-(2-hydroxy-5-tert-nonylphenyl)-, oxime
68526–49–8	Fatty acids, tallow, esters with polyethylene glycol mono-Me ether
68527–24–2	Naphtha (petroleum), light steam-cracked arom., C5–12 cycloalkadiene fraction, polymers
68603–16–7	Alcohols, C12–18, distn. residues
68608–64–0	Acetic acid, chloro-, reaction products with 2-heptyl-4,5-dihydro-1H-imidazole-1-ethanol and sodium hydroxide
68608–79–7	Benzenamine, N-phenyl-, (tripropenyl) derivs.
68648–86–2	Benzene, C4–16-alkyl derivs.
68648–89–5	Benzene, ethenyl-, polymer with 2-methyl-1,3-butadiene, hydrogenated
68649–44–5	Ethanol, 2-amino-, reaction products with ammonia, by-products from, phosphonomethylated
68783–09–5	Naphtha (petroleum), catalytic cracked light distd.
68784–25–8	Phenol, dodecyl-, sulfurized, carbonates, calcium salts
68815–17–8	Tall oil, polymd., oxidized
68909–76–2	Ethanol, 2,2'-oxybis-, reaction products with ammonia, fractionation forecuts

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CAS No.	TSCA Inventory name
68910–94–1	Fatty acids, tall-oil, sesquiesters with sorbitol
68911–79–5	Amines, N-tallow alkyltripropylenetetra-
68911–83–1	Fatty acids, tall-oil, reaction products with formaldehyde and N-(9Z)-9-octadecenyl-1,3-propanediamine
68911–87–5	Quaternary ammonium compounds, bis(hydrogenated tallow alkyl)dimethyl, salts with montmorillonite ((Al1.33-1.67Mg0.33-0.67)(Ca0-1Na0-1)0.33Si4(OH)2O10.xH2O))
68937–40–6	Phenol, isobutylenated, phosphate (3:1)
68951–72–4	2-Propanol, 1,1'-iminobis-, N-tallow alkyl derivs.
68953–28–6	Fatty acids, tall-oil, compds. with diisopropanolamine
68956–74–1	Polyphenyls, quater- and higher, partially hydrogenated
69669–44–9	Benzenesulfonic acid, C10–14-alkyl derivs., sodium salts
70528–83–5	Benzenesulfonic acid, dodecyl-, branched, calcium salts
70571–81–2	2-Anthracenesulfonic acid, 4-[[3-(acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-, monosodium salt
71302–83–5	Hydrocarbons, C9-unsatd., polymd.
72230–74–1	Fatty acids, tall-oil, compds. with triethylenetetramine
72245–14–8	Fats and Glyceridic oils, vegetable, residues, sulfurized
73049–41–9	Fatty acids, tall-oil, polymers with pentaethylenehexamine, tetraethylenepentamine and triethylenetetramine, ethoxylated
75444–69–8	Amines, C16–22-alkyldimethyl
89415–87–2	2,4-Imidazolidinedione, 1,3-dichloro-5-ethyl-5-methyl-
90218–35–2	Benzenesulfonic acid, dodecyl-, branched, compds. with 2-propanamine
91081–53–7	Rosin, reaction products with formaldehyde
91458–42–3	Benzoic acid, 2-[4-[ethyl(3-methylbutyl)amino]-2-hydroxybenzoyl]-
91672–41–2	Phenol, 2-nonyl-, branched
91745–56–1	Amines, tallow alkyl, hydrochlorides
91745–58–3	Amines, N-tallow alkyltrimethylenedi-, hydrochlorides
92062–09–4	Slack wax (petroleum), hydrotreated
93820–54–3	Benzenesulfonic acid, di-C10–18-alkyl derivs.
94108–97–1	2-Propenoic acid, 2-[[2,2-bis[[(1-oxo-2-propenyl)oxy]methyl]butoxy]methyl]-2-ethyl-1,3-propanediyl ester
97592–76–2	Hexadecanol, branched
99636–32–5	2-Propanamine, 1-methoxy-, (2S)-
100765–57–9	Pyridinium, 1-(phenylmethyl)-, alkyl derivs., chlorides
111109–77–4	Propane, oxybis[methoxy-
111497–86–0	2-Propenoic acid, (1-methyl-1,2-ethanediyl)bis[oxy(methyl-2,1-ethanediyl)] ester, reaction products with diethylamine
120962–03–0	Canola oil
121776–57–6	Oxazolidine, 3-(dichloroacetyl)-5-(2-furanyl)-2,2-dimethyl-, (5R)-
127883–08–3	Benzene, diethenyl-, polymer with 2-methyl-1,3-butadiene, hydrogenated

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128973–77–3	Undecanol, branched and linear
129757–67–1	Decanedioic acid, bis(2,2,6,6-tetramethyl-4-piperidinyl) ester, reaction products with tert-Bu hydroperoxide and octane
132739–31–2	Propanol, [2-(1,1-dimethylethoxy)methylethoxy]-
132778–08–6	D-Glucopyranose, oligomeric, C9–11-alkyl glycosides
138879–94–4	1,2-Ethanediaminium, N,N'-bis[2-[bis(2-hydroxyethyl)methylammonio]ethyl]-N,N'-bis(2-hydroxyethyl)-N,N'-dimethyl-, tetrachloride
144348–87–8	Asphaltenes (gilsonite)
144348–88–9	Pitch, gilsonite
146289–35–2	Hexanoic acid, 3,5,5-trimethyl-, mixed esters with 2-methylbutanoicacid, 3-methylbutanoic acid, pentaerythritol and valeric acid
148520–85–8	Benzene, mono-C10–13-alkyl derivs., fractionation bottoms, heavy ends, sulfonated, barium salts
151552–15–7	Syrups, hydrolyzed starch, reaction products with glyoxal
151789–06–9	1-Propanamine, 3-(C11–14-isoalkyloxy) derivs., C13-rich
151789–07–0	1,3-Propanediamine, N-[3-(C11–14-isoalkyloxy)propyl] derivs., C13-rich
151789–08–1	1,3-Propanediamine, N-[3-(C11–14-isoalkyloxy)propyl] derivs., C13-rich, acetates
151789–09–2	Propanenitrile, 3-(C11–14-isoalkyloxy) derivs., C13-rich
151789–10–5	Propanenitrile, 3-amino-, N-[3-(C11–14-isoalkyloxy)propyl] derivs.,C13-rich
156105–29–2	Benzene, mono-C20–24-alkyl derivs.
170557–43–4	Boric acid (H3BO3), reaction products with diethylene glycol and polyethylene glycol mono-Me ether
171263–25–5	Cashew, nutshell liq., glycidyl ethers
173010–79–2	Quaternary ammonium compounds, coco alkyl(2,3-dihydroxypropyl)dimethyl, 3-phosphates (esters), chlorides, sodium salts
174125–95–2	Fatty acids, C16–18 and C18-unsatd., branched and linear, Me esters
178603–63–9	Gas oils (petroleum), vacuum, hydrocracked, hydroisomerized, hydrogenated, C10–25
181028–79–5	Phosphoric trichloride, reaction products with bisphenol A and phenol
193635–82–4	Ethanaminium, 2-hydroxy-N-(2-hydroxyethyl)-N,N-dimethyl-, diesters with C16–18 and C18-unsatd. fatty acids, Me sulfates
202075–32–9	Heptadecanol, branched
203588–70–9	1-Propene, hydroformylation products, by-products from, distn. residues
203588–71–0	Ethene, hydroformylation products, by-products from, distn. residues
206072–38–0	Piperazine, polymer with 1,1'-methylenebis[isocyanatobenzene], methyloxirane and oxirane, polyethylene glycol mono-Me ether-blocked
206072–39–1	Oxirane, methyl-, polymer with 1,1'-methylenebis[isocyanatobenzene]and oxirane, polyethylene glycol mono-Me ether-blocked
207692–02–2	[2,2'-Bi-1H-indole]-3,3'-diol, potassium sodium salt
210920–40–4	Tin, Bu 1-dodecanethiol 2-mercaptoethanol thioxo complexes
211578–04–0	Benzene, 1,1'-ethylidenebis-, isopropylated, distn. residues
216977–01–4	Solvent naphtha (petroleum), heavy arom., middle fraction, reaction products with 1-butene, distn. residues

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218141–16–3	1-Propanamine, 3-(C9–11-isoalkyloxy) derivs., C10-rich
218141–23–2	Poly(oxy-1,2-ethanediyl), .alpha.,.alpha.'-(iminodi-2,1-ethanediyl)bis[.omega.-hydroxy-, N-[3-(C9–11-isoalkyloxy)propyl] derivs., C10-rich
218163–12–3	Benzene, ethenylated, residues, middle fraction, reaction products with 1-butene, distn. residues
220863–07–0	1-Propene, tetramer, manuf. of, distn. residues
289711–48–4	Alkanes, C10–24-branched
289711–49–5	Alkanes, C10-24
381725–51–5	Hexanedioic acid, di-C8–10-isoalkyl esters, C9-rich

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