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WHEN: Tuesday, December 12, 2006
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Conference Room, Suite 700
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RESERVATIONS: (202) 741–6008

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Presidential Documents

Title 3—

The President

Proclamation 8084 of November 16, 2006

National Family Week, 2006

By the President of the United States of America

A Proclamation

Families are indispensable to a stable and free society. They pass along the traditions and principles that help make America compassionate, decent, and hopeful. During National Family Week, we honor our families and recognize their contributions to keeping our country strong.

Today's fast-changing world needs the anchor of values and virtues that families can provide. Strong families instill responsibility and character in our children and teach them the ideals that make us a great Nation. Through their love and sacrifice, America's parents, grandparents, aunts, uncles, siblings, and other family members help prepare our young people to realize the bright future America offers each child.

My Administration is committed to ensuring that our children grow up in loving, stable homes. Earlier this year, I signed legislation that creates new grants for faith-based and community organizations to support healthy marriages and responsible fatherhood. By reducing the marriage penalty and doubling the child tax credit, we have also provided important tax relief that helps parents to support and provide for their families.

During National Family Week and throughout the year, we also extend our appreciation and support to our courageous military families, who have borne the hardships of war with dignity and devotion. Our Nation has remained strong and free because the brave men and women of our Armed Forces defend this country and our beliefs. By supporting their loved ones in uniform, our military families are also serving our country, and America is grateful for their service and sacrifice.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 19 through November 25, 2006, as National Family Week. I invite the States, communities, and all the people of the United States to join together in observing this week with appropriate ceremonies and activities to honor our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.

[FR Doc. 06–9356
Filed 11–20–06; 8:45 am]
Billing code 3195–01–P

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Presidential Documents

Title 3—

The President

Proclamation 8085 of November 16, 2006

Thanksgiving Day, 2006

By The President Of The United States of America

A Proclamation

As Americans gather with family and friends to celebrate Thanksgiving Day, we give thanks for the many ways that our Nation and our people have been blessed.

The Thanksgiving tradition dates back to the earliest days of our society, celebrated in decisive moments in our history and in quiet times around family tables. Nearly four centuries have passed since early settlers gave thanks for their safe arrival and pilgrims enjoyed a harvest feast to thank God for allowing them to survive a harsh winter in the New World. General George Washington observed Thanksgiving during the Revolutionary War, and in his first proclamation after becoming President, he declared November 26, 1789, a national day of ''thanksgiving and prayer.'' During the Civil War, President Abraham Lincoln revived the tradition of proclaiming a day of thanksgiving, reminding a divided Nation of its founding ideals.

At this time of great promise for America, we are grateful for the freedoms guaranteed by our Constitution and defended by our Armed Forces throughout the generations. Today, many of these courageous men and women are securing our peace in places far from home, and we pay tribute to them and to their families for their service, sacrifice, and strength. We also honor the families of the fallen and lift them up in our prayers.

Our citizens are privileged to live in the world's freest country, where the hope of the American dream is within the reach of every person. Americans share a desire to answer the universal call to serve something greater than ourselves, and we see this spirit every day in the millions of volunteers throughout our country who bring hope and healing to those in need. On this Thanksgiving Day, and throughout the year, let us show our gratitude for the blessings of freedom, family, and faith, and may God continue to bless America.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Thursday, November 23, 2006, as a National Day of Thanksgiving. I encourage all Americans to gather together in their homes and places of worship with family, friends, and loved ones to reinforce the ties that bind us and give thanks for the freedoms and many blessings we enjoy.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.

[FR Doc. 06–9357
Filed 11–20–06; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register

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Tuesday, November 21, 2006

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26352; Directorate Identifier 2006–NM–231–AD; Amendment 39–14830; AD 2006–24–01]

RIN 2120–AA64

Airworthiness Directives; Cessna Model 750 Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) that applies to certain Cessna Model 750 airplanes. The existing AD currently requires repetitive inspections for clearance and chafing of an auxiliary power unit (APU) fuel tube assembly in the tail cone area of the airplane, and corrective actions if necessary. For certain airplanes, the existing AD also requires replacing the APU fuel line. This new AD adds airplanes to the applicability and allows operators to modify the APU fuel line by installing new fuel lines, fairleads, and clamping configurations, which is an optional terminating action for the repetitive inspections. This AD results from reports of chafed APU fuel tubes leaking into the tail cone area due to interference between the fuel tube assembly and elevator flight control cables, hydraulic lines, and high-temperature bleed air couplings. We are issuing this AD to detect and correct this interference, which could result in chafing, fuel leaking into an area where ignition sources are present, and possible fire in an area without fire detection or extinguishing provisions.

DATES: This AD becomes effective December 6, 2006.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of December 6, 2006.

On May 10, 2005 (70 FR 21139, April 25, 2005), the Director of the Federal Register approved the incorporation by reference of Cessna Alert Service Letter ASL750–49–09, Revision 2, dated March 10, 2005; and Cessna Service Bulletin SB750–49–05, Revision 1, dated January 17, 2000.

We must receive any comments on this AD by January 22, 2007.

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

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

Contact Cessna Aircraft Co., P.O. Box 7706, Wichita, Kansas 67277, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Robert D. Adamson, Aerospace Engineer, Mechanical Systems and Propulsion Branch, ACE–116W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4145; fax (316) 946–4107.

SUPPLEMENTARY INFORMATION:

Discussion

On April 13, 2005, we issued AD 2005–09–01, amendment 39–14069 (70 FR 21139, April 25, 2005). That AD applies to certain Cessna Model 750 airplanes. That AD requires repetitive inspections for clearance and chafing of an auxiliary power unit (APU) fuel tube assembly in the tail cone area of the airplane, and corrective actions if necessary. For certain airplanes, that AD also requires replacing the APU fuel line. That AD resulted from reports of chafed APU fuel tubes leaking into the tail cone area due to interference between the fuel tube assembly and elevator flight control cables, hydraulic lines, and high-temperature bleed air couplings. The actions specified in that AD are intended to detect and correct this interference, which could result in chafing, fuel leaking into an area where ignition sources are present, and possible fire in an area without fire detection or extinguishing provisions.

Actions Since AD Was Issued

Since we issued that AD, the manufacturer has reported that additional airplanes are subject to the existing requirements in AD 2005–09–01.

The preamble to AD 2005–09–01 specified that we considered the requirements ''interim action'' and that the manufacturer was developing a modification to address the unsafe condition. The manufacturer now has developed a modification.

Relevant Service Information

We have reviewed Cessna Service Bulletin SB750–49–12, Revision 1, dated August 3, 2006. The service bulletin describes procedures for modifying the APU fuel line by installing new fuel lines, fairleads, and clamping configurations.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other airplanes of the same type design. For this reason, we are issuing this AD to supersede AD 2005–09–01. This new AD retains the requirements of the existing AD. This AD also adds airplanes to the applicability and allows operators to modify the APU fuel line by installing new fuel lines, fairleads, and clamping configurations, which is an optional terminating action for the repetitive inspections in the existing AD.

No Maintenance Transaction Report

Although Cessna Service Bulletin SB750–49–12, Revision 1, specifies to submit a maintenance transaction report to the manufacturer, this AD does not include that requirement.

Interim Action

We consider this AD interim action. We are currently considering requiring the modification, which would constitute terminating action for the repetitive inspections required by this AD. However, the planned compliance time for the installation of the modification would allow enough time to provide notice and opportunity for prior public comment on the merits of the modification.

Clarification of Alternative Method of Compliance (AMOC) Paragraph

We have revised this action to clarify the appropriate procedure for notifying the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD; therefore, providing notice and opportunity for public comment before the AD is issued is impracticable, and good cause exists to make this AD effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed in the **ADDRESSES** section. Include ''Docket No. FAA–2006–26352; Directorate Identifier 2006–NM–231–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD that might suggest a need to modify it.

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 AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov*.

Examining the Docket

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

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 the 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 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 part 39 of the Federal Aviation Regulations (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 39–14069 (70 FR 21139, April 25, 2005) and adding the following new airworthiness directive (AD):

2006–24–01 Cessna Aircraft Company: Docket No. FAA–2006–26352; Directorate Identifier 2006–NM–231–AD; Amendment 39–14830.

Effective Date

(a) This AD becomes effective December 6, 2006.

Affected ADs

(b) This AD supersedes AD 2005–09–01.

Applicability

(c) This AD applies to Cessna Model 750 airplanes, certificated in any category, serial numbers –0001 through –0256 inclusive.

Unsafe Condition

(d) This AD results from reports of chafed auxiliary power unit (APU) fuel tubes leaking into the tail cone area due to interference between the fuel tube assembly and elevator flight control cables, hydraulic lines, and high-temperature bleed air couplings. We are issuing this AD to detect and correct this interference, which could result in chafing, fuel leaking into an area where ignition sources are present, and possible fire in an area without fire detection or extinguishing provisions.

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 the Requirements of AD 2005–09–01

Inspections

(f) For airplanes with a serial number –0001 through –0240 inclusive: Within 25 flight hours or 48 days, whichever occurs first, after May 10, 2005 (the effective date of AD 2005–09–01), do a detailed inspection to verify the clearance and detect chafing of one of the APU fuel tube assemblies in the tail

cone area of the airplane due to interference between the APU fuel tube and elevator flight control cables, hydraulic lines, and high temperature bleed air couplings. Do the actions in accordance with the Accomplishment Instructions of Cessna Alert Service Letter (ASL) ASL750–49–09, Revision 2, dated March 10, 2005. Do applicable corrective actions before further flight in accordance with the ASL. Repeat the inspection thereafter at the earlier of the times specified in paragraphs (f)(1) and (f)(2) of this AD.

(1) At intervals not to exceed 250 flight hours or 3 months, whichever occurs first.

(2) Before further flight after access to the inspection area for any other inspection or maintenance.

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

APU Fuel Line Replacement

(g) For airplanes having serial numbers –0001 through –0031 inclusive and –0033 through –0107 inclusive: Before the first inspection required by paragraph (f) of this AD, replace the APU fuel tube in the tail cone area of the airplane, in accordance with Cessna Service Bulletin SB750–49–05, Revision 1, dated January 17, 2000. The replacement APU fuel tube must be a new APU fuel tube having part number 6756605–23.

Report

(h) For airplanes with serial numbers –0001 through –0240 inclusive: At the applicable time specified in paragraph (h)(1) or (h)(2) of this AD, report the results (both positive and negative findings) of the initial inspection required by paragraph (f) of this AD, in accordance with Cessna ASL ASL750–49–09, Revision 2, dated March 10, 2005. Information collection requirements contained in this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) If the inspection is done after the May 10, 2005: Submit the report within 30 days after the inspection.

(2) If the inspection was done before May 10, 2005: Submit the report within 30 days after May 10, 2005.

New Requirements of This AD

Inspections for Additional Airplanes

(i) For airplanes with serial numbers –0241 through –0256 inclusive, within 25 flight hours or 48 days, whichever occurs first, after the effective date of this AD: Do the inspection required by paragraph (f) of this AD. Do applicable corrective actions before further flight in accordance with the Accomplishment Instructions of Cessna Alert Service Letter (ASL) ASL750–49–09, Revision 2, dated March 10, 2005. Repeat the inspection thereafter at the earlier of the times specified in paragraphs (f)(1) and (f)(2) of this AD.

Report for Additional Airplanes

(j) For airplanes with serial numbers –0241 through –0256 inclusive: At the applicable time specified in paragraph (j)(1) or (j)(2) of this AD, do the action required by paragraph (h) of this AD.

(1) If the inspection required by paragraph (i) of this AD is done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection required by paragraph (i) of this AD was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

Optional Terminating Action

(k) Modifying the APU fuel line by installing new fuel lines, fairleads, and clamping configurations, in accordance with the Accomplishment Instructions of Cessna Service Bulletin SB750–49–12, Revision 1, dated August 3, 2006, terminates the repetitive inspection requirements of paragraphs (f) and (i) of this AD.

No Maintenance Transaction Report

(l) Although Cessna Service Bulletin SB750–49–12, Revision 1, specifies to submit a maintenance transaction report to the manufacturer, this AD does not require that action.

Alternative Methods of Compliance (AMOCs)

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

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

Material Incorporated by Reference

(n) You must use Cessna Alert Service Letter ASL750–49–09, Revision 2, dated March 10, 2005; Cessna Service Bulletin SB750–49–05, Revision 1, dated January 17, 2000; and Cessna Service Bulletin SB750–49–12, Revision 1, dated August 3, 2006; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of Cessna Service Bulletin SB750–49–12, dated August 3, 2006, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On May 10, 2005 (70 FR 21139, April 25, 2005), the Director of the Federal Register approved the incorporation by reference of Cessna Alert Service Letter ASL750–49–09, Revision 2, dated March 10, 2005; and Cessna Service Bulletin SB750–49–05, Revision 1, dated January 17, 2000.

(3) Contact Cessna Aircraft Co., P.O. Box 7706, Wichita, Kansas 67277, 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 November 3, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–19439 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–26155; Airspace Docket No. 06–ASO–15]

Removal of Class E Airspace; Cedar Springs, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will remove the Class E airspace at Cedar Springs, GA. The Georgia-Pacific Airport, Cedar Springs, GA, is permanently closed and is no longer operational. The closure necessitates the removal of Class E airspace.

EFFECTIVE DATE: 0901 UTC, January 18, 2007. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Mark D. Ward, Group Manager, System Support, AJO–2E2, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

On July 17, 2006, the Georgia–Pacific Airport, Cedar Springs, GA, was permanently closed and airport operations terminated. The closure, therefore, requires the removal of Class E5 airspace. This rule becomes effective on the date specified in the **EFFECTIVE DATE** section. Since this action eliminates the impact of controlled

airspace on users of airspace in the vicinity of Cedar Springs, GA, notice and public procedure under 5 U.S.C. 553(b) are not necessary. Designations for Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9P, dated September 16, 2006, and effective September 16, 2006, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) removes Class E5 airspace at Cedar Springs, GA.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9P, Airspace Designations and Reporting Points, dated September 16, 2006, and effective September 16, 2006, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface on the Earth.

* * * * *

ASO GA E 5 Cedar Springs, GA [Remove]

Cedar Springs, Georgia-Pacific Airport, GA (Lat. 31°08′26″ N, long. 85°02′48″ W)

That airspace extending upward from 700 feet or more above the surface of the earth within a 6.4-mile radius of Georgia-Pacific Airport.

* * * * *

Issued in College Park, Georgia, on October 26, 2006.

Mark D. Ward,

Group Manager, System Support, Eastern Service Center.

[FR Doc. 06–9231 Filed 11–21–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Ivermectin Paste

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by Virbac AH, Inc. The supplemental ANADA provides revised labeling for oral use of generic ivermectin paste in horses that conforms to the pioneer product label.

DATES: This rule is effective November 21, 2006.

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

SUPPLEMENTARY INFORMATION: Virbac AH, Inc., 3200 Meacham Blvd., Ft. Worth, TX 76137, filed a supplement to ANADA 200–320 for EQUELL (ivermectin) Paste 1.87% that provides revised labeling for oral use of generic ivermectin paste in horses that conforms to the pioneer product label. The supplemental application is approved as of October 24, 2006, and 21 CFR 520.1192 is amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

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

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

List of Subjects in 21 CFR Part 520

Animal drugs.

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

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

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

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

§ 520.1192 [Amended]

■ 2. In § 520.1192, in paragraph (b)(2) remove ''Nos. 051311 and'' and add in its place ''No.''; and in paragraph (b)(4) remove ''No.'' and add in its place ''Nos. 051311 and''.

Dated: November 3, 2006.

Steven D. Vaughn,

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

[FR Doc. E6–19616 Filed 11–20–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Alpharma Inc. The supplemental NADA provides for the use of lasalocid Type A medicated articles containing 20 percent lasalocid activity per pound to make free-choice Type C medicated feeds used for increased rate of weight gain in pasture cattle (slaughter, stocker, feeder cattle, and dairy and beef replacement heifers).

DATES: This rule is effective November 21, 2006.

FOR FURTHER INFORMATION CONTACT: Eric S. Dubbin, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855; tel: 301–827–0232; e-mail: *eric.dubbin@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Alpharma Inc., One Executive Dr., Fort Lee, NJ 07024, filed a supplement to NADA 96–298 for use of BOVATEC 91 (lasalocid) Type A medicated article (20 percent lasalocid activity per pound) to make free-choice Type C medicated feeds used for increased rate of weight gain in pasture cattle (slaughter, stocker, feeder cattle, and dairy and beef replacement heifers). The supplemental NADA is approved as of October 20, 2006, and the regulations are amended in 21 CFR 558.311 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

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

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

List of Subject in 21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

■ 2. In § 558.311, revise paragraphs (e)(2)(i), (e)(2)(ii), (e)(3)(i), (e)(3)(ii), and (e)(4)(i) to read as follows:

§ 558.311 Lasalocid.

* * * * *

(e) * * *

(2) * * *

(i) *Specification*.

Ingredient	Percent	International feed No.
Defluorinated phosphate (20.5% Ca, 18.5% P)	35.9	6–01–080
Sodium chloride (salt)	20.0	6–04–152
Calcium carbonate (38% Ca)	18.0	6–01–069
Cottonseed meal	10.0	5–01–621
Potassium chloride	3.0	6–03–755
Selenium premix (0.02 percent Se)[1]	3.0	.....
Dried cane molasses (46% sugars)	2.5	4–04–695
Magnesium sulfate	1.7	6–02–758
Vitamin premix[1]	1.4	.....
Magnesium oxide (58% Mg)	1.2	6–02–756
Potassium sulfate	1.2	6–06–098
Trace mineral premix[1]	1.04	.....
Lasalocid Type A medicated article (68 g/lb)[2]	1.06	.....

[1] Content of the vitamin and trace mineral premixes may be varied; however, they should be comparable to those used by the firm for other free-choice feeds. Formulation modifications require FDA approval prior to marketing. Selenium must comply with 21 CFR 573.920. Ethylenediamine dihydroiodide (EDDI) should comply with FDA Compliance Policy Guides Sec. 651.100 (CPG 7125.18).

[2] To provide 1,440 g lasalocid per ton, use 21.2 lbs (1.06%) of a lasalocid Type A medicated article containing 68 g/lb. If using a lasalocid Type A medicated article containing 90.7 g/lb, use 15.88 lbs per ton (0.794%), adding molasses.

(ii) *Amount*. 1,440 grams per ton.

* * * * *

(3) * * *

(i) *Specification*.

Ingredient	Percent	International feed No.
Cane molasses	55.167	4–13–241
Condensed molasses fermentation solubles	24.0	.....
50% Urea Solution (23% N)	12.0	.....
Ammonium polyphosphate solution	1.0	6–08–42
Phosphoric acid (54%)	3.0	6–03–707
Xanthan gum	0.05	8–15–818

Ingredient	Percent	International feed No.
Water	4.0	
Trace mineral premix[1]	0.5	
Vitamin premix[1]	0.2	
Lasalocid Type A medicated article (90.7 g/lb)[2]	0.083	

[1] Content of the vitamin and trace mineral premixes may be varied; however, they should be comparable to those used by the firm for other free-choice feeds. Formulation modifications require FDA approval prior to marketing. Selenium must comply with 21 CFR 573.920. Ethylenediamine dihydroiodide (EDDI) should comply with FDA Compliance Policy Guides Sec. 651.100 (CPG 7125.18).

[2] To provide 150 gm lasalocid per ton, use 1.652 lb (0.083%) of a lasalocid liquid Type A medicated article containing 90.7 g/lb. If using a dry lasalocid Type A medicated article containing 68 g/lb, use, use 2.206 lbs per ton (0.111%), replacing molasses. If using a dry lasalocid Type A medicated article containing 90.7 g/lb, use 1.652 lbs per ton (0.083%), adding molasses.

(ii) *Amount.* 150 grams per ton.

* * * * *

(4) * * *

(i) *Specification.*

Ingredient	Percent	International feed No.
Monocalcium phosphate (21% P)	57.70	6–01–082
Salt	17.55	6–04–152
Distillers dried grains w/ solubles	5.40	5–28–236
Dried cane molasses (46% Sugars)	5.20	4–04–695
Potassium chloride	4.90	6–03–755
Trace mineral/vitamin premix[1]	3.35	
Calcium carbonate (38% Ca)	2.95	6–01–069
Mineral oil	1.05	8–03–123
Magnesium oxide (58% Mg)	1.00	6–02–756
Iron oxide (52% Fe)	0.10	6–02–431
Lasalocid Type A medicated article (68 g/lb)[2]	0.80	

[1] Content of the vitamin and trace mineral premixes may be varied; however, they should be comparable to those used by the firm for other free-choice feeds. Formulation modifications require FDA approval prior to marketing. Selenium must comply with 21 CFR 573.920. Ethylenediamine dihydroiodide (EDDI) should comply with FDA Compliance Policy Guides Sec. 651.100 (CPG 7125.18).

[2] To provide 1,088 g lasalocid per ton, use 16 lbs (0.80%) of a lasalocid Type A medicated article containing 68 g/lb. If using a lasalocid Type A medicated article containing 90.7 g/lb, use 12 lbs per ton (0.6%), adding molasses.

* * * * *

Dated: November 7, 2006.

Steven D. Vaughn,

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

[FR Doc. E6–19614 Filed 11–20–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Ractopamine

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two supplemental new animal drug applications (NADAs) filed by Elanco Animal Health. The first supplemental NADA revises the concentrations of ractopamine hydrochloride in single-ingredient Type B and C medicated swine feeds used for increased rate of weight gain, improved feed efficiency, and increased carcass leanness. The other supplemental NADA revises the concentrations of ractopamine hydrochloride used with tylosin phosphate in two-way Type C medicated swine feeds to conform with approved single-ingredient ractopamine use.

DATES: This rule is effective November 21, 2006.

FOR FURTHER INFORMATION CONTACT: Charles J. Andres, Center for Veterinary Medicine (HFV–120), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855; tel: 301–827–7561; e-mail: *charles.andres@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Elanco Animal Health, A Division of Eli Lilly & Co., Lilly Corporate Center, Indianapolis, IN 46285, filed a supplement to NADA 140–863 that provides for use of PAYLEAN (ractopamine hydrochloride) Type A medicated articles in Type B and C medicated feeds used for increased rate of weight gain, improved feed efficiency, and increased carcass leanness in finishing swine. The supplement revises the concentrations of ractopamine hydrochloride fed to finishing swine, weighing not less than 150 pounds, fed a complete ration containing at least 16 percent crude protein for the last 45 to 90 pounds of gain prior to slaughter. This supplemental NADA was approved on April 25, 2006. Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(c)(2)(F)(iii)), this supplemental approval qualifies for 3 years of marketing exclusivity beginning April 25, 2006.

Elanco Animal Health also filed a supplement to NADA 141–172 that provides for use of two-way combination Type C medicated swine feeds formulated with PAYLEAN (ractopamine hydrochloride) and TYLAN (tylosin phosphate) single-ingredient Type A medicated articles. The supplement revises the concentrations of ractopamine hydrochloride in Type C medicated feeds used for increased rate of weight gain, improved feed efficiency, and increased carcass leanness; and for prevention and/or control of porcine proliferative enteropathies (ileitis) associated with Lawsonia intracellularis and for prevention of swine dysentery (vibrionic) in finishing swine, weighing

not less than 150 pounds, fed a complete ration containing at least 16 percent crude protein for the last 45 to 90 pounds of gain prior to slaughter. This supplemental NADA is approved as of October 20, 2006, and the regulations in 21 CFR 558.500 are amended to reflect both approvals. The basis of these approvals is discussed in the freedom of information summaries.

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

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

■ 2. Amend § 558.500 as follows:

a. Revise paragraph (d)(1)(i);

b. Add paragraph (d)(1)(iii);

c. In the table in paragraph (e)(1), revise paragraph (e)(1)(i);

d. In the table in paragraph (e)(1), in paragraphs (e)(1)(ii) and (e)(1)(iii), in the ''Ractopamine in grams/ton'' column, remove ''4.5'' and add in its place ''4.5 to 9''; and

e. In the table in paragraph (e)(1), remove paragraphs (e)(1)(iv), (e)(1)(v), and (e)(1)(vi).

The revisions, addition, and removals read as follows:

§ 558.500 Ractopamine.

* * * * *

(d) * * *

(1) * * *

(i) Ractopamine may increase the number of injured and/or fatigued pigs during marketing.

* * * * *

(iii) No increased benefit has been shown when ractopamine concentrations in the diet are greater than 4.5 g/ton.

* * * * *

(e) * * *

(1) * * *

Ractopamine in grams/ton	Combination grams/ton	Indications for use	Limitations	Sponsor
(i) 4.5 to 9		For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in finishing swine, weighing not less than 150 lbs, fed a complete ration containing at least 16% crude protein for the last 45 to 90 lbs of gain prior to slaughter.	Feed continuously as sole ration.	000986
	* *	* * *	* *	*

* * * * *

Dated: November 7, 2006.

Steven D. Vaughn,

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

[FR Doc. E6–19615 Filed 11–20–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD11–06–043]

RIN 1625–AA09

Drawbridge Operation Regulations; Little Potato Slough, Terminous, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eleventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Highway 12 Drawbridge across Little Potato Slough, mile 0.1, at Terminous, CA. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period. The deviation is necessary for the bridge owner, the California Department of Transportation (Caltrans), to perform submarine power and control cable testing.

DATES: This deviation is effective from 10 a.m. to 4 p.m. on November 28, 2006.

ADDRESSES: Materials referred to in this document are available for inspection or copying at Commander (dpw), Eleventh Coast Guard District, Building 50–2, Coast Guard Island, Alameda, CA 94501–5100, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, telephone (510) 437–3516.

SUPPLEMENTARY INFORMATION: On October 25, 2006, Caltrans requested a temporary change to the operation of the Highway 12 Drawbridge, mile 0.1, Little Potato Slough, at Terminous, CA. The Highway 12 Drawbridge navigation span provides a vertical clearance of 34 feet above Mean High Water in the closed-to-navigation position. The draw opens on signal if at least 4 hours notice is given as required by 33 CFR 117.167. Navigation on the waterway is mainly recreational with some commercial traffic hauling materials for levee repair. Caltrans requested the drawbridge be allowed to remain closed to navigation from 10 a.m. to 4 p.m. on November 28, 2006. During this time, submarine power and control cable testing will be conducted to ensure the continuing operation of the drawspan. This temporary deviation has been coordinated with waterway users. No objections to the proposed temporary rule were raised. Vessels that can transit

the bridge while in the closed-to-navigation position may continue to do so at any time. Vessels unable to transit the bridge in the closed-to-navigation position can take alternate routes to reach either side of the closed bridge.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: November 8, 2006.

R.C. Lorigan,

Captain, U.S. Coast Guard, Acting Commander, Eleventh Coast Guard District.

[FR Doc. E6–19675 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD05–05–131]

RIN 1625–AA09

Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Manasquan River, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final Rule.

SUMMARY: The Coast Guard is changing the regulations that govern the operation of the Route 35 Bridge, at New Jersey Intracoastal Waterway (NJICW) mile 1.1, across Manasquan River, at Brielle, New Jersey. The final rule will allow the drawbridge to provide vessel openings upon four hours advance notice from December 1 to March 31. This change will eliminate the continual attendance of draw tender services during the non-peak boating season while still providing the reasonable needs of navigation.

DATES: This rule is effective December 21, 2006.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–05–131 and are available for inspection or copying at Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704–5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Fifth Coast Guard District maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6422.

SUPPLEMENTARY INFORMATION:

Regulatory History

On December 21, 2005, we published a notice of proposed rulemaking (NPRM) entitled ''Drawbridge Operation Regulations; New Jersey Intracoastal Waterway; Manasquan River, NJ'' in the **Federal Register** (70 FR 75765). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

The New Jersey Department of Transportation (NJDOT) owns and operates the Route 35 Bridge, at NJICW mile 1.1, across Manasquan River, at Brielle, New Jersey. The current operating regulations set out in 33 CFR 117.733(b) requires the drawbridge to open on signal except as follows: From May 15 through September 30, on Saturdays, Sundays and Federal holidays, from 8 a.m. to 10 p.m. the draw need only open 15 minutes before the hour and 15 minutes after the hour; on Mondays to Thursdays from 4 p.m. to 7 p.m., and on Fridays, except Federal holidays, from 12 p.m. to 7 p.m. the draw need only open 15 minutes before the hour and 15 minutes after hour; and year-round from 11 p.m. to 8 a.m., the draw need only open if at least four hours notice is given.

The Route 35 Bridge, a bascule-type drawbridge, has a vertical clearance in the closed position to vessels of 30 feet, at mean high water.

The NJDOT has requested a change to the existing regulations for the Route 35 Bridge. This final rule will reduce draw tender services during the non-peak boating season by requiring openings of the bridge if at least four hours advance notice is given from December 1 to March 31.

We reviewed the yearly drawbridge logs provided by NJDOT for the years 2000 to 2004, which revealed that the bridge opened for vessels 970, 835, 811, 716 and 685 times, respectively. NJDOT contends that the vessel traffic through the bridge is minimal during the winter months. During the period from December 1 to March 31, from 7 a.m. to 11 p.m., the bridge data for the years 2000 to 2004, the bridge opened 51, 61, 49, 48 and 47 times, respectively. The data shows a significant decrease in the number of bridge openings during the non-peak boating season.

Based on the data provided, this change will have minimal impact on vessel traffic.

Discussion of Comments and Changes

The Coast Guard received no comments on the NPRM, and no changes were made.

Discussion of Rule

This final rule amends the regulations governing the Route 35 Bridge over the Manasquan River, at NJICW mile 1.1, at Brielle, New Jersey, set out in 33 CFR 117.733(b) by revising paragraph(b)(2).

An amended paragraph (b)(2) will read ''Year-round from 11 p.m. to 8 a.m. and at all times from December 1 to March 31, the draw need only open if at least four hours notice is given.''

Regulatory Evaluation

This final 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 (DHS).

We expect the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. We reached this conclusion based on the historical data, and on the fact that this change supports minimal impact due to the reduced number of vessels requiring transit through the bridge.

Small Entities

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

For the reasons cited in the section on economic effects above, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

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

No assistance was requested from any small entity.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and 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 does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

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

Technical Standards

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

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

Environment

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.733, paragraph (b)(2) is revised to read as follows:

§ 117.733 New Jersey Intracoastal Waterway.

* * * * *

(b)(2) Year-round from 11 p.m. to 8 a.m., and at all times from December 1 to March 31, the draw need only open if at least four hours notice is given.

* * * * *

Dated: November 7, 2006.

L.L. Hereth,

Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. E6–19673 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–06–109]

RIN 1625–AA00

Safety Zone; Potomac River, Alexandria Channel, DC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone covering certain waters of the Potomac River within a 500-foot radius of an explosives demolition site at the Virginia approach of the old Woodrow Wilson Memorial Bridge, located near Alexandria, Virginia, in position latitude 38°47′36″ N, longitude 077°02′19″ W. This safety zone is necessary to provide for the safety of life and property during the fracturing of the west counterweight box by the use of explosives. This safety zone is intended to restrict maritime traffic in order to

protect mariners from the hazards associated with the demolition.

DATES: This rule is effective from 2 a.m. on November 20, 2006 through 3 a.m. on November 21, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05–06–109 and are available for inspection or copying at Commander, U.S. Coast Guard Sector Baltimore, 2401 Hawkins Point Road, Baltimore, Maryland 21226–1791, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ronald L. Houck, Waterways Management Division, at (410) 576–2674.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM and delaying its effective date would be contrary to the public interest, because there is not sufficient time to publish a proposed rule in advance of the event and immediate action is needed to protect persons and vessels against the hazards associated with a demolition with explosives, such as premature detonation or falling debris.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. This safety zone of short duration is needed to provide for the safety of persons and vessels on the Potomac River and the public at large. Advance notification of the safety zone and the demolition will be provided to the public via marine information broadcasts and by local media.

Background and Purpose

At 2:30 a.m. local time on November 20, 2006, Engineered Explosive Services will fracture via an explosion the west counterweight box (a large block of concrete which counterbalanced the original drawbridge leaves over the west side of the shipping channel) for the old Woodrow Wilson Memorial Bridge, which is located within the bridge pier on the western side of the shipping channel and situated totally above the waterline near Alexandria, Virginia. Provisions will be in place to minimize flyrock and seismographs will be in place on the Virginia shoreline to measure predicted minimal vibration levels. The explosion will use approximately 100 pounds of explosives in the form of linear shape charges. Due to the need for vessel control during the explosion, maritime traffic will be temporarily restricted to provide for the safety of transiting vessels.

Discussion of Rule

The Coast Guard is establishing a temporary safety zone on certain waters of the Potomac River. The temporary safety zone will be enforced from 2 a.m. through 3 a.m. on November 20, 2006, and if necessary due to unexpected circumstances, from 2 a.m. through 3 a.m. on November 21, 2006. The effect will be to restrict general navigation in the area during the event. No person or vessel may enter or remain in the safety zone. Vessels will be allowed to transit the waters of the Potomac River outside the safety zone. This safety zone is needed to control vessel traffic during the event to enhance the safety of transiting vessels.

Regulatory Evaluation

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

Although this rule prevents traffic from transiting a portion of the Potomac River during the event, the effect of this rule will not be significant due to the limited duration of the regulation and limited size of the safety zone, and the extensive notifications that will be made to the maritime community via marine information broadcasts and local media, so mariners can adjust their plans accordingly. 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.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Potomac River from 2 a.m. through 3 a.m. on November 20, 2006, and if necessary due to unexpected circumstances, from 2 a.m. through 3 a.m. on November 21, 2006. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. The fracturing via an explosion of the west counterweight box for the old Woodrow Wilson Memorial Bridge near Alexandria, Virginia will only take ten minutes and the area affected is small. The safety zone will only apply to the Virginia side of the Potomac River, including the entire width of the federal navigation channel at the old Woodrow Wilson Memorial Bridge. Vessel traffic not constrained by its draft, which small entities usually are, will be able to safely pass around the zone. Before the effective period, we will issue maritime advisories widely available to users of the harbor. Therefore, Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

Under figure 2–1, paragraph (34)(g), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are available in the docket.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05–109 to read as follows:

§ 165.T05–109 Safety Zone; Potomac River, Alexandria Channel, DC.

(a) *Location.* The following area is a safety zone: All waters located in the Potomac River, within a 500-foot radius of an explosives demolition site at the Virginia approach of the old Woodrow Wilson Memorial Bridge, located near Alexandria, Virginia, in position latitude 38°47′36″ N, longitude 077°02′19″ W (NAD 83).

(b) *Regulations.* All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.23 of this part.

(1) All vessels and persons are prohibited from entering this zone, except as authorized by the Coast Guard Captain of the Port, Baltimore, Maryland.

(2) Persons or vessels requiring entry into or passage within the zone must request authorization from the Captain of the Port or his designated representative by telephone at (410) 576–2693 or on marine band radio channel 16 VHF–FM.

(3) All Coast Guard assets enforcing this safety zone can be contacted on marine band radio channels 13 and 16 VHF–FM.

(4) The operator of any vessel within or in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard Ensign, and

(ii) proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard Ensign.

(c) *Definitions.* The Captain of the Port means the Commander, Coast Guard Sector Baltimore or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zones by Federal, State and local agencies.

(e) *Enforcement period.* This section will be enforced from 2 a.m. through 3 a.m. on November 20, 2006, and if necessary due to unexpected circumstances, from 2 a.m. through 3 a.m. on November 21, 2006.

Dated: November 6, 2006.

Jonathan C. Burton,

Commander, U.S. Coast Guard, Acting Captain of the Port, Baltimore, Maryland.

[FR Doc. E6–19676 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP St. Petersburg 06–220]

RIN 1625–AA00

Safety Zone; Sanibel Island Bridge Span C, Ft. Myers Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of San Carlos Bay, Florida in the vicinity of the Sanibel Island Bridge span ''C'' while bridge construction is conducted. This rule is necessary to ensure the safety of the construction workers and mariners on the navigable waters of the United States.

DATES: This rule is effective from 6 a.m. on November 1, 2006, through 9 p.m. on June 30, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [COTP 06–220] and are available for inspection or copying at Coast Guard Sector St. Petersburg, Prevention Department, 155 Columbia Drive, Tampa, Florida 33606–3598 between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Waterways Management Division at Coast Guard Sector St. Petersburg, (813) 228–2191, Ext. 8307.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The bridge contractor did not provide the information for the bridge construction with sufficient time to publish an NPRM. The Coast Guard did not receive the scope of work for the remaining construction until September 28, 2006, at a meeting held with the contractors. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to minimize potential danger to the construction workers and mariners transiting the area. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard will issue a broadcast notice to mariners and local law enforcement vessels will be in the vicinity of this zone to advise mariners of the restriction.

Background and Purpose

Boh Brothers Construction will be performing construction work on the Sanibel Island Bridge between November, 2006, and June, 2007. This work will involve setting girders, setting the deck, setting overhangs, placing resteel, pouring the bridge deck, and wrecking the old bridge's deck on the Sanibel Island Bridge span ''C''. These operations will require placing a barge in the navigational channel. The nature of this work and the close proximity of the channel present a hazard to mariners transiting the area. This safety zone is being established to ensure the safety of life on the navigable waters of the United States.

Discussion of Rule

The safety zone encompasses the following waters of San Carlos Bay, Florida: all waters from surface to bottom, within a 400 foot radius of the following coordinates: 26°27.416′ N, 082°02.083′ W. Vessels are prohibited from anchoring, mooring, or transiting within this zone, unless authorized by the Captain of the Port Sector St. Petersburg or his designated representative.

This rule is effective from 6 a.m. on November 1, 2006 through 9 p.m. on June 30, 2007. However, the safety zone will only be enforced from 6 a.m. until 9 p.m. on certain dates during that time, while construction operations are occurring. The Coast Guard does not know the exact dates of the construction operations at this time, but Coast Guard Sector St. Petersburg will give notice of the enforcement of the safety zone by issuing Broadcast Notice to Mariners 24 to 48 hours prior to the start of enforcement. On-Scene notice will be provided by Coast Guard or other local law enforcement maritime units enforcing the safety zone as designated representatives of Captain of the Port Sector St. Petersburg.

Regulatory Evaluation

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

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit near the Sanibel Island Bridge span ''C'' from 6 a.m. on November 1, 2006 through 9 p.m. on June 30, 2007. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will only be enforced when vessel traffic is expected to be minimal, additionally, traffic will be allowed to enter the zone with the permission of the Captain of the Port Sector St. Petersburg or designated representative.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the office listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture

Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.lD and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary section 165.T07–220 is added to read as follows:

§ 165.T07–220 Safety Zone; Ft. Myers Beach, Florida.

(a) *Regulated area.* The Coast Guard is establishing a temporary safety zone on the waters of San Carlos Bay, Florida, in the vicinity of the Sanibel Island Bridge span ''C''. This safety zone includes all waters from surface to bottom, within a 400 foot radius extending from the center portion of span ''C'' at the following coordinates: 26°27′416″ N, 082°02′083″ W. All coordinates referenced use datum: NAD 83.

(b) *Definitions.* As used in this section. *Designated representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port Sector St. Petersburg, Florida, in the enforcement of regulated navigation areas and safety and security zones.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, no person or vessel may anchor, moor or transit the Regulated Area without the prior permission of the Captain of the Port Sector St. Petersburg, Florida, or his designated representative.

(d) *Dates.* This rule is effective from 6 a.m. on November 1, 2006, through 9 p.m. on June 30, 2007.

(e) *Enforcement period.* This regulated area will only be enforced during specific periods between the

dates specified in paragraph (d). The Coast Guard does not know the exact dates of the construction operations at this time, however Sector St. Petersburg will announce each enforcement period by issuing Broadcast Notice to Mariners 24 to 48 hours prior to the start of enforcement. Additionally, on-scene notice will be provided by Coast Guard or other local law enforcement maritime units enforcing the safety zone.

Dated: October 16, 2006.

J.A. Servidio,

Captain, U.S. Coast Guard, Captain of the Port Sector St. Petersburg, Florida.

[FR Doc. E6–19679 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2006–0390; FRL–8244–6]

Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled Offset Analysis

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this direct final action, the EPA is approving the Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled (VMT) Offset Analysis. The Baton Rouge area became subject to this requirement upon its reclassification from serious to severe 1-hour ozone nonattainment. The State has satisfied the VMT Offset requirement by its demonstration that motor vehicle emissions from increases in VMT or number of vehicle trips within the Baton Rouge five county ozone nonattainment area will not rise above an established ceiling through 2005. This action is being taken under sections 110 and 182 of the Federal Clean Air Act, as amended (the Act).

DATES: This direct final rule is effective on January 22, 2007 without further notice, unless EPA receives relevant adverse comment by December 21, 2006. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2006–0390, by one of the following methods:

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

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2006–0390. 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* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

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

Louisiana Department of Environmental Quality, 602 N. Fifth Street, Baton Rouge, LA 70802.

FOR FURTHER INFORMATION CONTACT: Mrs. Sandra Rennie at (214) 665–7367, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, fax number 214–665–7263; e-mail address *rennie.sandra@epa.gov*.

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

Table of Contents

I. Background
II. Analysis of VMT Plan
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background

What Is a VMT SIP?

Section 182(d)(1)(A) of the Act requires states containing ozone nonattainment areas classified as severe, pursuant to section 181(a) of the Act, to adopt transportation control strategies and TCMs to offset increases in emissions resulting from growth in VMT or numbers of vehicle trips and to obtain reductions in motor vehicle emissions as necessary (in combination

with other emission reduction requirements) to comply with the Act's Reasonable Further Progress milestones (section 182(b)(1) and (c)(2)(B)) and attainment demonstration requirements (section 182(c)(2)(A)). Our interpretation of section 182(d)(1)(A) is discussed in the April 16, 1992, General Preamble to Title I of the Act (57 FR 13498, the General Preamble). Section 182(d)(1)(A) of the Act requires that states submit the VMT Offset SIP by November 15, 1992, for any severe and above ozone nonattainment area. The VMT Offset SIP became a requirement for the Baton Rouge area due to EPA's reclassification of the area from serious to severe on April 24, 2003 (68 FR 20077).

How Is the VMT Offset Requirement Satisfied?

The EPA General Preamble (57 FR 13498, 13521–13523, April 16, 1992) explains how to demonstrate that the VMT requirement is satisfied. Sufficient measures must be adopted so projected motor vehicle volatile organic compound (VOC) emissions will stay beneath a ceiling level established through modeling of mandated transportation-related controls. When growth in VMT and vehicle trips would otherwise cause a motor vehicle emissions upturn, this upturn must be prevented by TCMs. If projected total motor vehicle emissions during the ozone season in one year are not higher than during the previous ozone season due to the control measures in the SIP, the VMT Offset requirement is satisfied. In order to make these projections, curves of vehicle emissions were modeled using mandated measures, along with VMT (please refer to Charts 1 and 2 in the Technical Support Document). Charts 1 and 2 each show significant declines in VOC emissions from on-road mobile sources during the 15-year period graphed for the offset analysis. The charts profile the effects of several factors that are affecting emissions simultaneously, including but not limited to: (a) The ''fleet turnover'' effect derived from implementation of Federal motor vehicle control program (National Low Emission Vehicle and Tier 2/low sulfur gasoline); (b) the nonattainment area's low enhanced vehicle inspection and maintenance (I/M) program, and; (c) either the sale and use of reformulated gasoline (Chart 1 only), or the continued sale and use of convention gasoline (Chart 2 only).[1]

Also contributing to the decline in emissions growth is the fact that inventoried and projected VMT data has actually decreased slightly during the 1996–2005 time period by approximately two (2) percent.

II. Analysis of VMT Plan

What Does Louisiana's Demonstration Show?

The March 22, 2005, VMT Offset Analysis SIP submittal includes a projection of the mobile source emissions and a VMT projection for Baton Rouge through 2005, the date by which the Baton Rouge area was to attain the 1-hour NAAQS for ozone. It contains a modeled scenario that includes the effects of reductions from the following mandated programs: federal motor vehicle control programs (Tier 2/Low Sulfur Gasoline Program Credits and National Low Emission Vehicle Credits), a low enhanced vehicle I/M program, and either reformulated gasoline or Federal 7.8 Reid Vapor Pressure gasoline (Charts 1 and 2, respectively).

Results of Analysis

The modeled curves satisfy the VMT Offset requirement as discussed in the General Preamble. Modeling at no time shows the emission estimates meeting or exceeding the lowest point in 2005. The VOC curves in these instances show that no true ceiling is established in this demonstration because there is no upward turn of the VOC curve to identify the lowest point. Because the curves do not turn upward, no TCMs are necessary to offset emissions from growth in VMT. Because there is no upturn in VOCs and no ceiling under which VOC emissions must remain, then no TCMs are required to keep emissions below any ceiling.

III. Final Action

EPA is approving Louisiana's VMT Offset Analysis SIP submitted by the State on March 22, 2005. The VMT Offset requirement is satisfied because projected total motor vehicle emissions during the ozone season in one year are not higher than during the ozone season the year before due to the control measures in the SIP. We determined that Louisiana has adequately demonstrated that emissions from growth in VMT and number of vehicle trips will not rise above an established ceiling during the required timeframe.

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are received. This rule will be effective on January 22, 2007 without further notice unless we receive relevant adverse comment by December 21, 2006. If we receive adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

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

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This

[1] The use of Reformulated Gasoline (RFG) in the Baton Rouge nonattainment area was suspended in July 2004 by the U.S. Court of Appeals for the Fifth Circuit, and the Court transferred the case and motion to stay to the D.C. Circuit. This offset analysis includes analyses of both RFG and conventional gas fuels scenarios.

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 22, 2007. 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 9, 2006.

Richard E. Greene,

Regional Administrator, Region 6.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart T—Louisiana

■ 2. The table in § 52.970(e) entitled, ''EPA Approved Louisiana Nonregulatory Provisions and Quasi-Regulatory Measures,'' is amended by adding to the end of the table a new entry for ''Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled Offset Analysis'' to read as follows:

§ 52.970 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED LOUISIANA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State Submittal/ effective date	EPA approval date	Explanation
* *	* *	*	*	*
Vehicle Miles Traveled Offset Analysis.	Baton Rouge Nonattainment Area	03/22/05	11/21/06	[Insert FR page number where document begins].

[FR Doc. E6–19641 Filed 11–20–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–TX–0015; FRL–8244–3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: On September 28, 2006 (71 FR 56872), EPA published a direct final rule approving Texas State Implementation Plan (SIP) revisions that pertain to regulations to control Volatile Organic Compound (VOC) emissions from facilities in Texas. The direct final action was published without prior proposal because EPA anticipated no adverse comment. EPA stated in the direct final rule that if EPA received adverse comment by October 30, 2006, EPA would publish a timely withdrawal in the **Federal Register**. EPA subsequently received a timely adverse comment on the direct final rule. Therefore, EPA is withdrawing the direct final approval. EPA will address the comment in a subsequent final action based on the parallel proposal also published on September 28, 2006 (71 FR 56920). As stated in the parallel proposal, EPA will not institute a second comment period on this action.

DATES: The direct final rule published on September 28, 2006 (71 FR 56872), is withdrawn as of November 21, 2006.

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

List of Subjects in 40 CFR Part 52

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

Dated: November 14, 2006.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

Accordingly, the amendments to 40 CFR 52.2270 published in the **Federal Register** on September 28, 2006 (71 FR 56872), which were to become effective on November 27, 2006, are withdrawn.

[FR Doc. E6–19639 Filed 11–20–06; 8:45 am]

BILLING CODE 6560–50–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Part 51

RIN 3037–AA06

Adding New Military Resale Number Series

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Final rule.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee) has in its procurement program nonprofit agencies that sell products to military commissary stores for resale. The items sold are assigned to specific number series so that the nonprofit agencies, the Committee, and the military stores may identify the specific products. The number series are only used for identification of specific products sold in the military stores. These product numbers are internal only to the Committee, the nonprofit agencies, and the military commissaries. This proposed rule adds additional number series to the authorized series so that replacement products may have their own unique identifying numbers.

DATES: *Effective Date:* November 21, 2006.

ADDRESSES: The Committee office is located at Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, VA 22202–3259.

FOR FURTHER INFORMATION CONTACT: For more information, contact Kimberly Zeich by telephone (703) 603–7740, or by facsimile at (703) 603–0030, or by mail at the Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Hwy., Suite 10800, Arlington, VA 22202–3259.

SUPPLEMENTARY INFORMATION: The Committee's regulation at 41 CFR 51–6.4, Military Resale Commodities, requires military commissary stores and other military resale outlets to stock certain products in the Committee's program, which are identified by special military resale number series. 41 CFR 51–6.4 references number series 400–, 500–, 800–, 900– and 1000–series, with the 800–, 900–, and 1000–series being stocked exclusively and all series being stocked in as broad a range as practicable. Additional number series are required because the numbers cannot be re-used after being assigned to a product. The expansion of the number series will not expand the scope of the military resale products, rather it will allow for the effective administration and maintenance of the military resale program at its current level. This final rule adds series 300–, 1100– and 10,000– (10,000–10,999) to 41 CFR 51–6.4(b); series 0– (0–99), 200–, 300–, 600–, 700–, 1100–, 1200– (1200–9999), and 10000– (10000–10999) to 41 CFR 51–6.4(c)(2) to be stocked in as broad a range as practicable; series 300–, 1100–, and 10000– (10000–10999) to 41 CFR 51–6.4(c)(4); and series 300–, 1100– and 10,000– (10,000–10,999) to 41 CFR 51–6.4(d).

Executive Order 12866: This agency has made the determination that this rule is not significant for the purposes of EO 12866.

Administrative Procedure Act: The Committee finds under 5 U.S.C. 553(b)(3)(B) that good cause exists to waive prior notice and opportunity for public comment. This final rule simply adds numbers to a series of number that already exist. These series are internal to this agency and have no impact on nonprofit agencies not working in the military resale area. National Industries for the Blind, a central nonprofit agency in the Committee's program, requested these specific number series on behalf of the nonprofit agencies that participate in the military resale arena. The Defense Commissary Agency also asked the Committee to take this action. Since both the Federal and nonprofit agencies requested these number series, it is highly unlikely that there would be any adverse comments on this rule. Because this amendment is not a substantive change to the regulation, it is unnecessary to provide notice and opportunity for public comment. Further, pursuant to 5 U.S.C. 553 (b)(3)(A), this rule of agency organization, procedure and practice is not subject to the requirement to provide prior notice and opportunity for public comment. The Committee also finds that the 30-day delay in effectiveness, required under 5 U.S.C. 553(d), is inapplicable because this rule is not a substantive rule. This final rule merely expands the series of item numbers for use in the military resale program.

Regulatory Flexibility Act: Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

List of Subjects in 41 CFR Part 51–6

Government procurement, Individuals with disabilities.

■ For the reasons set out in the preamble, Part 51–6 of Title 41, Chapter 51 of the Code of Federal Regulations is amended as follows:

PART 51–6—PROCUREMENT PROCEDURES

■ 1. The authority citation for part 51.6 continues to read as follows:

Authority: 41 U.S.C. 46–48c.

■ 2. Revise § 51–6.4 (b), (c)(2), (c)(4), and (d) to read as follows:

§ 51–6.4 Military resale commodities.

* * * * *

(b) Authorized resale outlets shall stock military resale commodities in as broad a range as practicable. Authorized resale outlets may stock commercial items comparable to military resale commodities they stock, except that military commissary stores shall stock military resale commodities in the 300–800–, 900–, 1000–, 1100–, and 10000–(10000–10999) series exclusively, unless an exception has been granted on an individual store basis for the stocking of comparable commercial items for which there is a significant customer demand.

(c) * * *

(2) Require the stocking in commissary stores of military resale commodities in the 0– (0–99), 200–, 300–, 400–, 500–, 600–, 700–, 800–, 900–, 1000–, 1100–, 1200– (1200–9999), and 10000– (10000–10999) series in as broad a range as is practicable.

* * * * *

(4) Establish policies and procedures which reserve to its agency headquarters the authority to grant exceptions to the exclusive stocking of 300–, 800–, 900–, 1000–, 1100–, and 10000–(10000–10999) series military resale commodities.

(d) The Defense Commissary Agency shall provide the Committee a copy of each directive which relates to the stocking of military resale commodities in commissary stores, including exceptions authorizing the stocking of commercial items in competition with 300–, 800–, 900–, 1000–, 1100–, and 10000– (10000–10999) series military resale commodities.

* * * * *

Dated: November 17, 2006.

Patrick Rowe,

Deputy Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled.

[FR Doc. E6–19664 Filed 11–20–06; 8:45 am]

BILLING CODE 6353–01–P

Proposed Rules

Federal Register
Vol. 71, No. 224
Tuesday, November 21, 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

Animal and Plant Health Inspection Service

9 CFR Parts 55 and 81

[Docket No. 00–108–6]

RIN 0579–AB35

Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, and Moose; Petitions and Request for Comments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of receipt of petitions and request for comments; extension of comment period.

SUMMARY: We are extending the comment period for our notice that announced the receipt of three petitions requesting that we delay implementation of, and reconsider provisions in, a recent final rule establishing a herd certification program and interstate movement restrictions for cervids to control the spread of chronic wasting disease. This action will allow interested persons additional time to prepare and submit comments.

DATES: We will consider all comments that we receive on or before January 3, 2007.

FOR FURTHER INFORMATION CONTACT: Dr. Dean E. Goeldner, Senior Staff Veterinarian, Ruminant Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–4916. Copies of the petitions are available at the Federal eRulemaking Portal, *http://www.regulations.gov*, as described under **ADDRESSES** below.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit'' In the Docket ID column, select APHIS–2006–0118 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. 00–108–5, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 00–108–5.
- *Reading Room:* You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: On November 3, 2006, we published in the **Federal Register** (71 FR 64650–64651, Docket No. 00–108–5) a document in which we announced the receipt of, and requested comments on, three petitions from the Association of Fish and Wildlife Agencies, the National Assembly of State Animal Health Officials, and the United States Animal Health Association. The petitions requested that APHIS delay the effective date of a recent final rule and reconsider several requirements of the rule. The final rule, published in the **Federal Register** on July 21, 2006 (71 FR 41682–41707, Docket No. 00–108–3), establishes a herd certification program and interstate movement regulations for farmed or captive cervids to help eliminate chronic wasting disease in the United States. We published a notice in the **Federal Register** on September 8, 2006 (71 FR 52983, Docket No. 00–108–4), delaying the effective date of the final rule until further notice.

Comments on the petitions were required to be received on or before December 4, 2006. We are extending the comment period on Docket No. 00–108–5 until January 3, 2007, an additional 30 days from the original close of the comment period. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 15th day of November 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–19662 Filed 11–20–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

19 CFR Parts 101 and 122

[USCBP–2006–0091]

Extension of Port Limits of Dayton, OH, and Termination of the User-Fee Status of Airborne Airpark in Wilmington, OH

AGENCY: Bureau of Customs and Border Protection, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking proposes to amend Department of Homeland Security (DHS) regulations pertaining to the Bureau of Customs and Border Protection's (CBP's) field organization by extending the geographic limits of the port of Dayton, Ohio, to include the Airborne Airpark in Wilmington, Ohio. The proposed extension of the port limits of Dayton, Ohio, is due to the closing of express consignment operations at Dayton International Airport, and the expansion of express consignment operations at Airborne Airpark, located in Wilmington, Ohio. The user-fee status of Airborne Airpark would be terminated. The proposed change is part of CBP's continuing program to more efficiently utilize its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public.

DATES: Comments must be received on or before January 22, 2007.

ADDRESSES: You may submit comments, identified by *docket number*, by *one* of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments via docket number USCBP–2006–0091.

• Mail: Border Security Regulations Branch, Office of Regulations and Rulings, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW. (Mint Annex), Washington, DC 20229.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Office of Regulations and Rulings, Bureau of Customs and Border Protection, 799 9th Street, NW., Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572–8768.

FOR FURTHER INFORMATION CONTACT: Michael Captain, Office of Field Operations, 202–344–2804.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. CBP also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments that will provide the most assistance to CBP in developing these procedures will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

Background

CBP ports of entry are places (seaports, airports, or land border ports) designated by the Secretary of Homeland Security where CBP officers or employees are assigned to accept entries of merchandise, clear passengers where appropriate, collect duties, and enforce the various provisions of customs and related laws. To facilitate the various duties of CBP, the organizational structure of CBP must, from time to time, be amended to respond to changing demands of the importing/exporting community.

There have been two express consignment operations in the Dayton area: Menlo Worldwide Forwarding/Emery at Dayton International Airport (DAY) and Airborne Express at Airborne Airpark (ILN) in Wilmington, Ohio. The Menlo Worldwide Forwarding/Emery operation is within the Port of Dayton at the north edge of the current port boundaries, and Airborne Airpark is southeast of the current boundaries in Wilmington, Ohio. UPS purchased Menlo Worldwide Forwarding, shut down the Emery operation at Dayton International Airport, and has moved the work to their hub located in Louisville, Kentucky. DHL Express (USA) has purchased Airborne Express and has shut down the DHL operations in Cincinnati-Northern Kentucky Airport (CVG) in Covington, Kentucky. DHL Express (USA) is opening a new, much larger combined operation at Airborne Airpark. These changes in operations will result in an increase in the demand for CBP services at the Airborne Airpark.

In response to these changes, CBP is proposing to amend 19 CFR 101.3(b)(1) by extending the port limits of the Port of Dayton to include the Airborne Airpark, which is currently listed as ''Wilmington Airport'' in the list of user-fee airports at 19 CFR 122.15(b) (note that the regulations currently refer to the airport as ''Wilmington Airport'' rather than the correct ''Airborne Airpark''). If the proposed port limits are adopted, CBP would relocate the CBP Dayton Port office from its current location at the Dayton International Airport to a new location near the new DHL operation at Airborne Airpark. CBP would also establish an adequately sized secure storage facility in efficient proximity to Airborne Airpark. The proposed changes are intended to allow for continued efficient operation and supervision of CBP services at the DHL facility.

Airborne Airpark is currently a user fee airport. CBP services at a user fee airport are not paid for out of appropriations from the general treasury of the United States. Instead, these services are provided on a fully reimbursable basis to be paid for by the airport on behalf of the recipients of the services. The airport pays for CBP services and then seeks reimbursement from the actual users of those services.

If this proposal is adopted, the Commissioner of CBP would terminate the user fee status of Airborne Airpark and remove the listing ''Wilmington Airport'' from the user fee list in 19 CFR 122.15(b), because the facility would be included in the boundaries of the Port of Dayton. As a result of the termination of the user fee status of Airborne Airpark, the system of reimbursable fees for Airborne Airpark would be discontinued. This proposed change of status for Airborne Airpark from a user fee airport to inclusion within the boundaries of a port of entry would subject the airport to the passenger processing fee provided for at 19 U.S.C. 58c(a)(5)(B). This fee is collected by CBP and paid into the United States treasury. CBP services would be paid for out of appropriations from the general treasury.

Current Port Limits of Dayton, Ohio

The current port limits of Dayton, Ohio, as described in Treasury Decision (T.D.) 76–77 of March 3, 1976, include the territory within the city limits of Dayton, Ohio, as well as the territory within the township limits of the adjacent townships of Butler, Harrison, Wayne, and Mad River, Ohio.

Proposed Port Limits of Dayton, Ohio

The proposed port limits for Dayton, as well as being expanded to include the Airborne Airpark, substitute geographic information that is readily identifiable by the public in lieu of sometimes difficult to locate township boundaries. The geographic limits of the Port of Dayton are proposed to be as follows:

Beginning at the point where Federal Interstate Highway 75 crosses the Montgomery County—Miami County line; then west along the Montgomery County line to the point where Frederick Pike intersects the Montgomery County line; then south and east on Frederick Pike to the intersection with Dixie Drive; then south to Keowee Street, then south to Federal Interstate Highway 75 to the point where I–75 intersects the Montgomery County—Warren County line; then east along the county line (which becomes the Greene County—Warren County line) to the Clinton County line; then south along the Clinton County line to the intersection with Ohio State Route 350; then east on Route 350 to the intersection with Ohio State Route 73; then north and west on Route 73 to the intersection with U.S. Route 22; then west along Route 22 to

U.S. Highway 68; then north and west on U.S. 68 to the intersection with U.S. Highway 35; then west and north on U.S. 35 to Interstate Highway 675; then north and east on I–675 to the intersection with Federal Interstate Highway 70; then west on I–70 to the intersection with the Montgomery County line; and then north and west along the Montgomery County line to the point of beginning.

Proposed Amendment to the Regulations

If the proposed port limits are adopted, the list of CBP ports of entry at 19 CFR 101.3(b)(1) will be amended to reflect the new boundaries of the Dayton, Ohio, port of entry and ''Wilmington Airport'' will be deleted from the list of user-fee airports at 19 CFR 122.15(b).

Authority

This change is proposed under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66 and 1624.

The Regulatory Flexibility Act and Executive Order 12866

With DHS approval, CBP establishes, expands and consolidates CBP ports of entry throughout the United States to accommodate the volume of CBP-related activity in various parts of the country. This proposed rule is not a significant regulatory action within the meaning of Executive Order 12866. This proposed rule also will not have a significant economic impact on a substantial number of small entities as it merely expands the limits of an existing port of entry. Accordingly, it is certified that this document is not subject to the additional requirements of the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Signing Authority

The signing authority for this document falls under 19 CFR 0.2(a) because this port extension is not within the bounds of those regulations for which the Secretary of the Treasury has retained sole authority. Accordingly, the notice of proposed rulemaking may be signed by the Secretary of Homeland Security (or his delegate).

Dated: November 14, 2006.

Michael Chertoff,

Secretary.

[FR Doc. E6–19631 Filed 11–20–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD07–06–187]

RIN 1625–AA11

Regulated Navigation Area; San Carlos Bay, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary regulated navigation area (RNA) on the waters of San Carlos Bay, Florida. The regulated navigation area (RNA) is needed to minimize the risk of potential bridge allisions by vessels utilizing the main channel under span ''A'' (bascule portion) of the Sanibel Island Causeway Bridge and enhance the safety of vessels transiting the area and vehicles crossing over the bridge. This proposed rule would apply vessel traffic regulations to vessels in the RNA.

DATES: Comments and related material must reach the Coast Guard on or before December 21, 2006.

ADDRESSES: You may mail comments and related material to Coast Guard Sector St. Petersburg, Prevention Department, 155 Columbia Drive, Tampa, Florida 33606–3598. The Waterways Management Division 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 Coast Guard Sector St. Petersburg between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Ronaydee Marquez at Coast Guard Sector St. Petersburg, (813) 228–2191, Ext. 8307.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD07–06–187), 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 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. But you may submit a request for a meeting by writing to Coast Guard Sector St. Petersburg 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

On November 18, 2003, the Lee County Board of Commissioners issued an emergency declaration that conditions of the Sanibel Island Causeway Bridge posed an immediate threat to the safety of the traveling public. Immediate initial action was required to minimize the risk of potential bridge allisions of vessels utilizing the main channel under span ''A'' (bascule portion) and enhance the safety of vessels transiting the area and vehicles crossing over the bridge. The Coast Guard established an RNA (68 FR 68518, December 9, 2003) in the vicinity of the bridge from November 29, 2003, through November 28, 2004.

On November 2, 2004, Sanibel County engineers reevaluated the Sanibel Island Bridge and determined that the bridge continued to pose a threat to the safety of the traveling public. The RNA was subsequently extended from November 28, 2004, to November 28, 2005 (69 FR 70374, December 6, 2004). In January 2006, the RNA was again made effective, this time until 8 a.m., January 7, 2007 (71 FR 11507, March 8, 2006). Repairs to the bridge are still on-going, and could take several years to complete. Therefore, this proposed rule would maintain a regulated navigation area in place from January 2007 to January 2008.

Discussion of Proposed Rule

The proposed regulated navigation area would encompass the main channel under the ''A'' span (bascule portion) of the Sanibel Island Causeway Bridge out to 100 feet on either side of the bridge inclusive of the main shipping channel. All vessels would be required to transit the area at no-wake speed. However, nothing in this proposed rule negates the requirement to operate at a safe speed as provided in the Navigation Rules and Regulations. A

one-way traffic scheme would be imposed within the regulated navigation area. Overtaking would be prohibited. Tug and barge traffic would be allowed to transit the regulated navigation area at slack water only. Tugs with barges would be required to be arranged in a push-ahead configuration, with barges made up in tandem, or as a side tow. Tugs would be required to be of adequate horsepower to fully maneuver the barges. Stern towing would be prohibited except by assistance towing vessels, subject to certain conditions. Assistance towing vessels would be allowed to conduct stern tows when the disabled vessel being towed is less than or equal to 30 feet in length. For disabled vessels greater than 30 feet in length, assistance towing vessels would be allowed to use a towing arrangement in which one assistance towing vessel is in the lead, towing the disabled vessel, and another assistance towing vessel is astern of the disabled vessel. Side tows are also permitted. Assistance towing vessels would be required to be of adequate horsepower to maneuver the vessel under tow and may transit the RNA at slack water only. These proposed regulations would minimize the risk of potential bridge allisions by vessels utilizing the main channel under span ''A'' (bascule portion) of the Sanibel Island Causeway Bridge, and enhance the safety of vessels transiting the area and vehicles crossing over 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.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. The Coast Guard bases this finding on the following: Vessels may still transit the area, the waterway is not a major commercial route, and the Coast Guard expects only modest delays due to the nature of the marine traffic that traditionally uses this waterway.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule may affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit a portion of San Carlos Bay. This proposed regulated navigation area would not have a significant economic impact on a substantial number of small entities for the following reasons: Vessels may still transit the area; the waterway is not a major commercial route, and the Coast Guard expects only modest delays due to the nature of the marine traffic that traditionally uses the waterway.

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 the person listed under **FOR FURTHER INFORMATION CONTACT**. 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 effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

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.lD and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this proposed rule should be categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. This proposed rule fits in paragraph (34)(g) because it is a regulated navigation area. A preliminary ''Environmental Analysis Check List'' is available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision whether this rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add new temporary § 165.T07–187 to read as follows:

§ 165.T07–187 Regulated Navigation Area, San Carlos Bay, Florida.

(a) *Regulated area.* The following area is a regulated navigation area (RNA): The waters bounded by the following points: NW Corner: 26°28′59″ N, 082°00′54″ W; NE Corner: 26°28′59″ N, 082°00′52″ W; SE Corner: 26°28′57″ N, 082°00′51″ W; SW Corner: 26°28′57″ N, 082°00′53″ W.

(b) *Regulations.* (1) A vessel in the RNA established under paragraph (a) of this section will operate at no-wake speed. Nothing in this rule is to be construed as to negate the requirement to at all times operate at a safe speed as provided in the Navigation Rules and Regulations.

(2) A one-way traffic scheme is established. Vessel traffic may proceed in one direction at a time through the RNA. Overtaking is prohibited.

(3) Tugs with barges must be arranged in a push-ahead configuration, with the barges made up in tandem, or as side tows. Tugs must be of adequate horsepower to maneuver the barges. Tug and barge traffic may transit the RNA at slack water only.

(4) Stern tows are prohibited except for assistance towing vessels, subject to certain conditions. Assistance towing vessels may conduct stern tows of disabled vessels that are less than or equal to 30 feet in length. For vessels that are greater than 30 feet in length, assistance towing vessels may use a towing arrangement in which one assistance towing vessel is in the lead, towing the disabled vessel, and another assistance towing vessel is astern of the disabled vessel. Side tows are also permitted. All assistance towing vessels operating within the regulated navigation area must be of adequate horsepower to maneuver the vessel under tow and the transit must be at slack water only.

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

(1) *Assistance towing* means assistance provided to disabled vessels.

(2) *Assistance towing vessels* means commercially registered or documented vessels that have been specially equipped to provide commercial services in the marine assistance industry.

(3) *Disabled vessel* means a vessel, which, while being operated, has been rendered incapable of proceeding under its own power and is in need of assistance.

(4) *Overtaking* means a vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the stern light of the vessel but neither of her sidelights.

(5) *Slack water* means the state of a tidal current when its speed is near zero, especially the moment when a reversing current changes direction and its speed is zero. The term also is applied to the entire period of low speed near the time of turning of the current when it is too weak to be of any practical importance in navigation.

(6) *Vessel* means every description of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on the water.

(d) *Violations.* Persons in violation of these regulations will be subject to civil penalty under 33 U.S.C. 1232 of this part, to include a maximum civil penalty of $32,500 per violation.

(e) *Effective period.* This section is effective from 8 a.m. on January 7, 2007, until 8 a.m. on January 6, 2008.

Dated: October 31, 2006.

D.W. Kunkel,

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

[FR Doc. E6–19680 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2006–0390; FRL–8244–7]

Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled Offset Analysis

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the Louisiana State Implementation Plan (SIP) for the Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled (VMT) Offset Analysis submitted to EPA on March 22, 2005.

The Baton Rouge area became subject to this requirement upon its reclassification from serious to severe 1-hour ozone nonattainment. This action is being taken under sections 110 and 182 of the Federal Clean Air Act, as amended (the Act).

DATES: Written comments must be received on or before December 21, 2006.

ADDRESSES: Comments may be mailed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mrs. Sandra Rennie at (214) 665–7367, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, fax number 214–665–7263; e-mail address *rennie.sandra@epa.gov*.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule, which is located in the rules section of this **Federal Register**.

Dated: November 9, 2006.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. E6–19642 Filed 11–20–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Columbian Sharp-Tailed Grouse as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the Columbian sharp-tailed grouse (*Tympanuchus phasianellus columbianus*) as threatened or endangered under the Endangered Species Act of 1973, as amended. We find that the petition does not provide substantial information indicating that listing the Columbian sharp-tailed grouse may be warranted. Therefore, we are not initiating a further status review in response to this petition. We ask the public to submit to us any new information that becomes available concerning the status of the Columbian sharp-tailed grouse or threats to it.

DATES: The finding announced in this document was made on November 21, 2006. Comments and information concerning this finding may be submitted until further notice.

ADDRESSES: Data, information, comments, and material concerning this finding may be submitted to the Supervisor, Upper Columbia Fish and Wildlife Office, U.S. Fish and Wildlife Service, 11103 East Montgomery Drive, Spokane, WA 99206. The complete file for this finding is available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Susan Martin, Field Supervisor, Upper Columbia Fish and Wildlife Office (see **ADDRESSES** section above), by telephone at (509) 891–6839, or by facsimile to (509) 891–6748.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. We are to base the finding on information provided in the petition and supporting information available in our files at the time of the petition review. To the maximum extent practicable, we are to make the finding within 90 days of our receipt of the petition, and publish a notice of the finding promptly in the **Federal Register**.

Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If we find that substantial information was presented, we are required to promptly commence a review of the status of the species.

In making this finding, we evaluated information provided by the petitioners and contained in our files in accordance with 50 CFR 424.14(b). Our process of coming to a 90-day finding under section 4(b)(3)(A) of the Act and 50 CFR 424.14(b) is limited to a determination of whether the information in the petition provides ''substantial information'' that the petitioned action may be warranted.

On October 18, 2004, we received a petition, dated October 14, 2004, from Forest Guardians, American Lands Alliance, Biodiversity Conservation Alliance, Center for Biological Diversity, Center for Native Ecosystems, The Larch Company, Northwest Ecosystem Alliance, Oregon Natural Desert Association, and Western Watersheds Project (petitioners). The petitioners requested that the Columbian sharp-tailed grouse be listed as threatened or endangered throughout its historic range in accordance with section 4 of the Act.

We were required to complete a significant number of listing actions in 2005, pursuant to court orders and judicially approved settlement agreements, and were unable to address the petition at that time. On January 18, 2005, we acknowledged receipt of the petition, and indicated to the petitioners that we would not be able to address the petition at that time due to other priorities relating to court orders and settlement agreements. On November 25, 2005, we received a Notice of Intent to Sue (NOI), dated November 22, 2005, for our failure to make a 90-day finding on the petition. On April 5, 2006, we received a formal complaint, which had been filed on March 20, 2006. On May 31, 2006, the U.S. District Court of Idaho granted a Stipulated Settlement Agreement between us and the petitioners, wherein we agreed to publish a 90-day finding on the petition

by November 15, 2006. This finding constitutes our compliance with the settlement agreement.

Previous Federal Actions

We previously received a petition, dated March 14, 1995, to list the Columbian sharp-tailed grouse throughout its historic range in the conterminous United States (Biodiversity Legal Foundation 1995). On October 26, 1999, we published a positive 90-day finding and initiated a status review to determine if listing the Columbian sharp-tailed grouse was warranted (64 FR 57620). On October 11, 2000, we published a negative 12-month finding that determined the requested action was not warranted (65 FR 60391).

Species Information

The information summarized in this section is taken from the petition (cited as Forest Guardians *et al.* 2004) and our files.

The Columbian sharp-tailed grouse is one of seven recognized subspecies of sharp-tailed grouse that have been described in North America, based primarily on geographic variation in overall size, plumage coloration and patterning, and the broadly defined ecosystems occupied (Connelly *et al.* 1998, p. 3). The Columbian sharp-tailed grouse is the smallest subspecies. It has darker gray plumage, more pronounced spotting on the throat, and narrower markings on the underside than other subspecies. Historically, the Columbian sharp-tailed grouse's range extended westward from the continental divide in Montana, Idaho, Wyoming, and Colorado to northeastern California and eastern Oregon and Washington; southward to northern Nevada and central Utah; and northward through central and British Columbia.

Columbian sharp-tailed grouse occur in a variety of habitats within the northwestern United States and Canada, including sagebrush-bunchgrass, meadow-steppe, mountain shrub, and riparian zones (Marks and Marks 1987, p. 40; Giesen and Connelly 1993, p. 326). Various upland habitats, with a component of denser riparian or mountain shrub habitat to provide escape cover, are important to the subspecies from spring to fall (Saab and Marks 1992, p. 171; Giesen and Connelly 1993, pp. 327–329). The availability of suitable wintering habitat, containing a dominant component of deciduous trees and shrubs, is also thought to be a key element to healthy Columbian sharp-tailed grouse populations (Marks and Marks 1987, pp. 54–57; Giesen and Connelly 1993, pp. 329–330).

Male sharp-tailed grouse employ elaborate courtship displays in the spring to attract females to central dancing grounds, called leks. Established leks may be used for many years, although the exact dancing locations may shift position over time and smaller satellite leks often form in the vicinity of historic leks. Interacting clusters of leks in a local area are defined as lek complexes (Schroeder *et al.* 2000, p. 3). Due to social structures within a lek and other influences, such as exposure to predation, leks seldom support more than 25 males (Moyles and Boag 1981, pp. 1579–1580; Rodgers 1992, p. 104; Connelly *et al.* 1998, p. 8). The few dominant males at a lek's center account for the majority of successful mating attempts (Johnsgard 1973, p. 314; Bradbury and Gibson 1983, pp. 119–120). Male Columbian sharp-tailed grouse may also display and establish specific dancing sites at leks during other seasons (Johnsgard 1973, p. 312; Moyles and Boag 1981, p. 1576; Marks and Marks 1987, p. xii; McDonald 1998, pp. 38–39).

Spring-to-fall home range sizes of Columbian sharp-tailed grouse are relatively small, generally less than 2 square kilometers (km^2) (1.2 square miles (mi^2)), and the areas used are usually in the vicinity of a lek. Females typically nest and rear their broods within 1.6 km (1 mi) of an active lek, although nesting more than 3 km (1.9 mi) from a lek has been recorded (Saab and Marks 1992, pp. 168–170; Giesen and Connelly 1993, p. 327). Seasonal movements to wintering areas from breeding grounds are typically less than 5 km (3.1 mi) (Giesen and Connelly 1993, p. 327), although movements of up to 20 km (12.4 mi) have been recorded (Meints 1991, p. 53). The overall annual survival rate of Columbian sharp-tailed grouse is relatively low, and ranges from roughly 20 to 50 percent (WDFW 1995, p. 9; Connelly *et al.* 1998, p. 12).

The area within 2.5 km (1.6 mi) of a lek is thought to be critical to the management of Columbian sharp-tailed grouse, and this area should contain, or provide access to, suitable wintering habitats (Saab and Marks 1992, pp. 168–170; Giesen and Connelly 1993, pp. 326–332). Because of their influence on the subspecies' demographics, leks (including the surrounding area) can be used as the basis for describing the hierarchical assemblages of Columbian sharp-tailed grouse populations. These assemblages range from local populations (single leks to lek complexes), to regional populations (potentially interacting local populations occupying small geographic areas, such as a county), to metapopulations (potentially interacting regional populations occupying larger geographic areas).

Various historical accounts indicate that the Columbian sharp-tailed grouse was once much more abundant throughout its range where suitable habitats occurred (Hart *et al.* 1950, pp. 8–9; Buss and Dziedzic 1955, pp. 185–187; WDFW 1995, pp. 21–22). Excessive hunting in the mid- to late 19th century is thought to have been a major contributing factor to the extirpation of some local populations and the initial reduction of the subspecies' range (Hart *et al.* 1950, p. 60). Beginning in the early 1900s, the conversion of native habitats for crop production and habitat degradation as a result of heavy livestock grazing are thought to be the primary factors in further population declines and range reductions (Hart *et al.* 1950, pp. 55–59; Buss and Dziedzic 1955, pp. 185–187; Miller and Graul 1980, p. 25; Marks and Marks 1987, pp. 1–4; Braun *et al.* 1994, p. 38; WDFW 1995, pp. 28–31; McDonald and Reese 1998, p. 34; Connelly *et al.* 1998, pp. 2–3). Columbian sharp-tailed grouse have been extirpated from California (circa 1920), Nevada (circa 1950), and Oregon (circa 1960) (Miller and Graul 1980, p. 20; Connelly *et al.* 1998, pp. 2–3). Past declines in the subspecies' abundance and distribution have isolated various extant populations of Columbian sharp-tailed grouse.

At large geographic scales (e.g., States, ecoregions), the overall distribution of Columbian sharp-tailed grouse appears to have changed little since the mid-1900s, and various sources have acknowledged the difficulty of obtaining accurate population estimates for the subspecies as a whole (Hart *et al.* 1950, p. 13; Rogers 1969, p. 42; Miller and Graul 1980, pp. 18–19; Schroeder *et al.* 2000, pp. 2–3). However, when smaller geographic areas are considered, a general pattern of continued range reduction and population decline is apparent in a number of local and several regional populations from the mid-1900s to the present (Miller and Graul 1980, pp. 20–22; WDFW 1995, pp. 4–6; Ritcey 1995, pp. 2–4; Schroeder *et al.* 2000, pp. 4–8; Mitchell 1995, 1998; Hoffman 1995, 1998; Thier 1998; Chutter 1995). Based on the results from a 1979 questionnaire distributed to wildlife professionals throughout the subspecies' range, Miller and Graul (1980, p. 20) concluded that populations of Columbian sharp-tailed grouse occupied less than 10 percent of their former range in Idaho, Montana, Utah,

and Wyoming; 10 to 50 percent in Colorado and Washington; and 80 percent or more in British Columbia.

The following individual State and province discussions represent the most recent available information on populations by State and Canadian province. Each discussion initially summarizes information from our files, as well as the best estimates of recognized experts during a February 2000 interagency species status review meeting (USFWS 2000), and an independent report that addressed the viability of the various extant Columbian sharp-tailed grouse populations (Bart 2000, pp. 5–10). The State and province discussions also summarize the current status of each State's hunting regulations relating to Columbian sharp-tailed grouse. Finally, the State and province discussions summarize new information presented in the petition or that has become available in our files since 2000. For consistency, estimates of the spring breeding population are reported for each area. In general, the estimates of fall population sizes, which include annual reproduction and exclude over-winter mortality, are roughly double that of spring breeding population estimates.

Colorado. The information in this paragraph is taken from Mumma (1999) and House (2000). The northwestern region of the State contains many interacting local populations with multiple leks that together constitute a distinct metapopulation. This metapopulation totaled roughly 5,000 birds in the spring breeding population in 2000. The metapopulation occurs primarily in Moffat, Routt, and Rio Blanco Counties, and is continuous with local populations in south-central Wyoming (see following discussion under Wyoming). Mesa County, in west-central Colorado, may still harbor a remnant local population, but the last confirmed sightings of birds in this area are from around 1985.

The State of Colorado maintains a fall hunting season in the northwestern region, with bag and possession limits of 2 and 4 birds, respectively. During the late 1990s, the annual State harvest estimate averaged 218 birds.

The petition states that the metapopulation in Moffat, Routt, and Rio Blanco Counties may have consisted of approximately 6,080 birds in approximately 2004, based on Hoffman (2002) (pp. 34–35 of the petition). The petition also states that population estimates for Colorado (based on the average number of males per lek) fluctuated widely from 2000 to 2004.

Idaho. Except where noted, the information in this paragraph is taken from Mallet (2000). The southeastern region of the State contains many interacting local populations with multiple leks, which constitute a distinct metapopulation that totaled, as of 2000, roughly 6,000 to 13,000 birds in the spring breeding population. This population occurs primarily south of Rexburg and east of Rupert, Idaho (Meints 1995, 1998), and is continuous with local populations in northern Utah (see following discussion under Utah). The upper Snake River region, including the Sand Creek and Tex Creek areas, harbored, as of 2000, roughly 600 birds in the spring breeding population (approximately 300 in each area). Birds from these two areas likely interact with one another and with the larger population in the southeastern region (Meints 1995, 1998). Washington and Adams Counties, in the west-central region, harbored, as of 2000, roughly 200 to 300 birds in the spring breeding population, which supports approximately 7 leks. This area is isolated from other regional populations. Translocation efforts began in the Shoshone Basin area of extreme south-central Idaho in 1992, and resulted in establishment of an isolated local population supporting at least three leks in 2000. This area may be continuous with a small population of reintroduced birds in northeastern Nevada (see following discussion under Nevada).

The State of Idaho maintains a fall hunting season, with bag and possession limits of 2 and 4 birds, respectively. The available information indicates that roughly 3,000 birds are harvested annually from the southeastern and upper Snake River regions.

The petition states that the Shoshone Basin population may have consisted of 200 to 400 birds in 2004 (pp. 29–31 of the petition). The petition also states that population estimates for Idaho (based on average number of males per lek) fluctuated widely from 1999 to 2004.

Montana. Except where noted, the information in this paragraph is taken from McCarthy (2000). Two small local populations may still occur in the northwestern region of the State, one in Lincoln County near the international boundary with British Columbia, and one in Powell County. The Lincoln County area supported fewer than 20 birds on a single lek in the 2000 spring breeding population. From 1987 through 1991, and again in 1996 and 1997, the Lincoln County population was augmented with birds translocated primarily from central British Columbia (one effort included birds translocated from southeastern Idaho). The Powell County area supported fewer than 50 birds on a few leks in the 2000 spring breeding population. Based on the evaluation of a limited number of specimens, birds in the Powell County population show a greater morphological affinity to the plains subspecies (*T. p. jamesi*); however, these birds show a greater genetic affinity to the Columbian subspecies (Warheit and Schroeder 2003, p. 5). Therefore, the taxonomic status of this population remains in question. The two local Montana populations are isolated from one another and from other regional populations. During the early 1970s and again in 1980, limited efforts to reintroduce sharp-tailed grouse to the National Bison Range (roughly 50 km northwest of Missoula) were conducted with birds translocated from southeastern Idaho. It is unlikely that any of these birds or their offspring persisted in the area (Wood 1991, p. 6).

The State of Montana does not have an open hunting season for Columbian sharp-tailed grouse.

The petition states that Columbian sharp-tailed grouse may have been extirpated in Montana by 2004 (p. 35 of the petition).

Nevada. The information in this paragraph is taken from Morros (1999) and Crawforth (2000). During the spring of 1999, 54 birds from the metapopulation in southeastern Idaho were translocated to the Snake Mountains in Elko County. Census information from 2000 indicated there were roughly 20 to 40 birds remaining from this initial effort.

No open hunting season for Columbian sharp-tailed grouse exists in the State of Nevada.

According to a source cited in the petition (Stiver *et al.* (2002), cited on p. 32 of the petition), 196 birds were reintroduced between 1999 and 2002. No additional population estimates were provided. This reintroduced local population may be continuous with reintroduced birds in south-central Idaho (see previous discussion under Idaho).

Oregon. The information in this paragraph is taken from Crawford and Coggins (2000). From 1991 through 1997, a total of 179 birds were translocated into Wallowa County in northeastern Oregon. Translocated birds originated from the metapopulation in southeastern Idaho. Census information in 2000 indicated that roughly 15 to 30 individuals, supporting one or a few leks, existed in the spring breeding population in an area several miles from the initial release site.

No open hunting season for Columbian sharp-tailed grouse exists in the State of Oregon.

According to a source cited in the petition (ODFW (2001), cited on p. 29 of the petition), an additional 33 birds were translocated in 2001, and the estimated population at that time was 80 birds. The petition, citing personal communication with C. Braun, states that translocation efforts in Oregon have likely failed and that the population appears to be extirpated from the State.

Utah. The information in this paragraph is taken from Mitchell (2000). The northern region of the State contains numerous, interacting local populations with multiple leks, which constitute a distinct, interacting metapopulation totaling roughly 5,000 birds in the spring breeding population. This population is continuous with the population in southeastern Idaho (see previous discussion under Idaho).

The State of Utah reopened its hunting season in 1998, and, over the first 3 years, issued 663, 2-bird permits in a limited-entry hunt. The State harvest estimates for 1998, 1999, and 2000 were 201, 462, and 233 birds, respectively.

The petition states that the Utah population (based on estimates of average number of males per lek) fluctuates widely from year to year, and may have declined by 50 percent over the 4-year period from 1998 through 2001 (pp. 33–34 of the petition).

Washington. Except as noted, the information in this paragraph is taken from Schroeder (2000) and Cawston (2000). Eight local populations occur in the north-central region of the State; four likely have multiple leks, and four consist of single or few leks (Schroeder *et al.* 2000, p. 98). In 2000, the overall estimate was approximately 860 individuals in the spring breeding population; the 2005 estimate was 578 individuals (Schroeder 2005, p. 16). Some minimal interaction may occur between a few local populations, while others are isolated. The Washington population is isolated from other regional populations. Recent genetic analyses indicate that the State population was likely experiencing inbreeding, and Columbian sharp-tailed grouse from other stable populations have been translocated to Washington to address this potential threat. The genetic analyses indicate that the birds in Washington may have a different genetic profile than other populations, and that they may currently be on a different evolutionary trajectory (Warheit and Schroeder 2001, p. 5) due to these genetic differences and their isolation from other populations. Because the genetic differences may result from isolation and inbreeding, translocation efforts are targeted at preserving any genetic uniqueness while increasing genetic diversity. During the spring of 1998, 1999, and 2000, translocation efforts were conducted to augment one of the remnant local populations in north-central Washington. Translocated birds originated from the metapopulation in southeastern Idaho and from one of the larger local populations in Washington. Additional translocation efforts were undertaken during the spring of 2005 and 2006, to augment three additional Washington populations (Hays 2006). Current plans call for a third consecutive year in 2007 to complete these augmentation efforts. Roughly half of the translocated birds for these efforts originated from the metapopulation in southeastern Idaho, and the rest originated from the metapopulation in central British Columbia (see following discussion under British Columbia).

The State of Washington has not had a hunting season for Columbian sharp-tailed grouse since 1988.

According to the petition (p. 28), the total Columbian sharp-tailed grouse population in the State of Washington was estimated to be 618 birds in 2002.

Wyoming. The information in this paragraph is taken from Kruse (1999). Available information indicates that one population exists in the south-central region of the State that consisted of roughly 100 to 500 birds in the spring breeding population and supported multiple leks in 2000. The population occurs in Carbon County and is continuous with the metapopulation in northwestern Colorado (see previous discussion under Colorado).

No open hunting season for Columbian sharp-tailed grouse exists in the State of Wyoming.

The petition cites personal communication with T. Wooley (no affiliation given) that the Wyoming population may have totaled approximately 600 to 700 birds in 2004 (pp. 31–32 of the petition).

British Columbia, Canada. The information in this paragraph is taken from M. Chutter, British Columbia Ministry of Environment, Wildlife Branch (1995). The central region of British Columbia (Fraser Plateau) contains numerous interacting local populations with multiple leks, which comprise a distinct interacting metapopulation totaling roughly 5,000 to 10,000 birds in the spring breeding population. The area directly south of Cranbrook (southeastern region) may contain one local population with a single to few leks. This population is isolated from other regional populations. The area south of Merritt to the Washington border (south-central region) contains individual birds or small flocks during the winter, with no breeding behavior (i.e., leks) apparent.

British Columbia currently prohibits hunting of Columbian sharp-tailed grouse in native grassland habitats (i.e., the southern portion of the subspecies' Provincial distribution). Accurate harvest estimates for Columbian sharp-tailed grouse throughout the remainder of the Province are not available.

The petition cites Leupin's (2002) estimate that the population in British Columbia may have consisted of approximately 10,100 birds in 2002, based on extrapolations of estimated densities across potentially suitable habitats (pp. 36–37 of the petition).

Summary of Subspecies' Status

Based on the best available scientific information in 2000, the rangewide estimate for the Columbian sharp-tailed grouse's spring breeding population was approximately 22,500 to 35,500 individuals, with approximately 18,000 to 25,500 individuals occurring within the conterminous United States. This total population occupied approximately 79,500 km^2 (31,000 mi^2) rangewide, and approximately 38,500 km^2 (15,000 mi^2) within the conterminous United States, in 2000 (Bart 2000, p. 5). Currently, roughly 95 percent of all Columbian sharp-tailed grouse occur within the 3 remaining metapopulations: In northwestern Colorado and south-central Wyoming; southeastern Idaho and northern Utah; and central British Columbia (Bart 2000, p. 8). By comparing information provided in the petition (pp. 30–37) with data we have in our files, we determined that the petition indicates that the metapopulation in northwestern Colorado and south-central Wyoming may have increased by roughly 25 percent between 2000 and 2004; the metapopulation in central British Columbia may have increased by roughly 5 percent during the same period; and the metapopulation in southeastern Idaho and northern Utah may have increased slightly (no percentage estimate available).

By comparing the available information in our files with information contained in the 2004 petition, the estimated minimum net increase in Columbian sharp-tailed grouse abundance between 2000 and 2004 would be roughly 9 percent, both rangewide and within the conterminous United States, as indicated by the petition (Bart 2000, p. 8; pp. 30–37 of the petition). If we were to assume a

worst case analysis, i.e., that there was no increase in areas occupied by the metapopulations, the total area occupied by Columbian sharp-tailed grouse, both rangewide and within the conterminous United States, may have decreased by less than 1 percent between 2000 and 2004 due to the possible extirpation of several discrete populations (Bart 2000, p. 8; p. 38 of the petition). These estimates of Columbian sharp-tailed grouse are derived from data provided in the petition, and do not represent our estimates of trends. We and the petitioners acknowledge that reliable trends are not determinable from available data (Bart 2000, p. 8; pp. 31–35, 38 of the petition).

The petition indicates that abundance estimates for several of the discrete populations of Columbian sharp-tailed grouse fluctuate widely between years, and therefore the populations cannot be considered stable (pp. 31, 34–35 of the petition). However, species of prairie grouse, with intrinsically high reproductive potential and low survival, periodically undergo wide fluctuations in numbers (e.g., seasonally, yearly), as is demonstrated by spring versus fall population estimates for Columbian sharp-tailed grouse. This variability in abundance does not necessarily indicate instability in these species, but rather represents an inherent component of their life history strategy. Little documentation exists concerning possible ranges of natural seasonal or yearly variation in Columbian sharp-tailed grouse populations, so we are unable to provide estimates of fluctuations due to existing threats. The various survey methodologies and population indices used throughout the subspecies' range make it difficult to obtain accurate or consistent population estimates for Columbian sharp-tailed grouse (Bart 2000, p. 8). In some instances, apparent fluctuations in population abundance may be an artifact of the survey methodology used, survey effort expended, or reliance on variable population estimators. As indicated in the petition (pp. 31–35 of the petition), the available information does not reveal reliable trends (neither positive nor negative) in abundance for the larger metapopulations.

Most of the small, isolated populations of Columbian sharp-tailed grouse, i.e., populations outside the three metapopulations, may be extirpated within a decade or two due to existing threats and current management scenarios (Wisdom *et al.* 1998, pp. 305–313; Bart 2000, p. 9). These discrete populations represent less than 1 percent of the area historically occupied, and 4 percent of the current occupied range. Three regional populations, including the Nespelem population in Washington, the west-central Idaho population, and the south-central Idaho and northern Nevada population, were stable in 2000 (Bart 2000, p. 9).

The metapopulations of the subspecies have persisted for the last several decades with no discernable downward trend, and the available information indicates they may now be increasing, along with the habitats available to them (Bart 2000, p. 8). The available information indicates that the three metapopulations of Columbian sharp-tailed grouse are relatively secure, although conclusive data regarding recent trends in these populations appears to be lacking (Bart 2000, p. 8; petition pp. 31–35). Given the level of threat to these populations and ongoing conservation measures (e.g., translocations, habitat protection and restoration), (Bart 2000, p. 9–10) concluded that, in the near term (i.e., less than 100 years), the large metapopulations of Columbian sharp-tailed grouse would likely remain stable or increase in abundance and area of occupied range. In addition, one small population is likely to remain stable in west-central Idaho (Bart 2000, p. 10).

According to Bart (2000, pp. 9–10), the three metapopulations will likely also remain stable in the long term (i.e., 100 years), although the Utah portion of one of the metapopulations may experience some decline as a result of predicted future urban expansion in the Salt Lake City and Ogden metropolitan area. Of the smaller populations, only the west-central Idaho population is likely to remain stable, while the long-term outlook for reintroduced populations of Columbian sharp-tailed grouse is uncertain (Bart 2000, p. 10).

Threats Analysis

In our determinations of whether to list a species, subspecies, or any distinct vertebrate population segment of these taxa under section 4(a)(1) of the Act, we must consider the following five factors: (A) The present or threatened destruction, modification, or curtailment of habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above factors, either singly or in combination.

The information presented in the petition with regard to the five factors established by the Act and the information in our files as it relates to the Columbian sharp-tailed grouse is considered below.

A. Present or Threatened Destruction, Modification, or Curtailment of Habitat or Range

The petition (pp. 39–40) states that habitat destruction, primarily due to extensive agricultural development, is one of the main reasons for the decline of the Columbian sharp-tailed grouse's rangewide population, and that agriculture and other activities that result in habitat destruction (e.g., residential development) are continuing, or possibly increasing, within the subspecies' historic distribution. Columbian sharp-tailed grouse are negatively impacted by loss of habitat and associated human disturbances, such as the introduction of pets, some of which (e.g., dogs) may prey upon or otherwise disturb local populations, and by potential increases in the abundance and distribution of certain natural predators, such as coyotes and ravens.

The petition also states that habitat degradation, primarily due to excessive livestock grazing, contributed to past declines in Columbian sharp-tailed grouse distribution and abundance, and that grazing and other activities (e.g., chemical and mechanical treatments, increases in nonnative invasive vegetation) continue to threaten the subspecies (pp. 40–43 of the petition). Threats from these activities mainly result from modifications to existing vegetation communities that make the sites less suitable, or unsuitable, for use by Columbian sharp-tailed grouse.

We concur with the petitioners that human influences are primarily responsible for the destruction and degradation of suitable habitats, resulting in declines in Columbian sharp-tailed grouse abundance and occupied range. However, most large-scale habitat conversions within the subspecies' historic distribution took place during the early to mid-1900s (Hart *et al.* 1950, pp. 55–58; Buss and Dziedzic 1955, pp. 185–187; Miller and Graul 1980, pp. 20–22; Marks and Marks 1987, pp. 1–4; Braun *et al.* 1994, p. 38; WDFW 1995, pp. 21–27; McDonald and Reese 1998, p. 34; Connelly *et al.* 1998, pp. 2–3).

Implementation of light or moderate grazing levels, or varied grazing systems, may maintain or improve forage conditions on range lands (Mattise *et al.* 1982, p. 131; Nielsen and Yde 1982, pp. 159–163), and do not necessarily adversely affect Columbian sharp-tailed grouse populations. The information provided in the petition

and in our files does not further address actual grazing levels (e.g., livestock numbers, timing, duration) or grazing effects specific to the discrete populations of Columbian sharp-tailed grouse.

We concur with the petitioners that conversion and degradation of suitable habitats within the subspecies' historic distribution continues. However, these impacts are occurring at much reduced rates compared to historic levels (see above). The petition did not provide any information that further quantifies or qualifies these potential ongoing impacts, or their specific effects on extant Columbian sharp-tailed grouse populations.

Given the lack of information in the petition that further quantifies or qualifies habitat impacts, and the fact that the three metapopulations of the grouse are stable or increasing, we find that the petition has not presented substantial information to indicate that the destruction, modification, or curtailment of habitat or range threaten the continued existence of the Columbian sharp-tailed grouse such that listing under the Act may be warranted.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The petition states that excessive hunting likely contributed to past declines in Columbian sharp-tailed grouse distribution and abundance, and presents a discussion addressing whether contemporary hunting pressure may be additive or compensatory to natural mortality. The petition cautions that, under certain circumstances, excessive hunting pressure may result in population declines. The petition summarizes recent hunting seasons, bag limits, and potential adverse impacts from hunting in several U.S. States and in British Columbia, Canada. The petition also indicates that certain research activities (e.g., radio-marking) may make Columbian sharp-tailed grouse more susceptible to mortality factors (e.g., predation) (pp. 43–44 of the petition).

We concur with the petitioners that excessive hunting pressure is partially responsible for past declines in Columbian sharp-tailed grouse abundance and occupied range, and that, under certain circumstances, contemporary hunting pressure may be additive to natural mortality. We also concur that various research activities may increase the risk of mortality to Columbian sharp-tailed grouse. However, current estimated harvest rates are not likely to adversely affect the metapopulations of Columbian sharp-tailed grouse in the States with hunting seasons (Bart 2000, pp. 11–12). In addition, large metapopulations are not likely to be significantly impacted by various future research activities (capture, translocation, radio marking, genetic sampling) (Bart 2000, p. 11).

The petition did not provide any information that further quantifies or qualifies the potential ongoing impacts of hunting or research, or their specific effects on extant Columbian sharp-tailed grouse populations. Therefore, we find that the petition has not presented substantial information to indicate that overutilization for commercial, recreational, scientific, or educational purposes threatens the continued existence of the Columbian sharp-tailed grouse such that listing under the Act may be warranted.

C. Disease or Predation

The petition states that some Columbian sharp-tailed grouse populations may carry heavy ectoparasite loads that could limit already stressed populations (pp. 44–45 of the petition). The petition also presents a discussion of the impacts of West Nile virus infection on greater sage-grouse (*Centrocercus urophasianus*), and indicates that this rapidly emerging disease may represent a significant threat to Columbian sharp-tailed grouse, especially to the smaller, isolated populations of the subspecies. The petition indicates that human activities may have increased the vulnerability of some Columbian sharp-tailed grouse populations to predation.

No documentation exists that indicates disease or predation have played a significant role in the population declines and range reduction of Columbian sharp-tailed grouse. We agree that West Nile virus could become a threat to the Columbian sharp-tailed grouse in the future. However, there is currently no information available that addresses the potential occurrence, infection rates, or virulence of West Nile virus in the Columbian sharp-tailed grouse, or its potential effects on extant populations of the subspecies. We also agree that episodes of disease and altered predation patterns may play a role in the dynamics of the smaller, isolated populations.

The petition did not provide any information that quantifies or qualifies the potential impacts of disease or predation, or their specific effects, on extant Columbian sharp-tailed grouse populations. Therefore, we find that the petition has not presented substantial information to indicate that disease or predation threatens the continued existence of the Columbian sharp-tailed grouse such that listing under the Act may be warranted.

D. Inadequacy of Existing Regulatory Mechanisms

The petition asserts that we inappropriately relied on formal State conservation planning efforts in our previous 12-month finding that determined the Columbian sharp-tailed grouse did not warrant listing under the Act (65 FR 60391). The petition also provides summary assessments of formal State conservation planning efforts in Colorado, Idaho, Washington, and Wyoming, and identifies U.S. Bureau of Land Management (BLM) and U.S. Forest Service (USFS) management designations for the subspecies (pp. 45–52 of the petition).

Our previous determination was not based on the identified formal State and local working-group planning efforts; we considered them to be rudimentary planning efforts at that time (65 FR 60391). In addition, we specifically did not address these preliminary planning efforts under factor D, because they are non-regulatory in nature. Bart (2000, p. 7) indicated that: (1) Implementation of these plans was uncertain; (2) the plans provided no legally binding commitments; and (3) the conservation measures prescribed by the plans did not have much impact on analyses addressing the viability of the various extant populations of Columbian sharp-tailed grouse. Other ongoing foreign, Federal, State, and local management measures contributing to conservation of the subspecies were identified in our previous status review. These management measures include habitat maintenance and enhancement (e.g., that provided through the Federal Conservation Reserve Program (CRP) or through land acquisition and protection actions), reintroduction and augmentation programs, and State survey and monitoring initiatives. In accordance with section 4(b)(1) of the Act, we based our previous 12-month determination on the combined weight of the five threat factors and conservation benefits realized through ongoing management measures (65 FR 60391). The additional information provided in the petition that addresses the preliminary nature of formal State and local planning efforts does not substantiate that this is a factor that threatens the Columbian sharp-tailed grouse such that listing under the Act may be warranted.

We concluded above that State hunting regulations appear to be sufficient to control harvest levels of Columbian sharp-tailed grouse (both legal and illegal) in States where they

are hunted, and to avoid adverse impacts to the subspecies (see previous discussion under factor B).

In addition, revegetation and reclamation standards under the CRP and Colorado Mined Land Reclamation Act promote the improvement of habitat conditions for the subspecies' metapopulations. The petition (pp. 56–60) indicates that potential benefits provided by the CRP may be limited, especially considering that ''emergency'' haying and grazing are allowed on lands enrolled under the program. The new information referenced in the petition (Table 2, pp. 57–58) indicates that, on average, less than 10 percent of CRP acreage within the historic range of the Columbian sharp-tailed grouse may be open to emergency grazing and haying on an annual basis. The petition also indicates that the CRP may expire in 2007, which may represent a significant threat to various Columbian sharp-tailed populations that have come to rely on these lands. The CRP has been authorized on a recurrent 10-year time frame since 1987, with subsequent ''sign-ups'' of eligible lands occurring after each reauthorization. While the available information does not conclusively demonstrate that the program will be continued in 2007 or beyond, it likewise does not indicate that it will be terminated or otherwise significantly altered under future reauthorizations. The available information does not address the actual extent of haying and grazing activities (e.g., livestock numbers, timing, duration) or potential effects to the subspecies under the haying and grazing provisions, and does not address other conservation implications of potential future changes to the CRP.

Further, the metapopulations of Columbian sharp-tailed grouse are stable or improving in status, and there are approximately 22,500 to 35,500 birds. Because the status is stable, it is likely that threat levels are low enough in the metapopulation areas, such that regulatory mechanisms are not necessary to prevent declines. We find that the petition has not presented substantial information to indicate that the inadequacy of existing regulatory mechanisms threatens the continued existence of the Columbian sharp-tailed grouse such that listing under the Act may be warranted.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The petition presented discussions addressing potential adverse impacts to the extant populations of Columbian sharp-tailed grouse from other influences, including the use of insecticides, reduced genetic fitness, drought and climate change, prescribed fire and fire suppression, other human-related disturbances (e.g., fences, increased noise), dependence on artificial habitats (e.g., lands enrolled under the CRP), and utility lines and roads (pp. 44–52).

We concur with the petitioners that some of the other threats identified in the petition (e.g., insecticide use, reduced genetic fitness, fire management, other human-related disturbances) may impact local populations of Columbian sharp-tailed grouse. However, the three metapopulations and the larger regional populations have persisted in the presence of these ongoing factors for decades. Because metapopulations are more resilient to localized impacts, these factors, either singly or in combination, are not expected to significantly affect future trends in the overall status of the Columbian sharp-tailed grouse (Bart 2000, p. 10).

Other possible future threats identified in the petition (e.g., climate change, extended drought) have the potential to impact the three metapopulations and the larger regional populations of Columbian sharp-tailed grouse. The petition provides speculation (p. 55 of the petition) that temperature increases in combination with altered precipitation could cause changes in species composition and habitat. While a petition does not have to provide conclusive evidence, we find that substantial evidence requires more than speculation. No additional information regarding how these potential threats may affect Columbian sharp-tailed grouse, now or in the future, is contained in our files.

We find that the petition has not presented substantial information to indicate that other natural or human-caused factors threaten the continued existence of the Columbian sharp-tailed grouse such that listing under the Act may be warranted.

Significant Portion of the Range

The petition states that the Columbian sharp-tailed grouse is absent from 92 to 95 percent of its historic distribution (p. 52 of the petition), and claims that this area represents a significant portion of the subspecies' range.

We concur with the petitioners that the Columbian sharp-tailed grouse currently occupies less than 10 percent of its estimated historic distribution (Bart 2000, p. 8), and that most of the subspecies' small, isolated populations may be extirpated within 10 to 20 years due to existing threats and current management scenarios (Wisdom *et al.* 1998, pp. 305–313; Bart 2000, p. 9). However, range contractions by themselves do not relegate species to certain extinction or suggest that the species require protections under the Act. Nearly all species have experienced range contractions due to anthropogenic effects. While for many species even small range contractions are incompatible with recovery, reduction in a species' range or population numbers does not automatically suggest that the species is in peril, sometimes even when the reduction appears significant.

Columbian sharp-tailed grouse population core areas, where 95 percent of the grouse have occurred for the last 50 years or more, have remained relatively constant, with recent slight increases (Bart 2000, pp. 8–10). Most broad-scale impacts to the Columbian sharp-tailed grouse (*e.g.*, loss and degradation of suitable habitats, over-hunting) that led to past declines in the subspecies' abundance and distribution took place during the late 1800s through the mid-1900s (Hart *et al.* 1950, pp. 55–58; Buss and Dziedzic 1955, pp. 185–187; Miller and Graul 1980, pp. 20–22; Marks and Marks 1987, pp. 1–4; Braun *et al.* 1994, p. 38; WDFW 1995, pp. 21–27; McDonald and Reese 1998, p. 34; Connelly *et al.* 1998, pp. 2–3). The petitioner concludes that lack of proactive management by State and Federal agencies will allow the species to fade into extinction (p. 61 of the petition); however, available information shows that hunting is either regulated or not authorized in all States with populations, and reintroduction actions are ongoing. The subspecies remains stable in three metapopulations, and no current data indicates declining trends. The petition does not provide substantial information suggesting that the portion of the range where the subspecies no longer occurs is significant to the long-term persistence of the subspecies.

In addition, while in general we are concerned with the continued loss of range and the potential contribution small populations may play in a species' recovery, the petition does not present substantial information that the small, islolated populations that may be extirpated in a few decades constitute a significant portion of the range. We made this determination based on a combination of factors. First, the extent of habitat outside the three metapopulations is small relative to the overall range of the subspecies, roughly 4 percent of the subspecies' current occupied range. Second, there is no scientific evidence suggesting that the small, isolated populations of

Columbian sharp-tailed grouse are genetically, behaviorally, or ecologically unique, or that they contribute individuals to other geographic areas through emigration. Finally, there is no scientific evidence suggesting that these habitats are important to the survival of the species because of any unique contribution to the species' natural history, *e.g.*, for reasons such as feeding, migration, or wintering.

Finding

We have reviewed the petition and literature cited in the petition, and evaluated that information in relation to other pertinent information available in our files. The two main causes for historic declines of Columbian sharp-tailed grouse, (1) loss and degradation of habitats and (2) over-hunting, occurred in the early 1900s. At present, these factors occur at much reduced levels, or not at all, within the areas currently occupied by Columbian sharp-tailed grouse populations. The subspecies' metapopulations have persisted for the last several decades with no discernable downward trend, and recent information indicates they may now be increasing, along with the habitats available to them (Bart 2000, p. 9).

After review of the best scientific and commercial information available, we conclude that substantial information has not been presented to indicate that listing the Columbian sharp-tailed grouse as a threatened or endangered species may be warranted.

Although we are not commencing a new status review in response to this petition, we will continue to monitor the subspecies' population status and trends, potential threats, and ongoing management actions that might affect the Columbian sharp-tailed grouse.

We encourage interested parties to continue to gather data that will assist with conservation of the subspecies. If you wish to provide information regarding the Columbian sharp-tailed grouse, you may submit your information or materials to the Field Supervisor, Upper Columbia Fish and Wildlife Office (see **ADDRESSES** section above).

References Cited

A complete list of all references cited herein is available on request from the Upper Columbia Fish and Wildlife Office (see **ADDRESSES** section above).

Author

The primary author of this notice is Chris Warren of the Upper Columbia Fish and Wildlife Office (see **ADDRESSES** section above).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 13, 2006.

H. Dale Hall,

Director, U.S. Fish and Wildlife Service.

[FR Doc. E6–19681 Filed 11–20–06; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 71, No. 224

Tuesday, November 21, 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.

ANTITRUST MODERNIZATION COMMISSION

Public Meeting

AGENCY: Antitrust Modernization Commission.

ACTION: Notice of public meeting.

SUMMARY: The Antitrust Modernization Commission will hold a public meeting on December 5, 2006. The purpose of the meeting is for the Antitrust Modernization Commission to deliberate on possible recommendations regarding the antitrust laws to Congress and the President.

DATES: December 5, 2006, 9:30 a.m. to 1 p.m. Registration is not required.

ADDRESSES: Federal Trade Commission, Conference Center, 601 New Jersey Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Andrew J. Heimert, Executive Director & General Counsel, Antitrust Modernization Commission: telephone: (202) 233–0701; e-mail: *info@amc.gov.* Mr. Heimert is also the Designated Federal Officer (DFO) for the Antitrust Modernization Commission.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the Antitrust Modernization Commission to deliberate on its report and/or recommendations to Congress and the President regarding the antitrust laws. Deliberation will cover potential recommendations relating to the application of antitrust in regulated industries, the Foreign Trade Antitrust Improvements Act (''FTAIA''), and antitrust in the ''new economy.'' The Commission may conduct additional business as necessary. Materials relating to the meeting will be made available on the Commission's Web site (*http://www.amc.gov*) in advance of the meeting.

The AMC has called this meeting pursuant to its authorizing statute and the Federal Advisory Committee Act. Antitrust Modernization Commission Act of 2002, Public Law No. 107–273, § 11054(f), 116 Stat. 1758, 1857; Federal Advisory Committee Act, 5 U.S.C. App., § 10(a)(2); 41 CFR 102–3.150 (2005).

Dated: November 16, 2006.

By direction of Deborah A. Garza, Chair of the Antitrust Modernization Commission.

Approved by Designated Federal Officer:

Andrew J. Heimert,

Executive Director & General Counsel, Antitrust Modernization Commission.

[FR Doc. E6–19653 Filed 11–20–06; 8:45 am]

BILLING CODE 6820–YH–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

Title: Pacific Islands Logbook Family of Forms.

Form Number(s): None.

OMB Approval Number: 0648–0214.

Type of Request: Regular submission.

Burden Hours: 2,436.

Number of Respondents: 220.

Average Hours Per Response: Logbook forms, 5 minutes; notifications, 1 minute; observer placement meetings, 1 hour; and claim for reimbursement, 4 hours.

Needs and Uses: The fishermen in Federally-managed fisheries in the western Pacific region are required to provide certain information about their fishing activities. These data are needed to determine the condition of the stocks and whether the current management measures are having the intended effects, to evaluate the benefits and costs of changes in management measures, and to monitor and respond to accidental takes of endangered and threatened species, including seabirds, sea turtles, and marine mammals. This action seeks to renew Paperwork Reduction Act (PRA) clearance for this collection.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: November 16, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–19667 Filed 11–20–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Institute of Standards and Technology (NIST), Department of Commerce.

Title: National Voluntary Laboratory Accreditation Program (NVLAP) Information Collection System.

Form Number(s): None.

OMB Approval Number: 0693–0003.

Type of Review: Regular submission.

Burden Hours: 2,225.

Number of Respondents: 850.

Average Hours Per Response: 2 hours, 37 minutes.

Needs and Uses: This information is collected from all testing and calibration laboratories that apply for National Voluntary Laboratory Accreditation Program (NVLAP) accreditation. It is used by NVLAP to assess laboratory conformance with applicable criteria as defined in 15 CFR Part 285, Section 285.14. The information provides a service to customers in business and

industry, including regulatory agencies and purchasing authorities that are seeking competent laboratories to perform testing and calibration services. An accredited laboratory's contact information and scope of accreditation are provided on NVLAP's Web site (*http://www.nist.gov/nvlap*).

Affected Public: Business or other for-profit organizations, not-for-profit institutions, and Federal, State or Local government.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Jasmeet Seehra, (202) 395–3123.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jasmeet Seehra, OMB Desk Officer, FAX number (202) 395–5167, or *Jasmeet_K._Seehra@omb.eop.gov*).

Dated: November 16, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–19668 Filed 11–20–06; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Survey of Income and Program Participation (SIPP) Waves 10, 11, and 12 of the 2004 Panel

ACTION: Proposed Collection; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 22, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *DHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patrick J. Benton, Census Bureau, Room HQ–6H045, Washington, DC 20233–8400, (301) 763–4618.

SUPPLEMENTARY INFORMATION

I. Abstract

The U.S. Census Bureau requests authorization from the Office of Management and Budget (OMB) to extend the expiration date for the 2004 Panel of the Survey of Income and Program Participation (SIPP) to February 28, 2008. This will provide the time necessary to conduct the Wave 10, 11, and 12 interviews for the 2004 Panel of the SIPP. The interviews will include the core SIPP, which has already been approved by OMB under Authorization No. 0607–0905. Due to budget constraints, there are no topical modules for the Wave 10, 11, and 12 interviews.

The Census Bureau conducts the SIPP which is a household-based survey designed as a continuous series of national panels. New panels are introduced every few years with each panel usually having durations of one to five years. Respondents are interviewed at 4-month intervals or ''waves'' over the life of the panel. The survey is molded around a central ''core'' of labor force and income questions that remain fixed throughout the life of the panel.

The SIPP represents a source of information for a wide variety of topics and allows information for separate topics to be integrated to form a single, unified database so that the interaction between tax, transfer, and other government and private policies can be examined. Government domestic-policy formulators depend heavily upon the SIPP information concerning the distribution of income received directly as money or indirectly as in-kind benefits and the effect of tax and transfer programs on this distribution. They also need improved and expanded data on the income and general economic and financial situation of the U.S. population. The SIPP has provided these kinds of data on a continuing basis since 1983 permitting levels of economic well-being and changes in these levels to be measured over time.

The 2004 Panel is currently scheduled for 4 years and will include 12 waves of interviewing, which began in February 2004. Approximately 62,000 households were selected for the 2004 Panel, of which, 46,500 were interviewed, yielding approximately 97,650 interviews. Due to budget constraints we are limiting the sample for the 2004 Wave 10, 11, and 12 interviews to 21,292 households per wave. We estimate that each of these households will contain 2.1 people 15 years of age or older, yielding 44,713 interviews in each Wave. Interviews take 20 minutes on average. The total annual burden for 2004 Panel SIPP interviews will be 44,266 hours through January 2008.

Wave 10, 11, and 12 interviews will be conducted from February 2007 through January 2008.

A 10-minute reinterview of 1,064 people is scheduled to be conducted during Waves 10, 11, and 12 to ensure the accuracy of responses. Reinterviews will require an additional 533 burden hours through February 2008.

II. Method of Collection

The SIPP is designed as a continuing series of national panels of interviewed households that are introduced every few years with each panel having durations of 1 to 5 years. All household members 15 years old or over are interviewed using regular proxy-respondent rules. During the 2004 Panel, respondents are interviewed a total of 12 times (12 waves) at 4-month intervals making the SIPP a longitudinal survey. Sample people (all household members present at the time of the first interview) who move within the country and reasonably close to a SIPP primary sampling unit will be followed and interviewed at their new address. Individuals 15 years old or over who enter the household after Wave 1 will be interviewed; however, if these individuals move, they are not followed unless they happen to move along with a Wave 1 sample individual.

III. Data

OMB Number: 0607–0905.

Form Number: SIPP/CAPI Automated Instrument.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 134,139 people during Waves 10, 11, and 12.

Estimated Time Per Response: 20 minutes per person on average.

Estimated Total Annual Burden Hours: 44,799.

Estimated Total Annual Cost: The only cost to respondents is their time.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for the Office of Management and Budget approval of this information collection. They also will become a matter of public record.

Dated: November 16, 2007.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–19670 Filed 11–20–06; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Construction Progress Reporting Surveys (CPRS)

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 22, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Michael Davis, U.S. Census Bureau, Room 2125, Building #4, Washington, DC 20233–6900, (301) 763–1605, (or via the Internet at *michael.davis@census.gov*).

SUPPLEMENTARY INFORMATION

I. Abstract

The Census Bureau plans to request a three year extension of a currently approved collection for forms C–700, Private Construction Projects; C–700(R), Multifamily Residential Projects; and C–700(SL), State and Local Government Projects. These forms are used to conduct the Construction Progress Reporting Surveys (CPRS) to collect information on the dollar value of construction put in place on building projects under construction by private companies or individuals, private multifamily residential buildings, and on building projects under construction by state and local governments.

The Census Bureau is the preeminent collector and provider of timely, relevant and quality data about the people and economy of the United States. Economic data are the Census Bureau's primary program commitment during nondecennial census years. The Form C–700, Private Construction Projects collects construction put in place data for nonresidential projects owned by private companies or individuals. The Form C–700(R), Multifamily Residential Projects collects construction put in place data for private multifamily residential buildings. Form C–700(SL), State and Local Government Projects, collects construction put in place data for state and local government projects.

The Census Bureau uses the information from these surveys to publish the value of construction put in place series. Published estimates are used by a variety of private business and trade associations to estimate the demand for building materials and to schedule production, distribution, and sales efforts. They also provide various governmental agencies with a tool to evaluate economic policy and to measure progress towards established goals. For example, Bureau of Economic Analysis staff use data to develop the construction components of gross private domestic investment in the gross domestic product. The Federal Reserve Board and the Department of Treasury use the value in place data to predict the gross domestic product, which is presented to the Board of Governors and has an impact on monetary policy.

II. Method of Collection

An independent systematic sample of projects is selected each month according to predetermined sampling rates. Once a project is selected it remains in the sample until completion of the project. Preprinted forms are mailed monthly to respondents to fill in current month data and any revisions to previous months. Some respondents are later called by a Census Bureau interviewer and report the data over the phone. We use a computer-assisted interview process identified as Call Scheduler. This is part of a database system that not only alerts the Census interviewer to call a respondent at a predetermined date and time, but also allows them to enter responses on-line at which time the data are electronically edited for accuracy and consistency. Having the information available from a database at the time of the interview greatly helps reduce the time respondents spend on the phone.

III. Data

OMB Number: 0607–0153.

Form Number: C–700, C–700(R), C–700(SL).

Type of Review: Regular submission.

Affected Public: Individuals, Businesses or Other for Profit, Not-for-Profit Institutions, Small Businesses or Organizations, and State or Local Governments.

Estimated Number of Respondents:

C–700 = 8,500.
C–700(R) = 2,500.
C–700(SL) = 8,500.
TOTAL = 19,500.

Estimated Time Per Response: 15 minutes per month.

Estimated Total Annual Burden Hours:

C–700 = 25,500.
C–700(R) = 7,500.
C–700(SL) = 25,500.
TOTAL = 58,500.

Estimated Total Annual Cost: 3.8 million.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 16, 2006.

Madeleine Clayton,

Office of the Chief Information Officer.

[FR Doc. E6–19671 Filed 11–20–06; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Order No. 1489

Expansion of Foreign–Trade Zone 231, Stockton, California, Area

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Stockton Port District, grantee of Foreign–Trade Zone 231, submitted an application to the Board for authority to expand FTZ 231–Site 2 to include additional acreage and to expand the zone to include additional sites in Stockton and Tracy, California, within and adjacent to the San Francisco/Oakland/Sacramento Customs port of entry (FTZ Docket 25–2006; filed 6/14/06);

Whereas, notice inviting public comment was given in the **Federal Register** (71 FR 35610, 6/21/06) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 231 is approved, subject to the Act and the Board's regulations, including Section 400.28, and further subject to the Board's standard 2,000–acre activation limit for the overall general–purpose zone project.

Signed at Washington, DC, this 9th day of November 2006.

David M. Spooner,

Assistant Secretary of Commercefor Import Administration, Alternate Chairman, Foreign–Trade Zones Board

Attest:

Pierre V. Duy,

Acting Executive Secretary.

[FR Doc. E6–19665 Filed 11–20–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1488]

Approval for Expansion of Subzone 149C, ConocoPhillips Company(Oil Refinery), Sweeny, Texas

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Brazos River Harbor Navigation District (Port Freeport), grantee of FTZ 149, has requested authority on behalf of ConocoPhillips Company (COP), to expand the scope of manufacturing activity conducted under zone procedures within Subzone 149C at the COP refinery in Sweeny, Texas (FTZ Docket 9–2006, filed 3/6/2006);

Whereas, notice inviting public comment has been given in the **Federal Register** (71 FR 13077, 3/14/2006);

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval is subject to the conditions listed below;

Now, therefore, the Board hereby orders:

The application to expand the scope of manufacturing authority under zone procedures within Subzone 149C, is approved, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

1. Foreign status (19 CFR § 146.41, 146.42) products consumed as fuel for the petrochemical complex shall be subject to the applicable duty rate.
2. Privileged foreign status (19 CFR § 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non–privileged foreign (NPF) status (19 CFR § 146.42) may be elected on refinery inputs covered under HTSUS Subheadings #2709.00.10, #2709.00.20, #2710.11.25, #2710.11.45, #2710.19.05, #2710.19.10, #2710.19.45, #2710.91.00, #2710.99.05, #2710.99.10, #2710.99.16, #2710.99.21 and #2710.99.45 which are used in the production of:
   - -petrochemical feedstocks (examiners report, Appendix ''C'');
   - -products for export;
   - -and, products eligible for entry under HTSUS ınum; 9808.00.30 andınum; 9808.00.40 (U.S. Government purchases).

Signed at Washington, DC, this 9th day of November 2006.

David M. Spooner,

Assistant Secretary of Commercefor Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Pierre V. Duy,

Acting Executive Secretary.

[FR Doc. E6–19663 Filed 11–20–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Foreign Fishing Vessels Operating in Internal Waters

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before January 22, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Robert Dickinson, 301–713–2276 or *Bob.Dickinson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Foreign fishing vessels engaged in processing and support of U.S. fishing vessels within the internal waters of a State, in compliance with the terms and conditions set by the authorizing governor, are required to report the tonnage and location of fish received from U.S. vessels. This reporting is required by the Magnuson-Stevens Fishery Conservation and Management Act. The weekly reports are submitted to the National Marine Fisheries Service Regional Administrator to allow monitoring of fish received by foreign vessels.

II. Method of Collection

Reports may be submitted by fax or e-mail.

III. Data

OMB Number: 0648–0329.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 6.

Estimated Time per Response: 30 minutes per weekly response.

Estimated Total Annual Burden Hours: 36.

Estimated Total Annual Cost to Public: $72.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 16, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–19669 Filed 11–20–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 030602141–6297–44]

Availability of Grants Funds for Fiscal Year 2007; Reopening of Application Deadline

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: NOAA publishes this notice to reopen the solicitation period on the ''Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology Into Tropical Cyclone Analysis and Forecast Operations,'' which was originally announced in the **Federal Register** on June 12, 2006. This notice is being reopened to permit a wider range of applications and revised proposals and to more fully explain the application process for federal applicants. The solicitation period is reopened from November 21, 2006 to December 6, 2006.

DATES: Proposals must be received by the NOAA no later than 5 p.m., Eastern Standard Time, December 6, 2006.

ADDRESSES: Full proposal packages should be submitted through the *http://grants.gov/Apply* Web site. For those without internet access and for applications from U.S. Federal agencies, hard copy proposals should be addressed to Dorothy Fryar, DOC/NOAA, Office of Weather & Air Quality Research, Routing Code R/WA, 1315 East-West Highway, Room 11445, Silver Spring, MD 20910.

FOR FUTHER INFORMATION CONTACT: John Gaynor, DOC/NOAA, Office of Weather & Air Quality Research, Routing Code R/WA, 1315 East-West Highway, Room 11229, Silver Spring, MD 20910, phone (301) 713–0460 ext. 117, e-mail *John.Gaynor@noaa.gov*.

SUPPLEMENTARY INFORMATION: NOAA publishes this notice to reopen the solicitation period on the ''Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology Into Tropical Cyclone Analysis and Forecast Operations,'' which was originally announced in the **Federal Register** on June 12, 2006 (71 FR 33897). That solicitation called for researchers to submit proposals to test and evaluate, and modify if necessary, in a quasi operational environment, their own scientific and technological research applications. The program priorities for this opportunity support NOAA's mission support goal of: Weather and Water—Serve Society's Needs for Weather and Water Information.

This notice is being published to reopen the solicitation period to obtain a wider range of full proposal applications and to more fully explain the application process for Federal agencies. Revised full proposals are permitted. The solicitation period is reopened from October 31, 2006 to 5 p.m. Eastern Daylight Time (EDT), December 6, 2006. Full proposals received between October 31, 2006 and November 21, 2006 will be considered timely and be given full consideration.

Please note that the June 12, 2006 solicitation provided applicants the opportunity to submit a Letter of Intent to obtain feedback from NOAA on their full proposals. This opportunity is no longer available. NOAA is soliciting only full applications through this reopening notice.

NOAA also desires to clarify that applicants from Federal agencies cannot submit their applications on Grants.gov, but must send in their applications to the address and according to the instructions below. In addition, all applicants must list other current and pending Federal funding sources. If there are none, then that must be indicated. For Federal applicants, this should be interpreted as other Federal agency sources such as through MOUs, other contractual arrangements, or competitive awards.

For all applicants (excluding Federal applicants) who submit applications through Grants.gov, a date and time receipt indication is included and will be the basis of determining timeliness. Also, applications submitted through Grants.gov must include a title page with appropriate signatures (see instructions below) scanned and electronically submitted. For Federal applicants and those applicants without internet access, hard copy proposals will be date and time stamped when they are received in the program office. Applications received after that time will not be reviewed.

All other requirements in the June 12, 2006 solicitation for this program remain the same.

For the convenience of applicants, NOAA republishes the application and submission process for the Joint Hurricane Testbed Program. This information, and other relevant information about the program, is currently available in the Federal Funding Opportunity document at Grants.gov

Application and Submission Information

(a) The proposal must include a title page signed by the PI(s) and the appropriate representatives(s) of their home institution(s). Each PI and institutional representative should be identified by full name, title, organization, telephone number, mailing address, and e-mail address.

(b) A one-page abstract must be included and must contain a brief summary of the proposed work to be completed. The abstract must appear on a separate page, headed with the proposal title and the name(s) of the PI(s) and their home institution(s).

(c) All proposals must provide a Statement of Work that includes:

(1) The proposed duration of the project, from one to two years;

(2) A brief description of the project, with prior research results (including references) to demonstrate sufficient maturity and potential for a successful transition to operations at TPC/NHC and other operational forecast centers (e.g., CPHC, JTWC) and/or, if applicable, at a numerical weather prediction center;

(3) A proposed work plan for the project, including hardware and software needs, the testing and evaluation approach, metric(s) for success, project deliverables, a timeline with key milestones, real-time operational data needed as input, and a plan to port necessary codes to the operational environment of TPC/NHC and/or NCEP Central Operations (NCO). An overview of the JHT and TPC/NHC operational IT environments can be obtained from the JHT Web site: *http://www.nhc.noaa.gov/jht/tpc_JHT_IT_structure_june06.pdf*. For applicants without Internet access, this information can be obtained by contacting: Dr. Jiann-Gwo Jiing, Director, Joint Hurricane Testbed, Tropical Prediction Center, 11691 SW. 17th Street, Miami, FL 33165, phone (305) 229–4443, or via e-mail at *Jiann-Gwo.Jiing@noaa.gov*. Final work plans for approved projects will be reached by agreement between the PI and the JHT Director;

(4) A time line for delivering scientific and technical documentation and training materials over the course of the project that are sufficient to enable testing and evaluation of the proposed techniques. If the proposal is funded, researchers are expected to coordinate with the JHT Director to formalize this timeline;

(5) Schedule and needs for expected travel. PIs are strongly encouraged to plan and budget during each year of the project to describe their work at the annual Interdepartmental Hurricane Conference (IHC), sponsored by the Office of the Federal Coordinator for Meteorological Services and Supporting Research. Additionally, visits by PIs and/or their support staff to the TPC/NHC, and any other operational center(s) as necessary, may be beneficial for training JHT staff and the forecaster and technical point(s) of contact in preparation for project testing and evaluation; and

(6) Estimates of JHT staff requirements in terms of on-site (or off-site) JHT facilitator efforts, and estimated computational, communication, and/or display requirements at the researcher's home institution and/or at JHT via remote access and data transfer.

(d) All applicants must submit a budget that includes PI and scientific and technical support staff salaries, JHT facility requirements, computing and communications funding, equipment funding (provide justification), indirect charges, and travel. Note that funding for secretarial support and IT improvements at the PI's home institution is not generally available. Non-federal applicants must use Standard Form 424A, Budget Information—Non-Construction Programs that is contained in the standard NOAA Grants and Cooperative Agreement Application Package.

(e) Non-federal applicants must submit additional forms included in the standard NOAA Grants and Cooperative Agreement Application Package (see section IV.A above).

(f) An abbreviated Curriculum Vita for the PI must be included. Reference lists should be limited to all publications in the last three years with up to five other relevant papers.

(g) Current and pending Federal support: Each investigator must submit a list that includes project title; supporting agency with grant number, investigator months, dollar value and duration. Requested amounts should be listed for pending Federal support.

(h) Additional proposal requirements include:

(1) For applications submitted in hard copy, one signed original and two additional hard copies of the complete proposal must be submitted. Submission of an electronic copy in PDF format of the proposal document via the *http://grants.gov/Apply* Web site (abstract, Statement of Work, and budget) is strongly encouraged to facilitate the review process.

(2) Each proposal must be dated and contain page numbers;

(3) Items b and c above must be contained within no more than ten pages, using a 12-point font and one-inch margins.

Limitation of Liability

In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if this program is cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds. Applicants are hereby given notice that funding for the Fiscal Year 2007 program is contingent upon the availability of Fiscal Year 2007 appropriations.

Universal Identifier

Applicants should be aware they are required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number during the application process. See the October 30, 2002, **Federal Register**, (67, FR 66177) for additional information. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1–866–705–5711 or via the Internet at *http://www.dunandbradstreet.com.*

Intergovernmental Review: Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Funding Restrictions: None.

National Environmental Policy Act (NEPA)

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA Web site: *http://www.nepa.noaa.gov/,* including our NOAA Administrative Order 216–6 for NEPA, *http://www.nepa.noaa.gov/NAO216_6_TOC.pdf*, and the Council on Environmental Quality implementation regulations, *http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm* Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (*e.g.*, the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species,

aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment. The Department of Commerce Preaward Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of October 1, 2001 (66 FR 49917), as amended by the **Federal Register** notice published on October 30, 2002 (67 FR 66109), are applicable to this solicitation.

Paperwork Reduction Act

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, SF–LLL, and CD–346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: November 16, 2006.

Mark E. Brown,

Chief Financial Officer and Chief Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. E6–19650 Filed 11–20–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102306B]

Marine Mammals; File No. 116–1843

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that Sea World, Inc., 7007 Sea World Drive, Orlando, Florida 32821 [Brad Andrews, Responsible Party] has been issued a permit to import three beluga whales (*Delphinapterus leucas*) for public display.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824–5312; fax (727)824–5309.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Kate Swails, (301)713–2289.

SUPPLEMENTARY INFORMATION: On June 8, 2006, notice was published in the **Federal Register** (71 FR 33281) that a request for a public display permit to import three male beluga whales from Marineland of Canada in Ontario, Canada to Sea World of Florida in Orlando, Florida had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Dated: November 14, 2006.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–19651 Filed 11–20–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 110606C]

Endangered Species; File No. 1578

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

ACTION: Notice; issuance of permit.

SUMMARY: Maine Department of Marine Resources (MDMR) (Gail S. Wippelhauser, Principal Investigator), 21 State House Station, Augusta, ME, 04333 has been issued a permit to take shortnose sturgeon (*Acipenser brevirostrum*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9300; fax (978)281–9394.

FOR FURTHER INFORMATION CONTACT: Kate Swails or Malcolm Mohead, (301)713–2289.

SUPPLEMENTARY INFORMATION: On June 16, 2006, notice was published in the **Federal Register** (71 FR 34896) that a request for a scientific research permit to take shortnose sturgeon had been submitted by the above-named organization. The requested permit has

been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Researchers will capture 500 sturgeon annually from the Kennebec River using gillnets. Sturgeon will be measured, weighed, tissue sampled, Passive Integrated Transponder tagged, and released. A sample of sturgeon will be acoustic tagged. Researchers will also sample for eggs and larvae. The permit is issued for five-years.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of any endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: November 15, 2006.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–19652 Filed 11–20–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 07–05]

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/CFM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 07–05 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 14, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

13 NOV 2006

In reply refer to:
I-06/010480

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. 07-05, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services estimated to cost $1.5 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

JEFFREY B. KOHLER
LIEUTENANT GENERAL, USAF
DIRECTOR

Enclosures:
1. **Transmittal**
2. **Policy Justification**
3. **Sensitivity of Technology**

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. 07-05

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:** Saudi Arabia

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 800 million
Other	$ 700 million
TOTAL	$1,500 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** Either option or a combination of: a) 155 General Electric (GE) F110-GE129 engines in support of F-15S aircraft; b) 20 Pratt & Whitney (P&W) F100-PW229 engines to restore/refurbish the Royal Saudi Air Force (RSAF) current inventory of P&W engines; support equipment; engine improvement program services; flight tests; Technical Coordination Group/International Engine Management; Hush House refurbishment; aircraft integration; program management; publications; trainers; mission planning; training; spare and repair parts; repair and return services; contractor technical assistance and other related elements of logistics support.

(iv) **Military Department:** Air Force (QDF)

(v) **Prior Related Cases, if any:** FMS case SRC - $ 9 billion - 05May93

(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 attached.

(viii) **Date Report Delivered to Congress:** 13 NOV 2006

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Saudi Arabia – General Electric and Pratt & Whitney Engines

The Government of Saudi Arabia has requested a possible sale of either option or a combination of: a) 155 General Electric (GE) F110-GE129 engines in support of F-15S aircraft; b) 20 Pratt & Whitney (P&W) F100-PW229 engines to restore/refurbish the Royal Saudi Air Force (RSAF) current inventory of P&W engines; support equipment; engine improvement program services; flight tests; Technical Coordination Group/International Engine Management; Hush House refurbishment; aircraft integration; program management; publications; trainers; mission planning; training; spare and repair parts; repair and return services; contractor technical assistance and other related elements of logistics support. The estimated cost is $1.5 billion.

This proposed sale will contribute to the foreign policy and national security of the United States (U.S.) by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic process in the Middle East. The proposed sale will help overcome an ongoing sustainment problem with RSAF's F-15S engines that has affected their air operations. The RSAF is considering re-engining its 70 F-15S aircraft, or undertaking a massive recovery/re-sustainment plan of the current engines, or a combination of both. The potential sale will further U.S. foreign policy and national security objectives by increasing RSAF F-15S aircraft operational capability, sustainability, and interoperability with USAF. The relationships built during future flight training operations will enhance the USAF's influence and access within the Kingdom. Saudi Arabia will have no difficulty implementing either option or combination thereof.

The replacement or restoration of F-15S engines will facilitate sustained RSAF interoperability with the USAF and enhance the RSAF's ability to participate in coalition operations within the Gulf Cooperation Council region. The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be General Electric Corporation of Fairfield, Connecticut and/or Pratt and Whitney of East Hartford, Connecticut. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will potentially require the assignment of up to 10 U.S. Government representatives and up to 10 contractor representatives to Saudi Arabia for approximately one week, semi-annually to participate in program support and technical reviews. Implementation of this sale also will potentially require the assignment of several U.S. Government Quality Assurance Teams to Saudi Arabia for two weeks to assist in the delivery and deployment of the engines. In addition, there potentially will be approximately 15 contractors in Saudi Arabia providing technical assistance on a full time basis.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 07-05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The General Electric F110-GE129 engine is releasable to the Kingdom of Saudi Arabia (KSA). No design and manufacturing data, hot section data/drawings, and Full Authority Digital Electronic Engine Control design, development, fabrication, application software definition or overhaul technology are to be released. Proprietary data will be releasable only with manufacturer's consent. Re-engineering of parts is not authorized. Maintenance is limited to removing, replacing, and patching specific non-hot section engine components. Supporting drawings, procedures, equipment and training required to return unserviceable equipment to operational condition is authorized. Disclosure of data is limited to country specific program requirements. Performance data will be in tabular look-up format. Flight and Test data will be in "met/not met, or exceeding specification requirements" format.

2. The Pratt & Whitney F100-PW-229 engine was previously released to the KSA as part of the F-15S system. There is no sensitivity of technology associated with the additional engine core sales in accordance with the previously approved sale criteria.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used in the development of a system with similar or advanced capabilities.

[FR Doc. 06–9297 Filed 11–21–06; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 07–04]

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/CFM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 07–04 with attached transmittal and policy justification.

Dated: November 14, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5006–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

13 NOV 2006

In reply refer to:
I-06/009379

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. 07-04, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services estimated to cost $160 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,

JEFFREY B. KOHLER
LIEUTENANT GENERAL, USAF
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. 07-04

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	$160 million
TOTAL	$160 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** Harris High Frequency/Very High Frequency radio systems, which include 1,558 20-Watt High Frequency (HF) Man Packs, 2,188 20-Watt HF Vehicular Systems, 175 150-Watt HF Vehicular Systems, ancillary equipment, spare and repairs parts, support equipment, personnel training and training equipment, publications, U.S. Government and contractor engineering and logistics services and other related elements of program support.

(iv) **Military Department:** Army (UPZ)

(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:** 18 NOV 2005

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Pakistan – Harris High Frequency//Very High Frequency Radio Systems

The Government of Pakistan has requested a possible sale of Harris High Frequency/Very High Frequency radio systems, which include 1,558 20-Watt High Frequency (HF) Man Packs, 2,188 20-Watt HF Vehicular Systems, 175 150-Watt HF Vehicular Systems, ancillary equipment, spare and repairs parts, support equipment, personnel training and training equipment, publications, U.S. Government and contractor engineering and logistics services and other related elements of program support. The estimated cost is $160 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that continues to be a key ally in the global war on terrorism.

The radios will enable Pakistan to improve on its capability to provide current and updated intelligence between patrols and higher headquarters. Also, the radios will increase interoperability between Pakistan and the U.S. and coalition forces assisting in the efforts to curtail and eliminate terrorist activities. Pakistan will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Harris Corporation in Rochester, New York. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of a contractor field service representative for up to two years to Pakistan. In addition, two contractor representatives will provide training and several U.S. Government and contractor representatives will participate in program management and technical reviews for up to four weeks.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 06–9298 Filed 11–21–06; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0157]

Federal Acquisition Regulation; Information Collection; Architect-Engineer Qualifications (SF 330)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0157).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement for the Architect—Engineer Qualifications

form (SF 330). The clearance currently expires on December 31, 2006.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection ofinformation on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before January 22, 2007.

ADDRESSES: Submit comments, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT Ms. Cecelia L. Davis, Contract Policy Division, GSA (202) 219–0202.

SUPPLEMENTARY INFORMATION:

A. Purpose

Standard Form 330, Part I is used by all Executive agencies to obtain information from architect-engineer firms interested in a particular project. The information on the form is reviewed by a selection panel composed of professional people and assists the panel in selecting the most qualified architect-engineer firm to perform the specific project. The form is designed to provide a uniform method for architect-engineer firms to submit information on experience, personnel, capabilities of the architect-engineer firm to perform along with information on the consultants they expect to collaborate with on the specific project.

Standard Form 330, Part II is used by all Executive agencies to obtain general uniform information about a firm's experience in architect-engineering projects. Architect-engineer firms are encouraged to update the form annually. The information obtained on this form is used to determine if a firm should be solicited for architect-engineer projects.

B. Annual Reporting Burden

Respondents: 5,000.
Responses Per Respondent: 4.
Total Responses: 20,000.
Hours Per Response: 29.
Total Burden Hours: 580,000.

OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VIR), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0157, Architect-Engineer Qualifications (SF 330), in all correspondence.

Dated: November 14, 2006.

Ralph De Stefano,

Director, Contract Policy Division.

[FR Doc. 06–9299 Filed 11–20–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0115]

Federal Acquisition Regulation; Information Collection; Notification of Ownership Changes

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0115).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning notification of ownership changes. This OMB clearance expires on January 31, 2007.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before January 22, 2007.

ADDRESSES: Submit comments, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat(VIR), Room 4035, 1800 F. Street, NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT Michael Jackson, Contract Policy Division, GSA, (202) 208–4949.

SUPPLEMENTARY INFORMATION:

A. Purpose

Allowable costs of assets are limited in the event of change in ownership of a contractor. Contractors are required to provide the Government adequate and timely notice of this event per the FAR clause at 52.215–19, Notification of Ownership Changes.

B. Annual Reporting Burden

Respondents: 100.
Responses Per Respondent: 1.
Total Responses: 100.
Hours Per Response: 1.25.
Total Burden Hours: 125.
OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VIR), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0115, Notification of Ownership Changes, in all correspondence.

Dated: November 13, 2006.

Ralph De Stefano,

Director, Contract Policy Division.

[FR Doc. 06–9301 Filed 11–20–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Hearing for the Draft Environmental Impact Statement (EIS) for the Restoration of Clear Zones and Stormwater Drainage Systems at Boca Chica Field, Naval Air Station Key West, FL

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), the Department of the Navy (DON) has prepared and filed with the U.S. Environmental Protection Agency a

Draft EIS to evaluate the potential environmental consequences of bringing the Boca Chica Airfield at Naval Air Station Key West into substantial compliance with Federal Aviation Administration safety regulations and DON air operations requirements.

The DON will conduct one public hearing to receive oral and written comments on the Draft EIS. Federal, state, and local agencies and interested individuals are invited to be present or represented at the public hearing. Navy representatives will be available to clarify information related to the Draft EIS. This notice announces the date and location of the public hearing for this Draft EIS.

DATES AND ADDRESSES: One public hearing will be held on December 07, 2006 at the Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, FL. Open information sessions will precede the scheduled public hearing and will allow individuals to review the data presented in the Draft EIS. Navy representatives will be available during the information sessions to clarify information related to the Draft EIS. The open information sessions are scheduled from 2 p.m. to 4 p.m. and from 6 p.m. to 7:30 p.m., followed by the public hearing from 7:30 to 9 p.m.

FOR FURTHER INFORMATION CONTACT: Naval Facilities Engineering Command, Southern Division (NAVFAC Southeast), 2155 Eagle Drive, North Charleston, SC 29406, Attn: Mr. Timothy Cardiasmenos, telephone 843–820–7340, facsimile 843–820–5563; E-Mail: *timothy.cardiasmenos@navy.mil*

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare this Draft EIS was published in the **Federal Register**, August 6, 2004. A public scoping meeting was held on Tuesday, August 24, 2004, at the Doubletree Grand Key Resort, 3990 S. Roosevelt Boulevard, Key West, FL.

The proposed action is to implement corrective measures that meet airfield safety clearance criteria and allow for the compliance with Naval Air Systems Command waivers.

Because of the size and complexity of this action, implementation will extend over several fiscal years, enabling the DON to incorporate lessons learned as the project evolves. Both restoration and maintenance measures will be completed in various locations at Boca Chica Field. Restoration measures include trimming and/or removal of vegetation that protrudes into vertically controlled airfield surfaces or those that should not be present in laterally controlled surfaces, clearing and grubbing, grading, filling low areas, replanting some areas with native salt marsh vegetation, and supplemental improvements to drainage conditions. Restoration methods will include the use of hand-clearing or mechanized methods (i.e., traditional construction equipment or specialized equipment). Maintenance methods will include mowing, hand-clearing, and others (i.e., herbicide and prescribed burning).

The Draft EIS considers three alternatives: (1) Restoration of Original Clear Zones; (2) Restoration of Clear Zones to meet Permanent Waivers, which includes a combination of vegetation management, and wetland and salt marsh conversion; and (3) The No-Action Alternative in accordance with section 1502.14(d) of the NEPA regulation. Alternative 2 is considered the Preferred Alternative. The DRAFT EIS evaluates the environmental effects associated with vegetation removal on airspace, safety, earth resources, land use, socioeconomic resources, infrastructure, cultural resources, and biological resources, including endangered and sensitive species, specifically the Lower Keys marsh rabbit (LKMR) and mangroves. Methods to reduce or minimize impacts to these species and essential fish habitat provided by mangroves in the clear zones are also addressed. The analysis includes an evaluation of the direct, indirect, and cumulative impacts. Implementation of the proposed action is not expected to result in any significant short- or long-term impacts on physical, socioeconomic, or biological resources, with the exception of the LKMR.

The Draft EIS has been distributed to various Federal, state, and local agencies, elected officials, and interested parties, and is available for public review at the Monroe County Public Library, Key West Branch, 700 Fleming Street, Key West, FL 33040.

Oral statements presented at the public hearing will be recorded, however, to ensure the accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record on the Draft EIS and will be responded to in the Final EIS. Equal weight will be given to both oral and written statements.

In the interest of available time and to ensure that all who wish to give an oral statement have the opportunity to do so, each speaker's comments will be limited to three minutes. If a longer statement is to be presented, it should be summarized at the public hearing and the full text submitted in writing either at the hearing or faxed or mailed to: NASKW EIS, c/o Naval Facilities Engineering Command, Southern Division (NAVFAC Southeast), 2155 Eagle Drive, North Charleston, SC 29406, Attn: Mr. Timothy Cardiasmenos, telephone 843–820–7340, facsimile 843–820–5563, E-Mail: *timothy.cardiasmenos@navy.mil.* All written comments postmarked by January 08, 2007, will become part of the official public record and will be responded to in the Final EIS.

Date: November 14, 2006.

M.A. Harvison,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E6–19612 Filed 11–20–06; 8:45 am]

BILLING CODE 3810–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Extension of Public Scoping Period for the Intent To Prepare an Environmental Impact Statement (EIS)/ Overseas Environmental Impact Statement (OEIS) for Atlantic Fleet Active Sonar Training and To Announce an Additional Public Scoping Meeting

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and Executive Order (E.O.) 12114 ''Environmental Effects Abroad of Major Federal Actions'' (44 FR 62,18722 (Mar. 29, 1979)), the Department of the Navy (DON) published a notice of intent to prepare a combined NEPA EIS and E.O. 12114, OEIS, and announced public scoping meetings in the **Federal Register**, 71 FR 57489 on September 29, 2006. This notice announces the extension of the public scoping period from December 1, 2006 to December 15, 2006, and announces an additional public scoping meeting.

DATES: Written comments on the scope of the EIS/OEIS should be postmarked no later than December 15, 2006. Comments may be mailed to Atlantic Division Naval Facilities Engineering Command, Attn: Code EV21 (Atlantic Fleet Sonar PM), 6506 Hampton Boulevard, Norfolk, VA 23508–1278.

Public scoping meetings were planned at seven sites to receive comments on environmental concerns that should be addressed in the EIS/ OEIS. The November 2, 2006, meeting

in New London, CT, was not properly announced in the local newspaper, and the Navy will hold another meeting as follows: Wednesday, November 29, 2006, 5 p.m.–8 p.m., Radisson Hotel New London, 35 Governor Winthrop Boulevard, New London, CT. Written public comments submitted during the November 2, 2006, meeting are a part of the record and do not need to be resubmitted.

SUPPLEMENTARY INFORMATION: The scoping meeting will consist of an informal, open house session with information stations staffed by DON representatives. Additional information concerning the meetings will be available on the EIS/OEIS Web page located at: *http://AFASTEIS.GCSAIC.COM.*

Dated: November 14, 2006.

M. A. Harvison,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E6–19636 Filed 11–20–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for Implementation of the 2005 Base Realignment and Closure (BRAC) Decision To Relocate Walter Reed Army Medical Center (WRAMC) Activities from Washington, DC to the National Naval Medical Center (NNMC) in Bethesda, MD and To Announce Public Scoping Meetings

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section (102)(2)(C) of the National Environmental Policy Act (NEPA) of 1969, the regulations implemented by the Council on Environmental Quality (40 CFR parts 1500–1508), and the Department of the Navy NEPA regulation (32 CFR part 775), the Department of the Navy (DON) announces its intent to prepare an EIS to evaluate the potential environmental impacts associated with relocation of certain WRAMC activities from Washington, DC, to the NNMC in Bethesda, MD per Public Law 101–510, the Defense Base Closure and Realignment Act of 1990 (BRAC Law). Potential impacts associated with normal future growth expected from changes in mission, force protection, improved security, and accessibility for disabled persons will also be evaluated and will contribute to the alternatives considered.

The DON will hold public scoping meetings for the purpose of further identifying the scope of issues to be addressed in the EIS. Written and recorded comments will be accepted during this time. To ensure that the full range of issues related to this proposed action will be addressed, representatives from NNMC Bethesda will be available to answer questions and solicit public comments from interested parties during the scheduled public scoping meetings. Following publication of the draft EIS, at a time to be determined, further public meetings will be held to address comments on the draft document.

DATES: The DON will conduct public scoping meetings in Bethesda, Montgomery County, MD, to receive oral and/or written comments. The public meetings will be conducted in English. Both comment sheets and a recorder will be made available to document individual comments received at the public scoping meetings scheduled below:

1. *Open House:* Tuesday, December 12, 2006, 7 p.m.–9 p.m., Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD.
2. *Open House:* Tuesday, December 19, 2006, 6:30 p.m.–10 p.m., Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD. Open house will begin at 6:30 p.m. followed by a brief Navy presentation at 7:30 p.m.
3. *Open House:* Thursday, December 21, 2006, 1 p.m.–4 p.m., Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD.
4. *Open House:* Thursday, December 21, 2006, 7 p.m.–9 p.m., Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD.

FOR FURTHER INFORMATION CONTACT: Officer in Charge—BRAC, NNMC, 8901 Wisconsin Avenue, Bethesda, MD 20889, telephone 301–295–2722, fax 301–474–5419, e-mail: *NNMCEIS@bethesda.med.navy.mil.*

SUPPLEMENTARY INFORMATION: The Defense BRAC Commission was established by Public Law 101–510, the BRAC Law, to recommend military installations for realignment and closure. Recommendations of the 2005 BRAC Commission were included in a report presented to the President on September 8, 2005. The President approved and forwarded this report to Congress on September 16, 2005, which became effective as public law on November 9, 2005, and must be implemented in accordance with the requirements of the BRAC Law.

The BRAC Law exempts the decision-making process of the Commission from the provisions of NEPA. The Law also relieves the DoD from the NEPA requirement to consider the need for closing, realigning, or transferring functions, and from looking at alternative installations to close or realign. The DON is preparing environmental impact analyses during the process of relocating functions from military installations being closed or realigned to other military installations after the receiving installations have been selected, but before functions are relocated. The analyses will consider direct and indirect environmental and socioeconomic effects of these actions and cumulative impacts of other reasonably foreseeable actions affecting receiving installations.

The BRAC recommendations for realignment of WRAMC, Washington, DC, are as follows: Relocate all tertiary (sub-specialty and complex care) medical services to NNMC, Bethesda, MD, establishing it as the Walter Reed National Military Medical Center Bethesda, MD; relocate Legal Medicine to the new Walter Reed National Military Medical Center Bethesda, MD; relocate sufficient personnel to the new Walter Reed National Military Medical Center Bethesda, MD, to establish a Program Management Office that will coordinate pathology results, contract administration and quality assurance, and control of DoD second opinion consults worldwide; relocate all non-tertiary (primary and specialty) patient care functions to a new community hospital at Ft. Belvoir, VA.

NNMC Bethesda is a Navy-owned 243-acre military health care, medical education, and research installation located in Bethesda, MD. The National Institutes of Health main campus is directly west of NNMC. Other neighbors surrounding NNMC include Stone Ridge School of the Sacred Heart, residential housing, North Chevy Chase Recreation Center, Rock Creek Park, and the Columbia Country Club. Interstate 495 is adjacent to the northeastern corner of NNMC.

The proposed action for this EIS is to accommodate the BRAC 2005 law. The BRAC-directed action includes various mission relocations from WRAMC which result in movement of medical, educational, and support services to NNMC. The BRAC-directed action must be completed on or before September 15, 2011. Upon completion of the merger, the existing WRAMC will close and the new premier medical center will be renamed the Walter Reed National Military Medical Center at Bethesda.

The EIS will consider the possible combinations of locations on base that are reasonable to accomplish the proposed action: The adaptive reuse of existing facilities through renovation, with emphasis on preservation of the historic context and integrity of existing buildings; the use of new construction; the potential long-term growth in installation missions; and identification of cost-effective and timely means of meeting mission requirements, the BRAC deadline, and other deadlines. These factors are currently under evaluation by an Installation Master Plan effort, which will cover a 10-year planning period that extends to the year 2016. The Master Plan and the EIS are subject to a formal review process under the authority of the National Capitol Planning Commission (NCPC). The Master Plan will include a separate document, referenced in the EIS, to comply with NCPC traffic management analysis requirements.

Alternatives were developed to assess the proposed action and potential additional development that may occur at NNMC. Alternatives to be considered include: (1) Implement the BRAC recommendation; (2) implement the BRAC recommendation and provide for future anticipated growth, support activities, and changes to the installation; and (3) no action, with NNMC continuing to maintain and repair existing facilities without additional growth.

Alternative 1 will meet the requirements of the BRAC Law by providing additions and alterations to NNMC such as additional parking and alterations to administrative and physical training facilities to accommodate functions and activities relocating from WRAMC. Road and utility improvements would be included. Additional facilities and infrastructure needed to re-establish the relocating mission and allow the installation to function are provided in this alternative. These include temporary and permanent lodging facilities, and improvements to access gates to accommodate added traffic volume and meet current Anti-terrorism/Force Protection standards. It is anticipated that completion of this action will result in NNMC facility additions and alterations totaling approximately 1,100,000 square feet, additional appropriate parking facilities totaling about 900,000 square feet, the addition of approximately 1,400 full-time staff members, and about 435,000 additional patients and visitors using the facilities per year.

Alternative 2 includes all items considered under Alternative 1 and adds anticipated future growth of other missions performed at the installation. This will include expansion of DoD medical education and research facilities, improved or replacement athletic facilities, a potential pedestrian bridge across Wisconsin Avenue, security enhancements, and added retail space. It is anticipated that Alternative 2 would result in the following increases over those described in Alternative 1: Facility additions and alterations totaling approximately 650,000 square feet; additional appropriate parking facilities totaling approximately 130,000 square feet; the addition of approximately 1,100 full-time staff members; and about 100,000 additional patients and visitors using the facilities per year.

Alternative 3 is required by statute and will evaluate the impacts at NNMC in the event that additional growth from BRAC and non-BRAC action does not occur. NNMC would continue to maintain and repair facilities in response to requirements from Congressional action or revisions to building codes. Implementation of Alternative 3 would require the Congress to change the existing BRAC Law.

The EIS will address potential direct, indirect, short-term, long term, and cumulative impacts to the human and natural environment, to include potential impacts to topography, geology, and soils, water resources, biological resources, air quality, noise, infrastructure and utilities, traffic, cultural resources, land use, socioeconomics, environmental justice, and hazardous waste and materials. Known areas of concern associated with the BRAC action include providing required space and facilities at NNMC in consideration of historic characteristics, and impacts to local traffic and on-base parking associated with increases in personnel and patient visits.

The DON is initiating the scoping process to identify community concerns and issues that should be addressed in the EIS. Agencies and the public are encouraged to provide written comments in addition to, or in lieu of, oral comments at scheduled public scoping meetings. Comments should clearly describe specific issues or topics that the EIS should address. Written comments must be postmarked or e-mailed by midnight January 04, 2007, and should be sent to: Officer in Charge—BRAC, NNMC, 8901 Wisconsin Avenue, Bethesda, MD 20889, telephone 301–295–2722, fax 301–474–5419, e-mail: *NNMCEIS@bethesda.med.navy.mil.* Requests for inclusion on the EIS mailing list may also be submitted to this address.

Requests for special assistance, sign language interpretation for the hearing impaired, language interpreters, or other auxiliary aids for scheduled public scoping meetings must be sent by mail or e-mail by December 06, 2006, to Ms. Amanda Goebel, The Louis Berger Group, Inc., telephone 202–912–0267, e-mail: *agoebel@louisberger.com.*

Dated: November 15, 2006.

M.A. Harvison,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E6–19635 Filed 11–20–06; 8:45 am]

BILLING CODE 3810–FF–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 January 22, 2007.

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: November 15, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: New.

Title: National Evaluation of the Comprehensive Technical Assistance Centers.

Frequency: Annually.

Affected Public: Business or other for-profit; Not-for-profit institutions; State, local, or Tribal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 6,363.

Burden Hours: 796.

Abstract: This study fulfills a congressional mandate to evaluate the Comprehensive Technical Assistance Centers (CTACs).

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 3232. 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. E6–19629 Filed 11–20–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: After processing the Free Application for Federal Student Aid (FAFSA), the Department sends FAFSA applicants a Student Aid Report (SAR). The SAR contains the results of eligibility and expected family contribution determinations, information that the student originally reported on the FAFSA, and information about the applicant's financial aid history from the Department's National Study Loan Data System. SAR recipients are expected to review the information on the SAR and (1) correct errors in the reported information, (2) update information that may have changed since filing the FAFSA, (3) verify the responses if so requested, and on the paper SAR, (4) correct illegible information, or (5) supply missing information. The Secretary of Education requests comments on the SAR that the Department proposes to use for the 2007–2008 award year.

DATES: Interested persons are invited to submit comments on or before December 21, 2006.

ADDRESSES: Written comments should be addressed to 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.

In addition, interested persons can access this document on the Internet:

(1) Go to IFAP at *http://ifap.ed.gov;*

(2) Look under ''On-Line References'';

(3) Click on ''SAR/ISR Reference Materials'';

(4) Click on ''By 2007–2008 Award Year'';

(5) Click on ''Draft 2007–2008 SAR and SAR Acknowledgement Mockups''

Please note that the free Adobe Acrobat Reader software, version 4.0 or greater, is necessary to view this file. This software can be downloaded for free from Adobe's Web site: *http://www.adobe.com.*

SUPPLEMENTARY INFORMATION: The Secretary is publishing this request for comment under the Provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* Under that Act, ED must obtain the review and approval of the Office of Management and Budget (OMB) before it may use a form to collect information. However, under procedure for obtaining approval from OMB, ED must first obtain public comment of the proposed form, and to obtain that comment, ED must publish this notice in the **Federal Register**.

In addition to comments requested above, to accommodate the requirements of the Paperwork Reduction Act, the Secretary is interested in receiving comments with regard to the following matters: (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.

FOR FURTHER INFORMATION CONTACT: E-mail address *ICDocketMgr@ed.gov*

Dated: November 15, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: Revision.

Title: Student Aid Report (SAR).

Frequency: Annually.

Affected Public: Individuals and families.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 10,369,380.

Burden Hours: 5,359,055.

Abstract: The SAR contains the results of eligibility and expected family contribution determinations, information that the student originally reported on a Free Application for Federal Student Aid (FAFSA), and information about the applicant's financial aid history from the Department's National Student Loan Data System.

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 3182. 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 directed to the e-mail address

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 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

[FR Doc. E6–19630 Filed 11–20–06; 8:45 am]

BILLING CODE 4001–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.330B]

Advanced Placement (AP) Test Fee Program

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education.

ACTION: Notice announcing application deadline.

SUMMARY: Under the AP Test Fee Program, we award grants to eligible State educational agencies (SEAs) in order to enable them to pay all or a portion of advanced placement test fees on behalf of eligible low-income students who: (1) Are enrolled in an advanced placement course; and (2) plan to take an advanced placement exam. The program is designed to increase the number of low-income students who take advanced placement tests and receive scores for which college academic credit is awarded. In this notice we establish the deadline for submission of the fiscal year (FY) 2007 AP Test Fee Program grant applications.

Applications Available: November 21, 2006.

Deadline for Transmittal of Applications: January 5, 2007.

Applications for grants under this program must be submitted electronically using the Grants.gov apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to the section on *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for intergovernmental review: March 6, 2007.

SUPPLEMENTARY INFORMATION:

Who Is Eligible for an Award Under the AP Test Fee Program?

Eligible applicants under the AP Test Fee Program are: SEAs in any State, including the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

Note: For purposes of this program, the Bureau of Indian Affairs is treated as an SEA.

Note: Current grantees under this program that expect to have sufficient carryover funds to cover FY 2007 exam fees for eligible low-income students should not apply for a new award under this competition. Applicants requesting new awards for FY 2007 must submit an application to the Department of Education electronically by the deadline established in this notice.

Funding and Award Information

Estimated Available Funds: The Administration has requested $122,175,000 for the AP Test Fee and Advanced Placement Incentive (API) programs for FY 2007. Of the requested amount, approximately $12 million would be required to fully fund applications for the AP Test Fee program. The remaining funds would support API grants. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $15,000–$500,000.

Estimated Average Size of Awards: $171,000.

Estimated Number of Awards: 34.

Project Period: 12 months.

Note: The Department is not bound by any estimates in this notice.

Statutory Funding Requirement: In accordance with section 1703 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), the Department gives priority to applications submitted under this competition over applications submitted under the API program competition (CFDA No. 84.330C).

Award Basis: The Department intends to fund, at some level, all applications that meet the minimum Requirements for Approval of Application as described in the application package for this competition and that demonstrate need for new or additional funds for FY 2007. Also, in determining whether to approve an application for a new award (including the amount of the award) from an applicant with a current grant under the program, the Department will consider the amount of any carryover funds under the existing grant.

Other Submission Requirements: Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the Advanced Placement Test Fee Program—CFDA Number 84.330B must be submitted electronically using the Governmentwide Grants.gov appply site at: *http://www.grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Advanced Placement Test Fee Program at: *http://www.grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.330, not 84.330B).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the

Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*

• To submit your application via Grants.gov, you must complete all of the steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov. In addition, you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information typically included on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).

You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

• Your electronic application must comply with any page limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department will then retrieve your application from Grants.gov and send to you by e-mail a second notification that indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date. *Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Ms. Lynyetta Johnson, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C151, Washington, DC 20202–6200. FAX: (202) 205–4921.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier), your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:
U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.330B),
400 Maryland Avenue, SW.,
Washington, DC 20202–4260

or

By mail through a commercial carrier:
U.S. Department of Education,
Application Control Center—Stop
4260, Attention: (CFDA Number
84.330B), 7100 Old Landover Road,
Landover, MD 20785–1506

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.330B), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

FOR FURTHER INFORMATION CONTACT: Ms. Lynyetta Johnson, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–6200. Telephone: (202) 260–1990 or via Internet: *advancedplacementprogram@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339. Individuals with disabilities may obtain this notice in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: You may view this document, as well as other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *www.gpoaccess.gov/nara/index.html.*

Program Authority: 20 U.S.C. 6531–6537.

Dated: November 16, 2006.

Henry L. Johnson,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. E6–19674 Filed 11–20–06; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2002–0064; FRL–8244–2]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; National Pollutant Discharge Elimination System (NPDES) Modification and Variance Requests. EPA ICR Number: 0029.09. OMB Control Number: 2040–0068

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. This ICR is scheduled to expire on November 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. This ICR describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before December 21, 2006.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OW–2002–0064, to (1) EPA online using FDMS (our preferred method), by e-mail to *ow-docket@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Water Docket, Mail Code 4101T, 1200 Pennsylvania Ave., 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: Lynn Stabenfeldt, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202.564.0602; fax number: 202.501.2399; e-mail address: *stabenfeldt.lynn@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 7, 2006 (71 *FR* 11407–11411), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments on the draft ICR.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2002–0064, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 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 Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426. An electronic version of the public docket is available through the Federal Docket Management System (FDMS) at *http://www.regulations.gov*. Use FDMS to 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 key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in FDMS as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in FDMS. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in FDMS.

Title: National Pollutant Discharge Elimination System (NPDES) Modification and Variance Requests.

ICR numbers: EPA ICR No. 0029.09, OMB Control No. 2040–0068.

ICR Status: This ICR is scheduled to expire on November 30th, 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: This ICR calculates the burden and costs associated with modifications and variances made to NPDES permits and to the National Sewage Sludge Management Program permit requirements. The regulations specified at 40 CFR 122.62 and 122.63 specify information a facility must report in order for the U.S. Environmental Protection Agency (EPA) to determine whether a permit modification is warranted. A NPDES permit applicant may request a variance from the conditions that would normally be imposed on the applicant's discharge. An applicant must submit information so the permitting authority can assess whether the facility is eligible for a variance, and what deviation from Clean Water Act (CWA) provisions is necessary. In general, EPA and authorized States use the information to determine whether: (1) The conditions or requirements that would warrant a modification or variance exist, and 2) the progress toward achieving the goals of the (CWA) will continue if the modification or variance is granted. Other uses for the information provided include: Updating records on permitted facilities, supporting enforcement actions, and overall program management, including policy and budget development and responding to Congressional inquiries.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 11.9 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: NPDES permit applicants that request a variance or modification of the NPDES or sewage sludge management conditions.

Estimated Number of Respondents: 11,785.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 280,224 hours.

Estimated Total Annual Cost: $10,423,930, which includes $0 capital or O&M costs.

Changes in the Estimates: The estimated decrease in burden is 23,773 hours compared to the total estimated burden hours currently identified in the OMB Inventory of Approved ICR Burdens. This change is primarily the result of (1) Changes and adjustments in the number and types of permits administered by the states and EPA under the NPDES program. Non-NPDES authorized states continue to apply for NPDES program authorization. (2) EPA's continuous effort to improve the quality of data in its PCS database. This change may reflect more accurate data rather than a significant change in the number of permits actually administered. (3) EPA does not anticipate Variance Requests for Fundamentally Different Factors.

Dated: November 9, 2006.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E6–19637 Filed 11–20–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8244–9]

Meeting of the National Drinking Water Advisory Council—Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under Section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given of a meeting of the National Drinking Water Advisory Council (NDWAC), established under the Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*). The primary topics to be discussed and considered by the Council are the issues and challenges facing the thousands of small drinking water systems nationwide. Status reports on other national drinking water program issues, such as the approach to a draft rule for drinking water supplies on airlines; the

early implementation of the rules protecting drinking water supplies from microbial contaminants; the recently-promulgated Ground Water Rule; revisions to the existing Total Coliform Rule; and implementation recommendations for the Contaminant Candidate List 3 will be presented. If time permits, the Council will also focus on continuing efforts to propose performance measures and indicators for the national drinking water protection program.

DATES: The Council meeting will be held on December 14, 2006, from 9 a.m. to 5:30 p.m. and December 15, 2006, from 8:30 a.m. to noon, Central Standard Time.

ADDRESSES: The meeting will be held at the Renaissance Worthington Hotel, which is located at 200 Main Street, Fort Worth, Texas 76102.

FOR FURTHER INFORMATION CONTACT: Members of the public who would like to attend the meeting, present an oral statement, or submit a written statement, should contact Daniel Malloy, by e-mail at *malloy.daniel@epa.gov,* by phone 202–564–1724, or by regular mail at the U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (MC 4601M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The Council encourages the public's input and will allocate one hour (4:30–5:30 p.m.) on December 14, 2006, for this purpose. Oral statements will be limited to five minutes. It is preferred that only one person present the statement on behalf of a group or organization. To ensure adequate time for public involvement, individuals or organizations interested in presenting an oral statement should notify Daniel Malloy by telephone at 202–564–1724 no later than December 1, 2006. Any person who wishes to file a written statement can do so before or after a Council meeting. Written statements received by December 1, 2006, will be distributed to all members of the Council before any final discussion or vote is completed. Any statements received December 2, 2006, or after the meeting will become part of the permanent meeting file and will be forwarded to the Council members for their information.

Special Accommodations

For information on access or services for individuals with disabilities, please contact Dan Malloy at 202–564–1724 or by e-mail at *malloy.daniel@epa.gov.* To request accommodation of a disability, please contact Dan Malloy, preferably at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: November 16, 2006.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. E6–19646 Filed 11–20–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8245–1]

Draft Grant Guidelines for States Regarding: Inspection Provision and State Compliance Report on the Government Underground Storage Tanks Provision; Solid Waste Disposal Act, Subtitle I, as Amended by Title XV, Subtitle B of the Energy Policy Act of 2005

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: By this notice, the Environmental Protection Agency (EPA), Office of Underground Storage Tanks (OUST) is advising the public of the future availability of draft grant guidelines for states regarding the inspection provision and state compliance report on the government underground storage tanks (USTs) provision. EPA is developing these two grant guidelines to help states comply with requirements for receiving funding under Subtitle I of the Solid Waste Disposal Act as established in Title XV, Subtitle B of the Energy Policy Act of 2005. EPA is asking the public to review and comment on the guidelines as they become available. EPA encourages interested stakeholders to regularly check EPA's Web site at: *http://www.epa.gov/oust/fedlaws/epact_05.htm#Drafts* where we will post the draft guidelines as they become available over the next several months. You also may send an e-mail to *OUST_Energy_Policy_Act_Email_List@epa.gov* requesting that we notify you when the drafts are posted on EPA's Web site. If you previously e-mailed a request to be included on this list, there is no need for you to do so again.

DATES: EPA anticipates the draft grant guidelines will become available between November 21, 2006 and March 31, 2007.

ADDRESSES: EPA will post the draft grant guidelines on our Web site at: *http://www.epa.gov/oust/fedlaws/epact_05.htm#Drafts* as they become available over the next several months. You also may send an e-mail to *OUST_Energy_Policy_Act_Email_ List@epa.gov* requesting that we notify you when the drafts are posted on EPA's Web site. If you previously e-mailed a request to be included on this list, there is no need for you to do so again. After the draft grant guidelines are posted on EPA's Web site, paper copies will be available from the National Service Center for Environmental Publications (NSCEP), EPA's publications distribution warehouse. You may request copies from NSCEP by calling 1–800–490–9198; writing to U.S. EPA/NSCEP, Box 42419, Cincinnati, OH 45242–0419; or faxing your request to NSCEP at 513–489–8695.

FOR FURTHER INFORMATION CONTACT: For draft grant guidelines regarding inspection provision: Tim Smith, EPA's Office of Underground Storage Tanks, at *smith.timr@epa.gov* or 703–603–7158. For draft grant guidelines regarding State compliance report on government USTs provision: Steven McNeely, EPA's Office of Underground Storage Tanks, at *mcneely.steven@epa.gov* or 703–603–7164.

SUPPLEMENTARY INFORMATION: On August 8, 2005, President Bush signed the Energy Policy Act of 2005. Title XV, Subtitle B of this act, entitled the Underground Storage Tank Compliance Act of 2005, contains amendments to Subtitle I of the Solid Waste Disposal Act, the original legislation that created the underground storage tank program. This is the first federal legislative change for the UST program since its inception over 20 years ago. The UST provisions of the law significantly affect federal and state UST programs; require major changes to the programs; and are aimed at further reducing UST releases to our environment. Some of the UST provisions of the Energy Policy Act were implemented by August 2006; other provisions will need to be implemented in subsequent years. See EPA's Web site at: *http://www.epa.gov/oust/fedlaws/epact_05.htm* for more information about the UST provisions of the Energy Policy Act.

Among other things, the UST provisions of the Energy Policy Act require that states receiving funding under Subtitle I comply with certain requirements contained in the law. Following enactment of the new law, OUST worked, and is continuing to work, with its partners to develop grant guidelines which EPA regional tank programs will incorporate into States' grant agreements. The guidelines will provide states, which receive UST funds, with specific requirements based

on the UST provisions of the Energy Policy Act for their State UST programs.

To implement the law, OUST, EPA regions, and States are working closely with tribes, other Federal agencies, tank owners and operators, UST equipment industry, and other stakeholders to bring about the mandated changes affecting UST programs. Over the next several months, EPA expects to issue draft grant guidelines regarding the inspection provision and state compliance report on government USTs provision.

Once the guidelines are issued and become effective, EPA regions will incorporate the guidelines in grant agreements between EPA and States. States receiving funds from EPA for their UST programs must comply with the UST provisions of the Energy Policy Act and will be subject to action by EPA under 40 CFR 31.43 if they fail to comply with the guidelines.

The Agency is providing the public with an opportunity to comment on the two draft grant guidelines when they become available by following the process specified below. As provided in 5 U.S.C. 553(a)(2), the grant guidelines are exempt from the notice and comment rule-making procedures. Consequently, EPA will not establish a public docket for comments and may not issue separate responses to comments when we issue the final guidelines.

EPA encourages interested stakeholders to regularly check EPA's Web site at: *http://www.epa.gov/oust/fedlaws/epact_05.htm#Drafts* where we will post the draft guidelines as they become available over the next several months. You may also send an e-mail to *OUST_Energy_Policy_Act_Email_List@epa.gov* requesting that we notify you when the drafts are posted on EPA's Web site. If you previously e-mailed a request to be included on this list, there is no need for you to do so again. As each draft guideline is posted on EPA's Web site, we will accept comments on each for 30 days. EPA's Web site will provide information about document availability and specific public comment periods. You may submit comments by e-mail, facsimile, or mail as described on EPA's Web site. After the draft guidelines are posted on EPA's Web site, paper copies will be available from NSCEP, EPA's publications distribution warehouse upon request. You may request copies from NSCEP by calling 1–800–490–9198; writing to U.S. EPA/NSCEP, Box 42419, Cincinnati, OH 45242–0419; or faxing your request to NSCEP at 513–489–8695.

After considering public comments, EPA will issue final grant guidelines which EPA regions will incorporate into states' grant agreements.

Dated: November 15, 2006.

Susan Parker Bodine,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. E6–19745 Filed 11–20–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[Docket# EPA–RO4–SFUND–2006–0865; FRL–8243–4]

Constitution Road Drum Site; Atlanta, Dekalb County, GA; Notice of Duplicated Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Duplicated Settlement—FRL–8237–5.

SUMMARY: On November 1, 2006 a duplication of the Constitution Road Drum Site settlement was published in the **Federal Register** under Docket # EPA–R04–SFUND–2006–0865' FRL–8237–5. EPA will not be accepting comments on this document. The correct listing is under EPA–R04–SFUND–2006–0865; FRL–8237–1. EPA will be accepting comments under the correct listing until December 1, 2006.

FOR FURTHER INFORMATION CONTACT: Paula V. Batchelor at 404/562–8887.

Dated: November 2, 2006.

Greg Armstrong,

Acting Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. E6–19644 Filed 11–20–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8244–4]

Notice of Effective Date of the ''Agreed Order on Consent and Covenant Not To Sue'' and Availability of the ''Administrative Record'' for the Many Diversified Interests, Inc. Superfund Site Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; Effective Date of the ''Agreed Order on Consent and Covenant Not to Sue,'' and availability of the ''Administrative Record.''

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of the effective date of the ''Agreed Order on Consent and Covenant Not to Sue'' (Final Agreed Order) with the purchaser (Clinton Gregg Investments, Ltd) of the property and the availability of the ''Administrative Record'' for Operable Unit 1 (On-Site Soils and Ground Water) of the Many Diversified Interests, Inc. (MDI) Superfund Site located in Houston, Texas. Under the Final Agreed Order, the purchaser agrees to perform cleanup work on an approximately 36-acre tract it is purchasing known as Operable Unit 1 of the MDI Superfund Site. The Final Agreed Order includes a covenant not to sue pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and Section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6973. The purchaser also agrees to implement institutional controls.

The Agency published a **Federal Register** Notice on June 1, 2006, which solicited public review and comment on the proposed Agreed Order. The public comment period ended on July 3, 2006. At the request of the public, the Agency held a public meeting on August 7, 2006, in accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d). The Agency considered all comments received in its decision to finalize and approve the Agreed Order and has prepared a ''Responsiveness Summary'' which is included in the Administrative Record for the Site.

DATES: The effective date of the Final Agreed Order is September 29, 2006.

ADDRESSES: The Administrative Record, which includes the Final Agreed Order and the Responsiveness Summary, and additional background information relating to the Final Agreed Order are available for public inspection at the Agency's office at 1445 Ross Avenue, Dallas, Texas 75202–2733, and the Site's information repository located at the Fifth Ward Multi-Service Center, 4014 Market Street, Houston TX 77020. A copy of the Final Agreed Order and Responsiveness Summary may be obtained from Rafael Casanova, 6SF–AP, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733, or by calling 214–665–7437, or by electronic mail at *casanova.rafael@epa.gov*. Requests for information should reference the MDI Superfund Site, Houston, Texas, and EPA Docket Number 06–12–05, and should be addressed to Rafael Casanova at the address listed above.

FOR FURTHER INFORMATION CONTACT: Rafael Casanova (Remedial Project Manager) at the address listed above; or Barbara Nann (Attorney), 1445 Ross Avenue, Dallas, Texas 75202–2733, or call 214–665–2157, or e-mail *nann.barbara@epa.gov*.

Dated: November 9, 2006.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. E6–19640 Filed 11–20–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8244–5]

Virginia State Prohibition on Discharges of Vessel Sewage; Receipt of Application and Tentative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Tentative Determination.

SUMMARY: Notice is hereby given that an application was received from the Commonwealth of Virginia on July 25, 2006, requesting a determination by the Regional Administrator, EPA Region III, pursuant to section 312(f) of Public Law 92–500, as amended by Public Law 95–217 and Public Law 100–4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the navigable waters of the Lynnhaven River and its tributaries, Virginia Beach, Virginia.

DATES: Comments and views regarding this application and EPA's tentative determination may be filed on or before December 21, 2006.

ADDRESSES: Comments or requests for information or copies of the State's application should be addressed to Edward Ambrogio, EPA Region III, Office of State and Watershed Partnerships, 1650 Arch Street, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Edward Ambrogio, EPA Region III, Office of State and Watershed Partnerships, 1650 Arch Street, Philadelphia, PA 19103. Telephone: (215) 814–2758. Fax: (215) 814–2301. E-mail: *ambrogio.edward@epa.gov.*

SUPPLEMENTARY INFORMATION: This application was made by the Virginia Secretary of Natural Resources on behalf of the Virginia Department of Environmental Quality (VDEQ). Upon receipt of an affirmative determination in response to this application, VDEQ would completely prohibit the discharge of sewage, whether treated or not, from any vessel in the Lynnhaven River in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a).

Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

The Lynnhaven River is located in the northern part of the city of Virginia Beach, Virginia. It is connected to the Chesapeake Bay through the Lynnhaven Inlet, just east of the Chesapeake Bay Bridge-Tunnel. The Lynnhaven River, including the Eastern Branch, the Western Branch, and Broad Bay/Linkhorn Bay encompasses an area of land and water of approximately 64 square miles with nearly 150 miles of shoreline. The upstream portions of the Lynnhaven River system flow either north to the Chesapeake Bay or south to North Carolina depending on wind and tidal patterns. The Lynnhaven River is oligohaline and subject to the action of tides. The majority of the waters outside the bays are shallow with maintained channel depths of six to 10 feet.

Many people enjoy the Lynnhaven River watershed for a variety of activities, including boating, fishing, crabbing, water skiing, and swimming. The shoreline surrounding the Lynnhaven River includes 4,478 private waterfront homes, public access areas, marinas, boat launch facilities, waterside restaurants, and a State park. Large and small boats, personal watercraft, canoes, kayaks, water skiers, and swimmers enjoy the river for its recreational benefits. There are several waterfront access areas within First Landing State Park for swimming during summer months. The Lynnhaven River was also once a prime oyster harvesting area known throughout the world for the famous Lynnhaven oyster. Oyster habitat restoration projects are presently being implemented in the Lynnhaven River. Lynnhaven River 2007, an advocacy group, in partnership with the city of Virginia Beach, the Chesapeake Bay Foundation, and the U.S. Army Corps of Engineers initiated an oyster-growing program in the summer of 2004 to assist in repopulating the river with this valuable living resource.

Portions of the Lynnhaven River were listed for bacteriological impairments from fecal coliform and enterococci bacteria in Virginia's 1998 section 303(d) list requiring the development of a total maximum daily load (TMDL). Consequently in 2004, EPA Region III and the Virginia State Water Control Board approved a TMDL for the shellfish harvest use impairments on Lynnhaven, Broad, and Linkhorn Bays prepared by the VDEQ. The establishment of a No Discharge Zone for the Lynnhaven River is one component of the TMDL Implementation Plan.

For the purpose of this application, the proposed Lynnhaven River No Discharge Zone is defined as all contiguous waters south of the Lesner Bridge at Lynnhaven Inlet (Latitude 36°54′27.90″ N and Longitude 76°05′30.90″ W) and north of the watershed break point defined as the intersection of West Neck Creek at Dam Neck Road (Latitude 36°47′17.60″ N and Longitude 76°04′14.62″ W).

Information submitted by the Commonwealth of Virginia states that there are six waterfront marinas operating sanitary pump-outs in the Lynnhaven River. Each of these facilities also provides dump stations, restrooms, and informational signage. Details of these facilities' location, availability and hours of operation are as follows:

Long Bay Pointe marina is located on the north side of Long Creek, west of the West Great Neck Road Bridge over the creek (2101 West Great Neck Rd., Virginia Beach). The marina currently operates a Chesapeake Bay Marine pump-out system on the fuel dock accessible to all boaters. There is a sign on the pump station. The marina also has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 10 a.m.–6 p.m., 7 days a week, 12 months per year. Lynnhaven Dry Storage marina is located on the north side of Long Creek between the West Great Neck Road and North Great Neck Road bridges over the creek (2150 West Great Neck Rd., Virginia Beach). The marina currently operates a SaniSailor pump-out system on the fuel dock accessible to all boaters. A sign for the pump-out is posted on the side of the building adjacent to the dock. The marina has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 8 a.m.–5 p.m., 7 days a week, 12 months per

year. Lynnhaven Municipal marina is located along the north side of Long Creek between the West Great Neck Road Bridge and the Lesner Bridge (3211 Lynnhaven Drive, Virginia Beach). The marina currently operates a Chesapeake Bay Marine pump-out system at the building face with a hose that reaches the dock accessible to all boaters. There is a sign for the pump-out posted on the dock and on the building face. The marina also has a dump station at the building face adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 8 a.m.–4 p.m., 7 days a week, 12 months per year. Lynnhaven Seafood marina is located along the north side of Long Creek between the West Great Neck Road Bridge and the Lesner Bridge (3311 Shore Drive, Virginia Beach). The marina currently operates a SaniSailor pump-out system on the fuel dock accessible to all boaters. There is a sign on the pump station. The marina also has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 6:30 a.m.–11 p.m., 7 days a week, 12 months per year. Marina Shores marina is located on the north side of Long Creek just east of the North Great Neck Road Bridge over the creek (2100 Marina Shores Drive, Virginia Beach). The marina currently operates an Edson pump-out system on the fuel dock accessible to all boaters. There is a sign posted on the pump station. The marina also has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 7 a.m.–8 p.m. weekends, 8 a.m.–7 p.m. weekdays, May through September, and, 8 a.m.–5 p.m. October through June. Cavalier Golf & Yacht Club marina is located at the north end of the Bird Neck Point Neighborhood at Bird Neck Point where Little Neck Creek meets Linkhorn Bay (1052 Cardinal Road, Virginia Beach). The marina currently operates a KECO diaphragm pump-out system on the dock accessible to club members only. They also have a dump station adjacent to the dock for portable toilets. The club currently serves approximately one hundred-fifty (150) vessels at this facility. The marina's sewage disposal hours of operation are 8 a.m.–6 p.m., 7 days a week, 12 months per year.

There are no draught limitations for vessels at pump-out facilities and dump stations in the Lynnhaven River. All vessels using the facilities have sufficient water to dock at the marinas. There are two bridges within the Lynnhaven River as well as the Lesner Bridge located at Lynnhaven Inlet. Pump-out facility locations as well as the bridge heights (35 feet) do not restrict accessibility to marinas or pump-out facilities. The facilities are generally concentrated near Lynnhaven Inlet because the watershed becomes dominated by private residences as one travels further away from the inlet. However, transient boats enter the watershed at the inlet and most local boats travel to the inlet facilities for fuel, so the grouping of facility locations does not appear to be an inconvenience.

The Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings specifies requirements for facility design and operation. Routine health department inspections and performance tests are performed to ensure that facilities are available and functioning properly. Broken pump-out stations can be reported to the Virginia Department of Health (VDH) by calling 1–800–ASK–FISH. These regulations also address treatment of collected vessel sewage from pump-outs and dump stations. In compliance with these regulations, all wastes from marinas within the Lynnhaven River are collected in and transported through the City of Virginia Beach's sanitary sewer collection system to the Hampton Roads Sanitation District for ultimate treatment and disposal.

According to Virginia's application there are approximately 11,253 vessels operating in the Lynnhaven River on any given day based on Virginia Beach boater registrations, and estimates of the transient boat population, minus the estimated number of registered boats operating in other Virginia Beach watersheds. The VDH marina inspection slip counts indicate only four out of 535 wet slips at commercial marinas with pump-outs in the Lynnhaven River are designated as transient vessel slips. Based on this information, it is assumed that most transient boats are brought in by trailer.

Most of these boats would not be of a size expected to have a holding tank. Transient boat counts have been estimated based on boat information given by the operators of the three public boat ramps in the Lynnhaven River.

The vessel population based on length is 2,883 vessels less than 16 feet in length, 7,272 vessels between 16 feet and 26 feet in length, 899 vessels between 27 feet and 40 feet in length, and 199 vessels greater than 40 feet in length. Based on the number and size of vessels and EPA guidance for State and local officials to estimate the number of vessels with holding tanks, two pump-outs and four dump stations are needed for the Lynnhaven River. As described above, there are currently six pump-out facilities and six dump stations in the Lynnhaven River.

EPA hereby makes a tentative affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Lynnhaven River, Virginia Beach, Virginia. A final determination on this matter will be made following the 30 day period for public comment and may result in a Virginia State prohibition of any sewage discharges from vessels in the Lynnhaven River. Comments and views regarding this application and EPA's tentative determination may be filed on or before December 21, 2006.

Comments or requests for information or copies of the application should be addressed to Edward Ambrogio, EPA Region III, Office of State and Watershed Partnerships, 1650 Arch Street, Philadelphia, PA 19103. Telephone: (215) 814–2758. Fax: (215) 814–2301. E-mail: *ambrogio.edward@epa.gov*.

Dated: November 13, 2006.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. E6–19645 Filed 11–20–06; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise

noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 15, 2006.

A. Federal Reserve Bank of Atlanta (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. Hancock Holding Company, Gulfport, Mississippi; to acquire 100 percent of the voting shares of Hancock Bank of Alabama, Mobile, Alabama (in organization).

Board of Governors of the Federal Reserve System, November 16, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–19638 Filed 11–20–06; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

Office of Small Business Utilization; Small Business Advisory Committee;

Notification of a Public Meeting of the Small Business Advisory Committee

AGENCY: Office of Small Business Utilization, GSA.

ACTION: Notice.

SUMMARY: The General Services Administration (GSA) is announcing a public meeting of the GSA Small Business Advisory Committee (the Committee).

DATES: The meeting will take place December 6 and 7, 2006. The meeting will begin on December 6, 2006 at 10 a.m. and conclude no later than 5 p.m. that day. The meeting will reconvene on December 7 at 9 a.m. and conclude no later than 1 p.m. The Committee will accept oral public comments at this meeting and has reserved a total of thirty minutes for this purpose. Members of the public wishing to reserve speaking time must contact Aaron Collmann in writing via e-mail at *sbac@gsa.gov* or by fax at (202) 501–2590, no later than one week prior to the meeting.

MEETING ADDRESS: Thomas P. O'Neill Jr. Federal Building, 10 Causeway Street, Boston, MA

FOR FURTHER INFORMATION CONTACT Aaron Collmann, Room 6029, GSA Building, 1800 F Street, NW., Washington, DC 20405 (202) 501–1021 or email at *sbac@gsa.gov*.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with the provisions of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463). The purpose of this meeting is to develop the topics generated during the previous meetings; to receive briefings from small business topical experts, and to hear from interested members of the public on proposals to improve GSA's small business contracting performance. Information from previous meetings and topics to be discussed can be found listed in the agenda posted online at *http://www.gsa.gov/sbac*.

Dated: November 14, 2006.

Felipe Mendoza,

Associate Administrator, Office of Small Business Utilization,General Services Administration.

[FR Doc. E6–19660 Filed 11–20–06; 8:45 am]

BILLING CODE 6820–34–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–07–0696]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

HIV Prevention Program Evaluation and Monitoring System for Health Departments and Community-Based Organizations (PEMS)—Reinstatement (0920–0696)—National Center for HIV, STD, and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This is an extension of a data collection that is being incrementally implemented. The initial PEMS OMB request was approved October 6, 2005 for one year. However, delays in the development of the data collection software and requests by grantees for additional time to modify their data collection procedures have prevented the initial data collection originally anticipated for 2006.

The purpose of this data collection is to collect HIV prevention evaluation data from health department and community-based organization (CBO) grantees using the electronic Program Evaluation and Monitoring System (PEMS). This data collection incorporates data elements from two previously approved data collections: Evaluating CDC Funded Health Department HIV Prevention Programs, OMB No. 0920–0497 (discontinued 4/31/2006); and Assessing the Effectiveness of CBOs for the Delivery of HIV Prevention Programs, OMB No. 0920–0525 (discontinued 12/17/2004).

Per HIV prevention cooperative agreements, CDC requires non-identifying, client-level, standardized evaluation data from health department and CBO grantees to: (1) More accurately determine the extent to which HIV prevention efforts have been carried out, what types of agencies are providing services, what resources are allocated to those services, to whom services are being provided, and how these efforts have contributed to a reduction in HIV transmission; (2) improve ease of reporting to better meet these data needs; and (3) be accountable to stakeholders by informing them of efforts made and use of funds in HIV prevention nationwide.

Although CDC receives evaluation data from grantees, the data received to date is insufficient for evaluation and accountability. Furthermore, there has not been standardization of required evaluation data from both health departments and CBOs. Changes to the

evaluation and reporting process have become necessary to ensure CDC receives standardized, accurate, thorough evaluation data from both health department and CBO grantees. For these reasons, CDC developed PEMS and consulted with representatives from health departments, CBOs, and national partners (e.g., The National Alliance of State and Territorial AIDS Directors, Urban Coalition of HIV/AIDS Prevention Services, and National Minority AIDS Council).

Respondents will collect, enter, and report general agency information, program model and budget data, and client demographics and behavioral characteristics. (After initial set-up of the PEMS, data collection will include searching existing data sources, gathering and maintaining data, document compilation, review of data, and data entry into the web-based system.) Agents will submit data quarterly. There are no costs to respondents other than their time.

ESTIMATE OF ANNUALIZED BURDEN

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Health jurisdictions	59	4	137	32,332
Health jurisdictions (CTR)	30	4	174	20,880
Health jurisdictions (Training)	59	4	10	2,360
Community-Based Organizations	160	4	84	53,760
Community-Based Organizations (CTR)	70	4	23	6,440
Community-Based Organizations (Training)	160	4	10	6,400
Annual total	.....	.....	.....	122,172

Dated: November 14, 2006.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E6–19634 Filed 11–20–06; 8:45 a.m.]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Public Comment on the Proposed Adoption of ANA Program Policies and Procedures

AGENCY: Administration for Native Americans (ANA), HHS.

SUMMARY: Pursuant to section 814 of the Native American Programs Act of 1974 (the Act) 42 U.S.C. 2992b–1, ANA herein describes its proposed interpretive rules, statements of general policy and rules of agency procedure or practice in relation to the Social and Economic Development Strategies (hereinafter referred to as SEDS), Native Language Preservation and Maintenance (hereinafter referred to as Native Language), Environmental Regulatory Enhancement (hereinafter referred to as Environmental), Environmental Mitigation (hereinafter referred to as Mitigation), Improving the Well-Being of Children—Native American Healthy Marriage Initiative (hereinafter referred to as Healthy Marriage) programs and any Special Initiatives. Under the statute, ANA is required to provide members of the public an opportunity to comment on proposed changes in interpretive rules, statements of general policy and rules of agency procedure or practice and to give notice of the final adoption of such changes at least thirty (30) days before the changes become effective. This Notice also provides additional information about ANA's plan for administering the programs.

DATES: The deadline for receipt of comments is thirty (30) days from the date of publication in the **Federal Register.**

ADDRESSES: Comments in response to this Notice should be addressed to Sheila K. Cooper, Director of Program Operations, Administration for Native Americans, 370 L'Enfant Promenade, SW., Mail Stop: Aerospace 8–West, Washington, DC 20447. Delays may occur in mail delivery to Federal offices; therefore, a copy of comments should be faxed to (202) 690–7441. Comments will be available for inspection by members of the public at the Administration for Native Americans, Aerospace Center, 901 D Street, SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Sheila K. Cooper, Director of Program Operations, toll-free at (877) 922–9262.

SUPPLEMENTARY INFORMATION: Section 814 of the Native American Programs Act of 1974, as amended, requires ANA to provide notice of its proposed interpretive rules, statements of general policy and rules of agency procedure or practice. These proposed clarifications, modifications and new text will appear in the ANA FY 2006 Program Announcements (PAs): SEDS, Native Language, Environmental, Mitigation, Healthy Marriage and Special Initiatives. This Notice serves to fulfill this requirement.

Additional Information

I. Objective Progress Report (OPR) Form

ANA has updated the OPR form to capture grantee project information that is needed in order to make a determination that the project is progressing as planned. The quarterly report will be used to support a request for additional technical assistance, should the need exist. Quarterly reporting has been a requirement for ANA grantees since FY 2005 and the new format will yield uniform data. The new format has been submitted for Office of Management and Budget approval and will be a requirement beginning January 2007. (Legal authority: Section 803B of the Native American Programs Act of 1974, as amended, 42 U.S.C. 2991B–2.)

II. Native Language Preservation and Maintenance

ANA Categories: In an effort to adhere to the Congressional intent of the legislation and to clarify the Native Language program in response to the needs of Native communities, ANA is creating a marked separation of the longstanding Category I: Assessment and Category II: Planning and/or

Implementation. ANA is proposing three distinct priority areas within the Native Language program area. The proposed categories are:

Category I: Language Assessment will remain as a 12-month project period with the primary activity of assessing the current status of the Native Language for the identified Native community.

Category II: Language Project Planning will have up to 24-month project period with the primary activity of planning a Native Language project for the Native community to be impacted by the project.

Category III: Language Project Implementation will have up to a 36-month project period to support such activities consistent with legislative and regulatory requirements.

An award in Categories II and III is not contingent upon having received previous funding from ANA for language preservation and maintenance; however, current language-assessment data and language-delivery methods will need to be provided. (Legal authority: Section 803(a) and (d) and 803C of the Native Americans Programs Act of 1974, as amended, 42 U.S.C. 2991b and 2991b–c.

III. Application—Project Development

During the FY 2006 competitions, ANA participated in the electronic application submission process. Based upon this experience, ANA has analyzed the submission procedure. To eliminate future concerns with uploading attachments, ANA has determined that all applications (hard-copy and electronic) should be submitted with no more than three (3) objectives per 12-month budget period for any given competition. This limitation will still allow an applicant to convey adequately the proposed project goals, activities and results expected. (Legal authority: Section 803 (a) and (d) and 803C of the Native American Programs Act of 1974, as amended, 42 U.S.C. 2991b and 2991b–3.)

IV. Special Initiative

Under legislative authority, ANA can provide funding for Special Initiatives that focus on specifically identified needs within Native communities. Applicants must submit projects that are responsive to the specific competitive program area. Last year ANA offered a specific program announcement to fund projects that support healthy families titled, Improving the Well-Being of Children—Native American Healthy Marriage Initiative (NAHMI). This Special Initiative will be supported again in FY 2007. Applicants requesting funding for these types of initiatives will need to submit projects under this designated Special Initiative competitive area only. (Legal authority: Section 803 (a) and (d) and 803C of the Native American Programs Act of 1974, as amended, 42 U.S.C. 2991b and 2991b–3.

V. ANA Funding Restriction Policy

In order to ensure that ANA manages proper fiscal responsibility in the dispensing of Federal funds, a list of actions and activities, which will not be considered as eligible activities for funding, is maintained. ANA has observed that projects including such contingency activities as permits, licenses, outside or internal certification, Federal or State agency approvals, or project activities that are contingent on the outcome of a court decision, do not complete projects within the approved project period. As a result of these situation, grantees often do not complete project objectives or expend approved funding. Based upon agency reviews and on-site visits, ANA will implement the following new funding restriction policy:

ANA will not consider projects that contain contingency activities that impede or indefinitely delay the ongoing progress of the proposed project. Applicants must demonstrate the project planning considered potential contingency activities and provide adequate assurance that such activities will not impede the progress of the project. (Legal authority: Section 803 (a) and (d) and 803C of the Native American Programs Act of 1974, as amended, 42 U.S.C. 2991b and 2991b–3.

Dated: November 9, 2006.

Sheila K. Cooper,

Director of Program Operations, Administration for Native Americans.

[FR Doc. 06–9281 Filed 11–21–06; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006N–0464]

Electronic Submission of Regulatory Information, and Creating an Electronic Platform for Enhanced Information Management; Public Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public hearing; request for comment.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public hearing to solicit general views and information from interested persons on issues concerning the electronic submission of product information to the agency. In particular, FDA is seeking these views and information from interested persons on the feasibility and effect of an all-electronic submission environment, as well as issues related to an electronic regulatory information exchange platform. To help solicit such information and views, FDA is seeking responses to specific questions (see section IV of this document).

DATES: *Public Hearing*: The public hearing will be held on December 18, 2006, from 9 a.m. to 5 p.m. However, depending on the level of public participation, the meeting may be extended or may end early.

Registration and Participation: Registration on the day of the public hearing will be provided on a space available basis beginning at 7:30 a.m. Because seating is limited, we recommend arriving early. See section I of the **SUPPLEMENTARY INFORMATION** section of this document for information on how to participate in the meeting. If you need special accommodations due to a disability, please contact Paula S. McKeever (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance.

Comments: Submit written or electronic notices of participation and comments by December 8, 2006. The administrative record of the hearing will remain open to receive additional comments until February 16, 2007.

ADDRESSES: The public hearing will be held at the Advisors and Consultants Staff Conference Room, Food and Drug Administration, 5630 Fishers Lane, Rockville, MD 20857. Additional information on parking and public transportation may be accessed at *http://www.fda.gov/oc/initiatives/criticalpath/*.

Submit written notices of participation and comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857. Submit electronic notices of participation and comments to *http://www.accessdata.fda.gov/scripts/oc/dockets/comments/commentdocket.cfm*. Identify all submissions to the docket with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Paula S. McKeever, Office of Critical Path Programs (HF–18), Food and Drug Administration, 5600 Fishers Lane, rm. 14B–45, Rockville, MD 20857, 301–827–1520, *paula.mckeever@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. How to Participate in the Meeting

The procedures governing the hearing are set forth in part 15 (21 CFR part 15) of FDA's regulations. If you wish to make an oral presentation during the hearing, you must submit a written notice of participation with the Division of Dockets Management (see **ADDRESSES**) by December 8, 2006. In the written notice, submit your name, title, business affiliation, address, telephone number, fax number, and e-mail address. You should also submit a written statement for each discussion topic in section IV of this document that you intend to address, or other pertinent information related to the topic in your presentation, the names and addresses of all individuals that plan to participate, and the approximate time requested for your presentation. We encourage individuals and organizations with common interests to consolidate or coordinate their presentations to allow adequate time for each request for presentation. Participants should submit to the docket two copies of each presentation.

We will file the hearing schedule indicating the order of presentation and the time allotted to each person with the Division of Dockets Management (see **ADDRESSES**). We will also mail or telephone the schedule to each participant before the hearing. In anticipation of the hearing presentations moving ahead of schedule, participants are encouraged to arrive early to ensure their designated order of presentation. Participants who are not present when called, risk forfeiting their scheduled time.

II. Background

Over the past decade, we have been moving toward transforming all regulatory submissions from paper to electronic means. To meet this goal, we have taken the following steps:

- Issued regulations related to voluntary electronic submission of regulatory information and provided a docket listing all submissions that we accept electronically (e.g., electronic records and electronic signatures, 21 CFR part 11; docket 92S–0251; *http://www.fda.gov/ohrms/dockets/dockets/92s0251/92s0251.htm*);
- Issued regulations requiring or proposing to require electronic submission of certain regulatory information (e.g., the electronic submission of the content of labeling (December 11, 2003; 68 FR 69009), and manufacturer registration and listing of drug products (August 29, 2006; 71 FR 51275));
- Issued numerous guidance documents to assist in the submission of various regulatory documents in electronic format (e.g., electronic common technical document, certain premarket applications, and postmarketing information; see *http://www.fda.gov/cder/guidance/index.htm#electronic%20submissions*);
- Issued notices related to electronic submission (e.g., availability of the FDA electronic submissions gateway (*http://www.fda.gov/esg/default.htm*)); and
- Collaborated with manufacturers, health care information suppliers, and other government agencies to develop data standards, and to build databases for sharing certain clinical trial information.

Now that we have accomplished these preliminary steps, we are considering technological and other feasibility issues related to the electronic submission of premarket applications to FDA , as well as the electronic submission of other regulatory information (e.g., postmarketing information and amendments to applications).

Facilitating electronic submissions and the electronic availability of product information would promote patient safety and better health outcomes, speed development of new medical technology, and allow health care professionals and consumers to make well informed decisions regarding the use of medical products. Such facilitations of electronic submissions would also support the Secretary's health IT priorities to harness information technology to improve healthcare and patient safety.

As we work towards establishing a modern, paperless submission environment, we have also become aware of the potential benefits of a common electronic platform that could be administered by a third party entity or entities (e.g. private or nonprofit entities not otherwise engaged in clinical research activities) with relevant expertise and organizational leadership to facilitate, coordinate and manage the functions necessary for electronic submissions. For example, a third party entity might perform the following tasks:

- Build an electronic platform,
- Maintain data warehouses,
- Transition existing electronic data and information repositories to the electronic platform,
- Produce other necessary components to facilitate electronic access and management of information,
- Manage and support these functions.

III. Purpose and Scope of the Hearing

The purpose of this public hearing is to provide stakeholders the opportunity to address specific topics (see section IV of this document) and present their views, recommendations, and any other pertinent information related to the scope of this public hearing.

The scope of this public hearing includes the following three issues:

- Feasibility issues related to the electronic submission of premarket applications, including the effects on stakeholders of such actions;
- Feasibility issues related to electronic submissions of other regulatory information, e.g., postmarketing information and amendments to applications; and
- Issues related to the concept and feasibility of an electronic platform that would facilitate the exchange of clinical research information and other regulatory product information, the role of a public private partnership in the creation and assessment of such a platform, and the management of the platform after its creation by a private entity or entities with the relevant technological expertise.

IV. Issues for Discussion

A. Electronic Submissions

We are specifically interested in hearing comments regarding the following questions and any other pertinent information related to the feasibility of the electronic submission of premarket applications and other regulatory information:

1. Transition From Paper Submissions to Electronic Submissions

- Since January 1999, we have accepted the voluntary electronic submission of certain premarket applications. If you are not voluntarily submitting such applications electronically, what is the reason(s)?
- Are you electronically submitting any portion of your premarket application? Is the portion specific to product type or premarket application?
- What are the major impediments to an all-electronic submission environment?
- How can FDA best address these impediments?
- Are there certain types of premarket applications or portions of applications that would be more difficult to submit electronically? Why?
- Are there specific issues related to electronic submission of premarket applications that are unique to small companies, academic institutions, and government agencies? If so, what are they and why are they unique?

• In addition to the sponsors of premarket applications, are there other sectors of FDA regulated industry that would have to make adjustments in business practices in an all-electronic submission environment? Please describe any such adjustments.

• In your opinion, what internal expertise is needed for firms to make the transition to an all-electronic premarket submission? Do firms have this expertise?

• Is the labor market ready to accommodate industry's demand for such expertise to convert applications in an all-electronic submission environment?

• Are there enough entities available to provide such services or tools in support of this effort? If not, how long would it take for these services to become available?

• How would an all-electronic submission environment benefit you?

• Would an all-electronic submission environment change your ability to initiate in a timely manner the studies supporting your regulatory submission?

2. Cost

• What do you estimate as the cost burden to you if all premarket applications and related documents are submitted electronically? What is the breakdown of the cost (e.g., software, programming, hardware, training)?

• Would these costs differ depending on the type of entity providing services related to the application (e.g., sponsor, clinical research organization, U.S. agent)?

• What additional costs are associated with implementing a particular format or standard for an electronic premarket submission?

• Once the appropriate systems and processes are in place, and excluding startup costs, what would be the costs associated with providing an all-paper submission compared to an all-electronic submission?

• Are there parts of a product application that are more costly to convert to an electronic format than others?

3. Time

• Based on your current method of preparation to submit applications, how much time would be required for preparation to submit the entire application in an electronic format; or a portion by an entity providing services related to the application?

• How long would it take you to prepare and submit an application electronically under the current format accepted by FDA for voluntary submissions?

• How much time would you need to make a smooth transition to a new electronic system?

• How would your estimated time differ for various product types or applications?

4. Implementation

• Should we consider an incremental phase-in implementation strategy for an all-electronic submission environment? Is so, what should the strategy include? What is the order of priorities for phasing in implementation?

• What steps can we take to minimize the cost or other burdens of transitioning to an all-electronic submission environment?

• What additional standards or revisions to current electronic standards would be helpful to make electronic submissions work?

• Are the tools and formats currently available for FDA electronic submissions adequate? If not, why? What is needed?

• Are there other submission mechanisms more suitable and beneficial than what is currently available (e.g., the electronic submission gateway)?

• Are there factors, such as data formats or tools, for harmonization with other government entities, the private sector, or foreign regulatory authorities that could reduce costs or increase the benefits of electronic submissions?

• Would issuing guidance be useful in helping with the transition? If so, what topics would you like addressed?

B. Third Party Entities

As previously described in section II of this document, we are considering issues related to the concept and feasibility of an electronic platform that would facilitate the exchange of clinical research information and other regulatory product information, and the role of a public private partnership in the creation and assessment of such a platform. In addition, we are considering whether the functions of the platform could be assumed by a private entity or entities with the relevant technological expertise. Therefore, we are interested in hearing your presentation on the following questions.

• What are your general viewpoints on a third party entity or entities providing services related to such an electronic platform?

• What are your views on the establishment of a public-private partnership to initiate formation of an electronic platform?

• How do you envision the business process modeling and nature of the third party entity or entities?

• What are the necessary attributes and characteristics of the third party entity or entities?

• What services could the third party entity or entities provide?

• What collaborative efforts by FDA with a third party entity would be beneficial to establish services?

V. Notice of Hearing Under 21 CFR Part 15

The Acting Commissioner of Food and Drugs (the Acting Commissioner) is announcing that the public hearing will be held in accordance with part 15 (21 CFR part 15). The hearing will be conducted by a presiding officer, who will be accompanied by FDA senior management from the Office of the Commissioner, the Office of Policy and Planning, the Office of the Chief Counsel; and by senior management from the National Institutes of Health, particularly the National Cancer Institute.

Persons who wish to participate in the part 15 hearing must file a written or electronic notice of participation with the Division of Dockets Management (see **ADDRESSES** and **DATES**). To ensure timely handling, any outer envelope should be clearly marked with the docket number found in brackets in the heading of this document, along with the statement ''Electronic Submission of Regulatory Information, and Creating an Electronic Platform for Enhanced Information Management.'' Requests to make a presentation should contain the potential presenter's name and title; address; telephone and fax number; e-mail address; affiliation, if any; the sponsor of the presentation (e.g., the organization paying travel expenses or fees), if any; and a brief summary of the presentation (including the discussion topic(s) that will be addressed).

Under § 15.30(f), the hearing is informal, and the rules of evidence do not apply. No participant may interrupt the presentation of another participant. Only the presiding officer and panel members may question any person during or at the conclusion of each presentation.

Public hearings under part 15 are subject to FDA's policy and procedures for electronic media coverage of FDA's public administrative proceedings (part 10, subpart C (21 CFR part 10, subpart C)). Under § 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

To the extent that the conditions for the hearing, as described in this

document, conflict with any provisions set out in part 15, this document acts as a waiver of those provisions as specified in § 15.30(h).

VI. Request for Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic notices of participation and comments for consideration. To permit time for all interested persons to submit data, information, or views on this subject, the administrative record of the hearing will remain open until February 16, 2007. Persons who wish to provide additional materials for consideration should file these materials with the Division of Dockets Management (see **ADDRESSES**). You should annotate and organize your comments to identify the specific questions identified by topic to which they refer (see section IV of this document). Two paper copies of any mailed comments are to be submitted, except that individuals may submit one paper copy. Comments are to be identified with the docket number at the heading of this document. Received comments may be seen in Division of Dockets Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

VII. Transcripts

The hearing will be transcribed as stipulated in § 15.30(b). Transcripts of the hearing will be available for review at the Division of Dockets Management (see **ADDRESSES**) and on the Internet at *http://www.fda.gov/ohrms/dockets* approximately 21 days after the hearing. You may place orders for copies of the transcript through the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers lane, rm. 6–30, Rockville, MD 20857, at a cost of 10 cents per page.

Dated: November 15, 2006.

Janet Woodcock,

Deputy Commissioner for Operations.

[FR Doc. 06–9313 Filed 11–16–06; 2:12 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel; RCMI Teleconference (II).

Date: December 6, 2006.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Guo Zhang, PhD, MPH, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6701 Democracy Boulevard, 1 Democracy Plaza, Room 1064, Bethesda, MD 20892, (301) 435–0812, *zhanggu@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333, National Institutes of Health, HHS)

Dated: November 14, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9320 Filed 11–20–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI K's, R24's and R34's.

Date: December 8, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Samuel Rawlings, PhD, Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892–9300, 301–451–2020, *rawlings@nei.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: November 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9300 Filed 11–21–06; 8:45am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Eye Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the National Eye Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Eye Institute.

Date: December 3–5, 2006.

Time: 7 a.m. to 1 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 31, 31 Center Drive, Room 6, Bethesda, MD 20892.

Contact Person: Sheldon S Miller, PhD, Scientific Director, National Institutes of Health, National Eye Institute, Bethesda, MD 20892, (301) 451–6763.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles,

including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: www.nei.nih.gov, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: November 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9317 Filed 11–21–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Mod ENCODE Subgroup.

Date: December 6, 2006.

Time: 9 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Rudy O. Pozzatti, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301 402–0838.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Human Genome Research Institute Initial Review Group, Genome Research Review Committee, Centers of Excellence in Genome Science (CEGS).

Date: December 12–13, 2006.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Conference Room T–1 Level, Bethesda, MD 20892.

Contact Person: Ken D. Nakamura, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301 402–0838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: November 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9314 Filed 11–20–06; 8:45am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Genetics, Air Pollution, and Respiratory Effects.

Date: December 15, 2006.

Time: 9 am to 6 pm.

Agenda: To review and evaluate grant applications.

Place: Hawthorne Suites Hotel, 300 Meredith Drive, Research Triangle Park, NC 27713.

Contact Person: Teresa Nesbitt, BS, PhD, DVM, Chief, Scientific Review Branch, Division of Extramural Research and Training, Nat'l Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–7571, *nesbittt@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: November 14, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9316 Filed 11–20–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HIV Transmission.

Date: December 5, 2006.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, 6700B, Room 3247, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Eugene R. Baizman, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, 301–402–1464, *eb237e@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Unsolicited HIV/AIDS Program Project Application.

Date: December 6, 2006.

Time: 2 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3200, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Thomas J. Palker, PhD, Scientific Review Administrator, Scientific Review Program, DHHS/NIH/NIAID/DEA, Room 3119, 6700B Rockledge Drive, MSC–7616, Bethesda, MD 20892–7616, 301–402–8399, *palkert@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Innate Immune Response to Parasite Antigen.

Date: December 8, 2006.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3258, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Katherine L. White, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–496–2550, *kwhite@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: November 14, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9319 Filed 11–21–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Molecular Aspects of Mental Retardation.

Date: December 5, 2006.

Time: 9 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: State Plaza Hotel, 2117 E Street, NW., Washington, DC 20037.

Contact Person: Norman Chang, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 496–1485, *changn@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Specialized Cooperative Centers Program in Reproduction and Infertility Research.

Date: December 11–13, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–6884, *ranhandj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: November 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9321 Filed 11–20–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.

Date: February 7–8, 2007.

Closed: February 7, 2007, 5:30 p.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Open: February 8, 2007, 9 a.m. to 3 p.m.

Agenda: Program and Reports and Presentations.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Abraham P. Bautista, PhD, Executive Secretary, National Institutes of Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm 3039, Rockville, MD 20852, 301–443–9743, *bautistaa@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *silk.nih.gov/silk/niaaa1/roster.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: November 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9322 Filed 11–21–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice

is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cancer Biomarker Application Review.

Date: November 27, 2006.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Mary Bell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7804, Bethesda, MD 20892, 301–451–8754, *bellmar@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9315 Filed 11–20–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, November 8, 2006, 3:30 p.m. to November 8, 2006, 5:30 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, which was published in the **Federal Register** on October 27, 2006, 71 FR 63029–63030.

The meeting will be held December 12, 2006, from 2 p.m. to 4:30 p.m. The meeting location remains the same.

The meeting is closed to the public.

Dated: November 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–9318 Filed 11–21–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1660–DR]

Arizona; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arizona (FEMA–1660–DR), dated September 7, 2006, and related determinations.

DATES: *Effective Date:* November 9, 2006.

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

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Arizona is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 7, 2006:

The Navajo Nation within Apache and Coconino Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–19649 Filed 11–20–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Revision of a Currently Approved Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Application for Waiver of Grounds of Inadmissibility; Form I–601, OMB Control Number 1615–0029.

The Department of Homeland Security, U.S. Citizenship and Immigration Service (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on September 18, 2006 at 71 FR 54679, allowing for a 60-day public comment period. USCIS received one public comment requesting that the form be amended to include health waivers related to HIV positive aliens. Accordingly, USCIS adopted the suggestion.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until December 21, 2006. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Management and Budget (OMB) USCIS Desk Officer. Comments may be submitted to: USCIS, Director, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov*, and to the OMB USCIS Desk Officer via facsimile at 202–395–6974 or via e-mail at *kastrich@omb.eop.gov*.

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0029 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate 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;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved information collection.

(2) *Title of the Form/Collection:* Application for Waiver of Grounds of Inadmissibility.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–601. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. The information collected on this form is used by U.S. Citizenship and Immigration Services (USCIS) to determine whether the applicant is eligible for a waiver of excludability under section 212 of the Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 3,000 responses at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC, 20529.

Dated: November 15, 2006.

Stephen Tarragon,

Deputy Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. E6–19625 Filed 11–20–06; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Conduct Public Scoping and Prepare an Environmental Impact Statement Regarding the Southern Nye County Multiple Species Habitat Conservation Plan, Nye County, NV

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321, *et seq.*), the Fish and Wildlife Service (Service) as the lead agency, advises the public that we intend to gather information necessary to prepare an Environmental Impact Statement (EIS) regarding the proposed Southern Nye County Multiple Species Habitat Conservation Plan (MSHCP) and issuance of an incidental take permit (Permit) for endangered and threatened species in accordance with section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). Nye County (Applicant) proposes to accommodate anticipated urban development within the Mojave Desert region of southern Nye County and implement conservation measures (Project). The Applicant intends to request a Permit for incidental take of several listed and unlisted species, including the desert tortoise (*Gopherus agassizii*), a species federally listed as threatened under the Act. The Service plans to refine the species list as a part of the scoping process. In accordance with the Act, the Applicant will prepare an MSHCP containing proposed measures to minimize and mitigate incidental take that could result from the Project.

The Service provides this notice to: (1) Describe the proposed action and possible alternatives; (2) advise other Federal and State agencies, affected tribes, and the public of our intent to prepare an EIS; (3) announce the initiation of a 30-day public scoping period; and (4) obtain suggestion and information on the scope of issues to be included in the EIS.

DATES: Public scoping meetings will be held: Monday, December 4, 2006, from 4 p.m. to 6 p.m. and Tuesday, December 5, 2006, from 4 p.m. to 6 p.m. Written comments from all interested parties must be received on or before December 21, 2006.

ADDRESSES: The public meeting will be held at the following location: Monday, December 4, 2006, at the Bob Ruud Community Center, 150 North Highway 160, Pahrump, NV 89060. Tuesday, December 5, 2006, at the Beatty Community Center, 100 A Avenue South, Beatty, NV 89003.

Comments and requests for information related to the preparation of the EIS should be sent to Robert D. Williams, Field Supervisor, Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502; or FAX 775–861–6301.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jeri Krueger, Fish and Wildlife Biologist, Fish and Wildlife Service, Southern Nevada Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada, 89130, at 702–515–5230.

SUPPLEMENTARY INFORMATION: Persons needing reasonable accommodations in order to attend and participate in the public meetings should contact Jim Marble, Nye County, Natural Resources Director, P.O. Box 153, Tonopah, Nevada, 89049 at 775–482–7238 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the public meetings. Information regarding this proposed action is available in alternative formats upon request.

The MSHCP described in this notice includes private, developable lands in southern Nye County only. Nye County is also in the process of developing a short-term desert tortoise Habitat Conservation Plan focusing specifically on Pahrump Valley in concert with the development of the MSHCP. The Applicant's intent is to complete the short-term Habitat Conservation Plan by the end of this year and then incorporate the document into the longer-term MSHCP.

The Applicant has initiated discussions with the Service regarding preparation of an MSHCP and the potential issuance of a Permit for their activities, which includes planned development and maintenance activities, utility and infrastructure development and maintenance, roadway construction and maintenance, and recreation. The Applicant has also initiated discussions with the U.S. Bureau of Land Management (BLM) regarding implementation of conservation actions on adjacent federally owned lands. The planning area encompasses the southern portion of Nye County, Nevada, within the Mojave Desert region. It consists of approximately 850,900 acres of land administered by the BLM, and

approximately 131,890 acres of developable private land in Nye County. The area is bordered by the Nellis Air Force Range and Nevada Test Site to the north, the Humboldt-Toiyabe National Forest to the east, and the California/Nevada state line to the west. The small amount of private land available for urban development is associated with the towns of Pahrump, Amargosa Valley, and Beatty. The surrounding land is primarily owned and managed by BLM.

Some of the Applicant's future activities have the potential to impact species subject to protection under the Act. Section 10 (a)(1)(B) permits non-Federal land owners to take endangered and threatened wildlife species, provided the take is incidental to otherwise lawful activities and will not appreciably reduce the likelihood for the survival and recovery of the species in the wild, as well as other permit conditions. An applicant for a Permit under section 10 must prepare and submit to the Service for approval a Plan containing a multifaceted strategy for minimizing and mitigating the impacts of all take associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate funding for the Plan will be provided.

The Service will conduct an environmental review of the MSHCP and prepare an EIS. ENTRIX has been selected as the lead consultant to prepare the EIS under the supervision of the Service. NEPA requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Under NEPA, a reasonable range of alternatives to proposed projects is developed and considered in the environmental review. Alternatives considered for analysis in an EIS may include: variations in the scope of proposed activities; variations in the location, amount, and types of conservation measures; variations in activity duration; or a combination of these elements. In addition, the EIS will identify potentially significant direct, indirect, and cumulative impacts on biological resources, land use, air quality, water quality, water resources, socioeconomic conditions, and other environmental issues that could occur with implementation of the proposed action and alternatives. For all potentially significant impacts, the EIS identifies avoidance, minimization, and mitigation measures to reduce these impacts, where feasible, to a level below significance.

The EIS will consider the proposed action, no action, and a reasonable range of alternatives. A detailed description of the impacts of the proposed action and each alternative will be included in the EIS. The alternatives to be considered for analysis in the EIS may address combinations of covered species, different permit effective periods, or a combination of elements.

Written comments from interested parties are welcome to ensure that the issues of public concern related to the proposed action are identified. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the office listed in the **ADDRESSES** section of this notice. All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. Public meetings will be held as noted in the **DATES** section above.

Our practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and /or homes addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

The Service requests that comments be specific. In particular, the Service is requesting information regarding (1) Potential direct, indirect, and cumulative impacts of implementation of the proposed action; (2) other possible alternatives that meet the purpose and need; (3) potential adaptive management and/or monitoring provisions; (4) existing environmental conditions in the area; (5) other plans or projects that might be relevant to this proposed project; and (6) potential minimization and mitigation efforts.

The environmental review of this project will be conducted in accordance with the requirements of the NEPA of 1969 as amended (42 U.S.C. 4321 *et seq.*), Council on the Environmental Quality Regulations (40 CFR parts 1500–1518), other applicable Federal laws and regulations, and applicable policies and procedures of the Service. This notice is being furnished in accordance with 40 CFR 1501.7 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS.

Dated November 8, 2006.

Ken McDermond,

Deputy Manager, California/Nevada Operations Office, Sacramento, California.

[FR Doc. E6–19633 Filed 11–20–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. NV–055–5853–EU]

Proposed Information Collection—Alternative Futures for the Upper Las Vegas Wash

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of request for comments.

SUMMARY: The Bureau of Land Management (BLM) is partnering with Utah State University to undertake a scientific study focused on the Upper Las Vegas Wash, which is managed by the BLM and located near the city of Las Vegas, Nevada. The BLM wants a better understanding of the interaction of the adjacent communities with the natural environment in this area. There are important linkages between social conditions in the greater Las Vegas metropolitan area and ecological conditions of the surrounding landscape. Ecological disturbance stemming from human use of the Upper Las Vegas Wash is complex and involves important relationships between the demographic characteristics of residents living in proximity to the area, and the nature of attachments and use patterns that can connect residents to the area. An understanding of the socio-economic characteristics of residents in conjunction with their spatial proximity to the wash will aid in our understanding of the ecological disturbance impacts, and will assist the BLM in implementing protective actions in the future. Modeling the complex linkages between ecological disturbances and the social, economic, and demographic characteristics of local populations requires analysis of both existing and newly-collected data. Thus, a critical component in this study is a

social survey of residents who live adjacent to the Upper Las Vegas Wash.

In order to obtain the required information from appropriate residents, a sampling design that will capture variation in spatial proximity to the wash is needed. For the purposes of consistency, continuity, and accuracy across multiple components of this research, the same linear transects established to determine the spatial attributes of disturbance fronts will be used to define the residential areas from which we will draw representative samples of local residents.

DATES: You must submit your comments to BLM at the address below on or before January 22, 2007. The BLM will not necessarily consider any comments received after the above date.

ADDRESSES: You may mail comments to: U.S. Department of the Interior, Bureau of Land Management, Mail Stop 401LS, 1849 C Street, NW., Attention: Bureau Information Collection Clearance Officer (WO–630), Washington, DC 20240.

You may send comments via Internet to: *comments_washington@blm.gov*. Please include ''ATTN: 1004–XXXX'' and your name and address with your comments. Before including your address, phone number e-mail address, or other personal identifying information in your comment, you are advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to so.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: You may contact Gayle Marrs-Smith, CTA Project Manager, by telephone at (702) 515–5156, or by e-mail at *Gayle Marrs-Smith@nv.blm.gov* regarding the UPPER LAS VEGAS WASH SURVEY. Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, 24 hours a day, seven days a week, to contact Gayle Marrs-Smith.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.12(a), BLM must provide a 60-day notice in the **Federal Register** concerning a proposed collection of information to solicit comments on: (1) The practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden to respondents, including the use of automated information collection techniques or other forms of information technology.

The BLM strives to include best science in rendering management decisions. Information on existing urban development and its socio-demographic composition adjacent to the Upper Las Vegas Wash is necessary to assess the impacts of future development on the sensitive resources.

Title: Alternative Futures for the Upper Las Vegas Wash.

Bureau Form Number: None.

OMB Control Number: TBD.

Type of Request: New Collection.

Description of Need: This proposal seeks approval to collect information from residents of selected neighborhoods in both Las Vegas and North Las Vegas via questionnaire in order to gain a better understanding of how socio-economic characteristics of nearby residential populations might affect the disturbance impacts in the Upper Las Vegas Wash. The questionnaire will seek information to answer the following research questions:

(1) How could variation in the spatial proximity and accessibility of residential development to the wash influence levels of both positive and negative uses of the wash environment?

(2) How could variation in the demographic composition of local neighborhood populations; particularly variation in age structure, stage in life cycle, household size and composition, income and socio-economic status levels, and racial/ethnic composition influence both levels of positive and negative uses of the wash environment?

(3) How could spatial proximity/accessibility and the demographic composition of local populations interact to influence levels of familiarity with and attachment to the wash environment?

(4) To what extent might variations in familiarity with, and attachment to, the wash environment influence local residents' perceptions about the use, management, and protection of the area?

(5) How willing are residents to impose formal as well as informal sanctions toward individuals who engage in negative uses of the wash?

Automated data collection: At this time, we will not be gathering information in an automated way.

Description of Respondents: In order to obtain the required information from appropriate residents, a sampling design that will capture variation in spatial proximity to the wash is needed. This proposal seeks approval to collect information from adults living in randomly selected households located within one-half mile corridors centered along eight linear transects. These transects have been designated for use in measuring ecological and disturbance conditions within the Upper Las Vegas Wash environment and extended south of the wash into nearby areas of residential development. The total sample size will be 1,000, with 125 residents sampled on each transect using a stratified random-sampling procedure. Each of the eight transects will be stratified into four one-mile segments. Fifty households will be randomly sampled for participation in the survey from the transect segments located within one mile of the wash; 25 households will be selected from each of the other transect segments. This will enable the recording of four different spatial gradients extending south from the wash, totaling 400 possible responses from the segments located nearest to the wash and 200 possible respondents from each of the other three gradients. In addition to this categorical breakdown of the residential location of each of the survey respondents, a more precise measure of linear distance to the wash will be calculated using the exact spatial location of each household sampled.

The data collection process will consist primarily of a drop-off/pick-up methodology. This procedure utilizes a survey instrument to obtain the desired information from respondents while increasing face-to-face interaction through personal delivery and pick up of each questionnaire, all while maintaining the same level of confidentiality that more traditional mail survey methodology affords. The procedural protocol for drop-off/pickup methodology includes delivering the survey instrument and cover letter, which explains the purpose of the study, how answers will be kept confidential at all times, and who should complete the questionnaire (any adult residing in the house age 18 or older whose birthday occurred most recently). The cover letter also informs the respondent when the researcher will be back to pick up the completed survey or instructions for leaving it in an appropriate location if the respondent is going to be away from his or her residence. Due to potential access constraints in certain neighborhoods having gated security measures, more traditional mail survey methodology

will be used in those areas. The same survey instrument and cover letter will be used, but will be mailed to the sampled households with a request that the adult age 18 or older whose birthday occurred most recently complete and return the questionnaire in a provided self-addressed stamped envelope.

Estimated average number of respondents: 1,000.

Estimated average number of responses: 600.

Estimated average burden hours per response: 30 minutes.

Estimated annual reporting burden: 300 hours.

The BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will be a matter of public record.

Dated: November 15, 2006.

Ted R. Hudson,

Bureau of Land Management, Acting Division Chief of Regulatory Affairs.

[FR Doc. 06–9323 Filed 11–21–06; 8:45 am]

BILLING CODE 4310–84–M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–404–408 and 731–TA–898–908 (Review)]

Hot-Rolled Carbon Steel Flat Products From Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determination to conduct full five-year reviews concerning the countervailing duty orders on hot-rolled carbon steel flat products from Argentina, India, Indonesia, South Africa, and Thailand and the antidumping duty orders on hot-rolled carbon steel flat products from Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the countervailing duty orders on hot-rolled carbon steel flat products from Argentina, India, Indonesia, South Africa, and Thailand and the antidumping duty orders on hot-rolled carbon steel flat products from Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: November 6, 2006.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On November 6, 2006, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission found that the domestic interested party group response to its notice of institution (71 FR 43521, August 1, 2006) was adequate and that the respondent interested party group responses with respect to Argentina, China, Netherlands, South Africa, and Thailand were adequate [1] and decided to conduct full reviews with respect to the orders concerning hot-rolled carbon steel flat products from Argentina, China, Netherlands, South Africa, and Thailand. The Commission found that the respondent interested party group responses with respect to India, Indonesia, Kazakhstan, Romania, Taiwan, and Ukraine were inadequate. However, the Commission determined to conduct full reviews concerning hot-rolled carbon steel flat products from India, Indonesia, Kazakhstan, Romania, Taiwan, and Ukraine to promote administrative efficiency in light of its decision to conduct full reviews with respect to hot-rolled carbon steel flat products from Argentina, China, Netherlands, South Africa, and Thailand. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: November 15, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–19655 Filed 11–20–06; 8:45 am]

BILLING CODE 7020–02–P

[1] Commissioner Stephen Koplan found that the respondent interested party group response with respect to China was inadequate.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–894 (Review)]

Ammonium Nitrate From Ukraine

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determination to conduct a full five-year review concerning the antidumping duty order on ammonium nitrate from Ukraine.

SUMMARY: The Commission hereby gives notice that it will proceed with a full review pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty order on ammonium nitrate from Ukraine would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the review will be established and announced at a later date. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: November 6, 2006.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special

assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On November 6, 2006, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c)(5) of the Act. The Commission found that both the domestic and respondent interested party group responses to its notice of institution (71 FR 43516, August 1, 2006) were adequate. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: November 15, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–19654 Filed 11–20–06; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on October 31, 2006, a proposed Consent Decree in *United States* v. *CBS Co., et. al.*, No. 1–06–CV–2130 (M.D. Pa.), was lodged with the United States District Court for the Middle District of Pennsylvania. In this action, the United States sought to recover costs incurred in connection with the environmental cleanup of the Shriver's Corner Superfund Site in Adams County, Pennsylvania. The proposed Consent Decree requires Settling Defendants CBS Corporation and SPC Residential, LLC, who are currently undertaking response actions at the Site, to pay the United States $239,480 plus an additional sum for interest incurred up to the date of lodging of the proposed Consent Decree, and requires Settling Defendant the Estate of Sarah A. Culp to pay the United States the sum of $98,000. Under the proposed Consent Decree, the United States, on behalf of the Army, Department of the Navy, the Air Force, and Defense Logistics Agency, contributes $372,480 towards remedial costs incurred by the U.S. Environmental Protection Agency, and contributes $182,411 towards past costs incurred by CBS Corporation and SPC Residual, LLC. In exchange for these payments, the United States covenants not to sue Settling Defendants for past response costs, and Settling Defendants covenant not to sue the United States for past and future response costs.

The Department of Justice will receive comments relating to this Consent Degree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *U.S.* v. *CBS, et al.*, D.J. #90–11–3–1651. The Consent Decree may be examined at the Office of the United States Attorney, Middle District of Pennsylvania, Federal Building, 228 Walnut Street, Harrisburg, PA 17108, c/o AUSA Michael Butler, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, c/o Allison Gardner, Asst. Regional Counsel. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $12.50 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Henry Friedman,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 06–9277 Filed 11–20–06; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps Application Data; Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the data collection for the Job Corps Application data collection forms (ETA 652, ETA 655 and ETA 682) 1205–0025, expires February 28, 2007). A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or at this Web site: *http://www.doleta.gov/OMBCN/OMBControlNumber.cfm.*

DATES: Written comments must be submitted to the office listed in the addressee section below on or before January 22, 2007

ADDRESSEE: Cathy Keiter, Office of Job Corps, U.S. Department of Labor, Room N4507, 200 Constitution Ave., NW., Washington, DC 20210. Phone (202) 693–3000 (This is not a toll-free number.), fax (202) 693–2767, or e-mail *keiter.cathy@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The collection of this information is necessary to determine eligibility of applicants to the Job Corps program. The forms in this collection are:

ETA 652, Job Corps Data Sheet, ETA 655, Statement from Court or Other Agency,

ETA 682, Child Care Certification.

These forms are the initial forms completed for each applicant. They serve as the basic document for determining eligibility for Job Corps. They also provide demographic

characteristics for program planning, evaluating and reporting purposes. This activity, previously authorized by Title IV–B of the Job Training Partnership Act and currently authorized under the Title I, Subtitle C of the Workforce Investment Act of 1998, is the major responsibility of the Job Corps admissions counselor.

The ETA 652, Job Corps Data Sheet, is used to obtain information for screening and enrollment purposes to determine eligibility for the Job Corps program in accordance with the Workforce Investment Act. It is prepared by the admissions counselor for each applicant and has no further impact on the public. The ETA 655, Statement from Court or Other Agency, collects essentially information for determining the suitability of an applicant to participate in the Job Corps program. It is used to document past behavior problems for all applicants, as well as provide a basis for projecting future behavior. It is collected by the Job Corps admissions counselor who requests the information from proper authorities. The ETA 682, Child Care Certification, is used to certify an applicant's arrangements for dependent child(ren) while the applicant is in Job Corps.

II. Review Focus

The Department of Labor 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 submissions of responses.

III. Current Actions

Type of Review: Extension of a currently-approved collection.

Agency: Employment and Training Administration.

Title: Job Corps Application Data.

OMB Number: 1205–0025.

Agency Number(s): ETA 652, ETA 655 and ETA 682.

Recordkeeping: The respondent is not required to retain records; Admissions Counselors input information into the Center Information System (CIS).

Affected Public: Individuals.

Total Respondents: 87,943.

Estimated Total Burden Hours: 16,158.

ETA Form No.	Total number of respondents	Frequency	Average time per respondent	Total burden hours	Currently approved hours (2003)	NET change
Job Corps Application ETA 652.	87,943	1/person	10 minutes	14,657	17,139	−2,482
Statement from Court ETA 655.	87,943	1/person	1 minute	1,416	1,714	−248
Child Care Certification ETA 682.	4,216	On occasion	30 seconds	35	41	−6
Total				16,158	18,894	−2,736

Data for the forms listed above continue to be collected on data input screens that electronically transmit the data to a Center Information System (CIS). While the frequency and average time per respondent remain the same from the previous data collection submission in 2003, the total number of respondents has decreased effectively reducing the total burden hours by 14% from 18,894 to 16,158 total burden hours.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): $787,862.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 3, 2006.

Esther R. Johnson,

National Director, Office of Job Corps.

[FR Doc. E6–19613 Filed 11–20–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classification Under Executive Orders 12073 and 10582

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the annual list of labor surplus areas for Fiscal Year (FY) 2007.

DATES: *Effective Date:* The annual list of labor surplus areas is effective October 1, 2006 for all states.

FOR FURTHER INFORMATION CONTACT: Anthony D. Dais, Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue, NW., Room S–4231, Washington, DC 20210. Telephone: (202) 693–2784.

SUPPLEMENTARY INFORMATION: The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. These regulations require the Assistant Secretary of Labor for the Employment and Training Administration (ETA) to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations, the Assistant Secretary of Labor is hereby publishing the annual list of labor surplus areas.

In addition, the regulations provide exceptional circumstance criteria for classifying labor surplus areas when catastrophic events, such as natural disasters, plant closings, and contract cancellations are expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

Eligible Labor Surplus Areas

Procedures for Classifying Labor Surplus Areas

Labor surplus areas are classified on the basis of civil jurisdictions rather than on metropolitan areas or labor market areas under the labor surplus area classification methodology. Civil jurisdictions are defined as all cities with a population of at least 25,000 and all counties. Townships with a population of 25,000 or more are also considered as civil jurisdictions in four states (Michigan, New Jersey, New York, and Pennsylvania). In Connecticut, Massachusetts, Puerto Rico, and Rhode Island where counties have very limited or no government functions, the classifications are done for individual towns.

A civil jurisdiction is classified as a labor surplus area when its average unemployment rate was at least 20 percent above the average unemployment rate for all states (including the District of Columbia and Puerto Rico) during the previous two calendar years. During periods of high national unemployment, the 20 percent ratio is disregarded and an area is classified as a labor surplus area if its unemployment rate during the previous two calendar years was 10 percent or more. This 10 percent ceiling concept comes into operation whenever the two-year average unemployment rate for all states was 8.3 percent or above (*i.e.*, 8.3 percent times the 1.20 ratio equals 10.0 percent). Similarly, a ''floor'' concept of 6.0 percent is used during periods of low national unemployment in order for an area to qualify as a labor surplus area (LSA). The six percent ''floor'' comes into effect whenever the average unemployment rate for all states during the two-year reference period was 5.0 percent or less.

The Department of Labor issues the labor surplus area list on a fiscal year basis. The list becomes effective each October 1 and remains in effect through the following September 30. During the course of the fiscal year, the annual list can be updated on the basis of exceptional circumstances petitions submitted by state workforce agencies and approved by the Employment and Training Administration. The reference period used in preparing the current list was January 2004 through December 2005. The national average unemployment rate during this period (including data for Puerto Rico) was 5.4 percent. After applying the 1.20 ratio, the unemployment rate for qualifying an area as having a surplus of labor for FY 2007 is 6.5 percent. Therefore, areas are included on the current annual labor surplus area list because their average unemployment rate during the reference period was 6.5 percent or above. The FY 2007 LSA list can be accessed at *http://www.doleta.gov/programs/lsa.cfm.*

Petition for Exceptional Circumstances Consideration

The classification procedures also provide for the designation of labor surplus areas under exceptional circumstance criteria. These procedures permit the regular classification criteria to be waived when an area experiences a significant increase in unemployment which is not temporary or seasonal and which was not adequately reflected in the data for the two-year reference period. Under the program's exceptional circumstance procedures, labor surplus area classifications can be made on the basis of civil jurisdictions, Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas. In order for an area to be classified as a labor surplus area under the exceptional circumstance criteria, the state workforce agency must submit a petition requesting such classification to the Department of Labor's Employment and Training Administration. The current conditions for exceptional circumstances classification are: An area unemployment rate of at least 6.5 percent for each of the three most recent months; projected unemployment rate of at least 6.5 percent for each of the next 12 months; and documented information that the exceptional circumstance event has already occurred. The state workforce agency may file petitions on behalf of civil jurisdictions, as well as Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas, as defined by the Office of Management and Budget (OMB). The addresses of state workforce agencies are available on the LSA section of the ETA Web site at *http://www.doleta.gov/programs/lsa.cfm.* State workforce agencies should submit petitions in electronic format to *dais.anthony@dol.gov* or in hard copy to the ETA National Office, Office of Workforce Investment, 200 Constitution Ave., NW., Room S–4231, Washington, DC 20210. Data collection for the petition is approved under OMB 1205–0207, dated 11/23/2004.

State Workforce Agencies

Alabama—Department of Industrial Relations, 649 Monroe St., Montgomery 36131.

Alaska—Department of Labor & Workforce Development, P.O. Box 21149, Juneau 99802.

Arizona—Arizona Department of Economic Security, P.O. Box 6123, Phoenix 85007.

Arkansas—Employment Security Department, P.O. Box 2981, Little Rock 72203–2981.

California—Employment Development Department, 800 Capitol Mall, Sacramento 95814.

Colorado—Department of Labor and Employment, 633 17th Street, Denver 80202–3660.

Connecticut—Connecticut Department of Labor, 200 Folly Brook Boulevard, Wethersfield 06109–1114.

Delaware—Delaware Department of Labor, Division of Employment & Training, 4425 North Market Street, Wilmington 19802.

District of Columbia—Department of Employment Service, 64 New York Avenue, NE., Washington 20002.

Florida—Agency for Workforce Innovation, 107 E. Madison Street, Tallahassee 32399–6545.

Georgia—Georgia Department of Labor, 148 Andrew Young International Boulevard NE, Atlanta 30303.

Hawaii—Department of Labor and Industrial Relations, 830 Punchbowl St., Honolulu 96813.

Idaho—Department of Labor, 317 W. Main Street, Boise 83735.

Illinois—Department of Employment Security, 33 S. State Street, Chicago 60602–2802.

Indiana—Department of Workforce Development, 10 North Senate Avenue, Indianapolis 46204–2277.

Iowa—Iowa Workforce Development, 1000 Grand Avenue, Des Moines 50319.

Kansas—Kansas Department of Commerce, 1000 SW. Jackson Street, Topeka 66612–1354.

Kentucky—Department of Workforce Investment, 275 East Main Street, Frankfort 40621.

Louisiana—Department of Labor, P.O. Box 94094, Baton Rouge 70804–9094.

Maine—Department of Labor, 20 Union Street, Augusta 04332–0259.

Maryland—Department of Labor, Licensing and Regulation, 500 N. Calvert Street, Baltimore 21201.

Massachusetts—Division of Career Services, 19 Staniford Street, Boston 02114.

Michigan—Department of Labor & Economic Growth, Victor Office Center, 201 N. Washington Square, Lansing 48913.

Minnesota—Department of Employment & Economic Development, 332 Minnesota Street, St. Paul 55101.

Mississippi—Employment Security Commission, 1520 W. Capital St., P.O. Box 1699, Jackson 39215–1699.

Missouri—Department of Labor and Industrial Relations, P.O. Box 59, Jefferson City 65102.
Montana—Department of Labor and Industry, P.O. Box 1728, Helena 59624.
Nebraska—Department of Labor, 550 South 16th Street, Lincoln 68509.
Nevada—Department of Employment, Training and Rehabilitation, 500 E. Third Street, Carson City 89713.
New Hampshire—Department of Employment Security, 32 S. Main Street, Concord 03301–4857.
New Jersey—Department of Labor and Workforce Development, P.O. Box 110, Trenton 08625.
New Mexico—Department of Labor, 401 Broadway, NE., P.O. Box 1928, Albuquerque 87103.
New York—Department of Labor, State Campus-Building 12, Albany 12240.
North Carolina—Employment Security Commission, P.O. Box 25903, Raleigh 27611.
North Dakota—Job Service North Dakota, 1000 E. Divide Ave., P.O. Box 5507, Bismarck, 58506–5507.
Ohio—Department of Jobs and Family Services, 30 E. Broad Street, Columbus 43215.
Oklahoma—Employment Security Commission, 2401 North Lincoln Boulevard, Oklahoma City 73105.
Oregon—Oregon Employment Department, 875 Union St., NE., Salem 97311.
Pennsylvania—Department of Labor & Industry, 1720 Labor & Industry Bldg., Harrisburg 17121.
Puerto Rico—Department of Labor and Human Resources, 505 Munoz Rivera Avenue, Hato Rey 00936–4452.
Rhode Island—Department of Labor & Training, 1511 Pontiac Avenue, Cranston 02920–4407.
South Carolina—Employment Security Commission, P.O. Box 995, Columbia 29202.
South Dakota—Department of Labor, 700 Governors Drive, Pierre 57501–2277.
Tennessee—Division of Employment Security, 500 James Robertson Parkway, Nashville 37245–1700.
Texas—Texas Workforce Commission, 101 East 15th Street 440T, Austin 78778.
Utah—Department of Workforce Services, 140 East 300 South, PO Box 45249, Salt Lake City 84145–0249.
Vermont—Department of Labor, 5 Green Mountain Drive, Montpelier 05601–0488.
Virginia—Virginia Employment Commission, 703 East Main Street, Richmond 12119.
Washington—Employment Security Department, P.O. Box 9046, Olympia 98507–9046.
West Virginia—Bureau of Employment Programs, 112 California Ave., Charleston 25305–0112.
Wisconsin—Department of Workforce Development, 201 East Washington Avenue, Madison 53702.
Wyoming—Department of Employment, 1510 E. Pershing Boulevard, Cheyenne 82002.

Signed at Washington, DC this 16th day of November, 2006.

Gay Gilbert,

Administrator, Office of Workforce Investment.

LABOR SURPLUS AREAS

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
ALABAMA	
ANNISTON CITY	ANNISTON CITY IN CALHOUN COUNTY.
BESSEMER CITY	BESSEMER CITY IN JEFFERSON COUNTY.
BULLOCK COUNTY	BULLOCK COUNTY.
BUTLER COUNTY	BUTLER COUNTY.
CHOCTAW COUNTY	CHOCTAW COUNTY.
CLARKE COUNTY	CLARKE COUNTY.
CONECUH COUNTY	CONECUH COUNTY.
DALLAS COUNTY	DALLAS COUNTY.
GADSDEN CITY	GADSDEN CITY IN ETOWAH COUNTY.
GREENE COUNTY	GREENE COUNTY.
LOWNDES COUNTY	LOWNDES COUNTY.
PERRY COUNTY	PERRY COUNTY.
PRICHARD CITY	PRICHARD CITY IN MOBILE COUNTY.
SUMTER COUNTY	SUMTER COUNTY.
WASHINGTON COUNTY	WASHINGTON COUNTY.
WILCOX COUNTY	WILCOX COUNTY.
ALASKA	
ALEUTIANS EAST BOROUGH	ALEUTIANS EAST BOROUGH.
BETHEL CENSUS AREA	BETHEL CENSUS AREA.
DENALI BOROUGH	DENALI BOROUGH.
DILLINGHAM CENSUS AREA	DILLINGHAM CENSUS AREA.
FAIRBANKS CITY	FAIRBANKS CITY IN FAIRBANKS NORTH STAR BOROUGH.
HAINES BOROUGH	HAINES BOROUGH.
KENAI PENINSULA BOROUGH	KENAI PENINSULA BOROUGH.
KETCHIKAN GATEWAY BOROUGH	KETCHIKAN GATEWAY BOROUGH.
KODIAK ISLAND BOROUGH	KODIAK ISLAND BOROUGH.
LAKE AND PENINSULA BOROUGH	LAKE AND PENINSULA BOROUGH.
MATANUSKA-SUSITNA BOROUGH	MATANUSKA-SUSITNA BOROUGH.
NOME CENSUS AREA	NOME CENSUS AREA.
NORTH SLOPE BOROUGH	NORTH SLOPE BOROUGH.
NORTHWEST ARCTIC BOROUGH	NORTHWEST ARCTIC BOROUGH.
PRINCE OF WALES OUTER KETCHIKAN	PRINCE OF WALES OUTER KETCHIKAN.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
SKAGWAY-HOONAH-ANGOON CEN AREA	SKAGWAY-HOONAH-ANGOON CEN AREA.
SOUTHEAST FAIRBANKS CENSUS AREA	SOUTHEAST FAIRBANKS CENSUS AREA.
VALDEZ CORDOVA CENSUS AREA	VALDEZ CORDOVA CENSUS AREA.
WADE HAMPTON CENSUS AREA	WADE HAMPTON CENSUS AREA.
WRANGELL-PETERSBURG CENSUS AREA	WRANGELL-PETERSBURG CENSUS AREA.
YAKUTAT BOROUGH	YAKUTAT BOROUGH.
YUKON-KOYUKUK CENSUS AREA	YUKON-KOYUKUK CENSUS AREA.
ARIZONA	
APACHE COUNTY	APACHE COUNTY.
GRAHAM COUNTY	GRAHAM COUNTY.
LA PAZ COUNTY	LA PAZ COUNTY.
NAVAJO COUNTY	NAVAJO COUNTY.
SANTA CRUZ COUNTY	SANTA CRUZ COUNTY.
YUMA CITY	YUMA CITY IN YUMA COUNTY.
YUMA COUNTY	YUMA COUNTY.
ARKANSAS	
ASHLEY COUNTY	ASHLEY COUNTY.
BRADLEY COUNTY	BRADLEY COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
CHICOT COUNTY	CHICOT COUNTY.
CLAY COUNTY	CLAY COUNTY.
CRITTENDEN COUNTY	CRITTENDEN COUNTY.
CROSS COUNTY	CROSS COUNTY.
DALLAS COUNTY	DALLAS COUNTY.
DESHA COUNTY	DESHA COUNTY.
DREW COUNTY	DREW COUNTY.
HOT SPRINGS CITY	HOT SPRINGS CITY IN GARLAND COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
JEFFERSON COUNTY	JEFFERSON COUNTY.
LAFAYETTE COUNTY	LAFAYETTE COUNTY.
LAWRENCE COUNTY	LAWRENCE COUNTY.
LEE COUNTY	LEE COUNTY.
LINCOLN COUNTY	LINCOLN COUNTY.
MISSISSIPPI COUNTY	MISSISSIPPI COUNTY.
MONROE COUNTY	MONROE COUNTY.
OUACHITA COUNTY	OUACHITA COUNTY.
PHILLIPS COUNTY	PHILLIPS COUNTY.
PINE BLUFF CITY	PINE BLUFF CITY IN JEFFERSON COUNTY.
RANDOLPH COUNTY	RANDOLPH COUNTY.
SHARP COUNTY	SHARP COUNTY.
ST. FRANCIS COUNTY	ST. FRANCIS COUNTY.
STONE COUNTY	STONE COUNTY.
UNION COUNTY	UNION COUNTY.
WEST MEMPHIS CITY	WEST MEMPHIS CITY IN CRITTENDEN COUNTY.
WOODRUFF COUNTY	WOODRUFF COUNTY.
CALIFORNIA	
ALPINE COUNTY	ALPINE COUNTY.
AZUSA CITY	AZUSA CITY IN LOS ANGELES COUNTY.
BALDWIN PARK CITY	BALDWIN PARK CITY IN LOS ANGELES COUNTY.
BELL CITY	BELL CITY IN LOS ANGELES COUNTY.
BELL GARDENS CITY	BELL GARDENS CITY IN LOS ANGELES COUNTY.
BUTTE COUNTY	BUTTE COUNTY.
CALEXICO CITY	CALEXICO CITY IN IMPERIAL COUNTY.
CERES CITY	CERES CITY IN STANISLAUS COUNTY.
COACHELLA CITY	COACHELLA CITY IN RIVERSIDE COUNTY.
COLUSA COUNTY	COLUSA COUNTY.
COMPTON CITY	COMPTON CITY IN LOS ANGELES COUNTY.
CUDAHY CITY	CUDAHY CITY IN LOS ANGELES COUNTY.
DEL NORTE COUNTY	DEL NORTE COUNTY.
DELANO CITY	DELANO CITY IN KERN COUNTY.
EAST PALO ALTO CITY	EAST PALO ALTO CITY IN SAN MATEO COUNTY.
EL CENTRO CITY	EL CENTRO CITY IN IMPERIAL COUNTY.
EL MONTE CITY	EL MONTE CITY IN LOS ANGELES COUNTY.
EUREKA CITY	EUREKA CITY IN HUMBOLDT COUNTY.
FRESNO CITY	FRESNO CITY IN FRESNO COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
FRESNO COUNTY	FRESNO COUNTY.
GILROY CITY	GILROY CITY IN SANTA CLARA COUNTY.
GLENN COUNTY	GLENN COUNTY.
HANFORD CITY	HANFORD CITY IN KINGS COUNTY.
HAWTHORNE CITY	HAWTHORNE CITY IN LOS ANGELES COUNTY.
HEMET CITY	HEMET CITY IN RIVERSIDE COUNTY.
HESPERIA CITY	HESPERIA CITY IN SAN BERNARDINO COUNTY.
HIGHLAND CITY	HIGHLAND CITY IN SAN BERNARDINO COUNTY.
HOLISTER CITY	HOLISTER CITY IN SAN BENITO COUNTY.
HUNTINGTON PARK CITY	HUNTINGTON PARK CITY IN LOS ANGELES COUNTY.
IMPERIAL BEACH CITY	IMPERIAL BEACH CITY IN SAN DIEGO COUNTY.
IMPERIAL COUNTY	IMPERIAL COUNTY.
INGLEWOOD CITY	INGLEWOOD CITY IN LOS ANGELES COUNTY.
KERN COUNTY	KERN COUNTY.
KINGS COUNTY	KINGS COUNTY.
LA PUENTE CITY	LA PUENTE CITY IN LOS ANGELES COUNTY.
LAKE COUNTY	LAKE COUNTY.
LANCASTER CITY	LANCASTER CITY IN LOS ANGELES COUNTY.
LASSEN COUNTY	LASSEN COUNTY.
LOMPOC CITY	LOMPOC CITY IN SANTA BARBARA COUNTY.
LONG BEACH CITY	LONG BEACH CITY IN LOS ANGELES COUNTY.
LOS ANGELES CITY	LOS ANGELES CITY IN LOS ANGELES COUNTY.
LOS BANOS CITY	LOS BANOS CITY IN MERCED COUNTY.
LYNWOOD CITY	LYNWOOD CITY IN LOS ANGELES COUNTY.
MADERA CITY	MADERA CITY IN MADERA COUNTY.
MADERA COUNTY	MADERA COUNTY.
MANTECA CITY	MANTECA CITY IN SAN JOAQUIN COUNTY.
MAYWOOD CITY	MAYWOOD CITY IN LOS ANGELES COUNTY.
MERCED CITY	MERCED CITY IN MERCED COUNTY.
MERCED COUNTY	MERCED COUNTY.
MODESTO CITY	MODESTO CITY IN STANISLAUS COUNTY.
MODOC COUNTY	MODOC COUNTY.
MONTEBELLO CITY	MONTEBELLO CITY IN LOS ANGELES COUNTY.
MONTEREY COUNTY	MONTEREY COUNTY.
MORGAN HILL CITY	MORGAN HILL CITY IN SANTA CLARA COUNTY.
NATIONAL CITY	NATIONAL CITY IN SAN DIEGO COUNTY.
OAKLAND CITY	OAKLAND CITY IN ALAMEDA COUNTY.
OXNARD CITY	OXNARD CITY IN VENTURA COUNTY.
PALMDALE CITY	PALMDALE CITY IN LOS ANGELES COUNTY.
PARAMOUNT CITY	PARAMOUNT CITY IN LOS ANGELES COUNTY.
PERRIS CITY	PERRIS CITY IN RIVERSIDE COUNTY.
PITTSBURG CITY	PITTSBURG CITY IN CONTRA COSTA COUNTY.
PLUMAS COUNTY	PLUMAS COUNTY.
POMONA CITY	POMONA CITY IN LOS ANGELES COUNTY.
PORTERVILLE CITY	PORTERVILLE CITY IN TULARE COUNTY.
RIALTO CITY	RIALTO CITY IN SAN BERNARDINO COUNTY.
RICHMOND CITY	RICHMOND CITY IN CONTRA COSTA COUNTY.
SALINAS CITY	SALINAS CITY IN MONTEREY COUNTY.
SAN BENITO COUNTY	SAN BENITO COUNTY.
SAN BERNARDINO CITY	SAN BERNARDINO CITY IN SAN BERNARDINO COUNTY.
SAN JACINTO CITY	SAN JACINTO CITY IN RIVERSIDE COUNTY.
SAN JOAQUIN COUNTY	SAN JOAQUIN COUNTY.
SAN JOSE CITY	SAN JOSE CITY IN SANTA CLARA COUNTY.
SAN PABLO CITY	SAN PABLO CITY IN CONTRA COSTA COUNTY.
SANTA ANA CITY	SANTA ANA CITY IN ORANGE COUNTY.
SANTA CRUZ COUNTY	SANTA CRUZ COUNTY.
SANTA MARIA CITY	SANTA MARIA CITY IN SANTA BARBARA COUNTY.
SANTA PAULA CITY	SANTA PAULA CITY IN VENTURA COUNTY.
SHASTA COUNTY	SHASTA COUNTY.
SIERRA COUNTY	SIERRA COUNTY.
SISKIYOU COUNTY	SISKIYOU COUNTY.
SOUTH GATE CITY	SOUTH GATE CITY IN LOS ANGELES COUNTY.
STANISLAUS COUNTY	STANISLAUS COUNTY.
STANTON CITY	STANTON CITY IN ORANGE COUNTY.
STOCKTON CITY	STOCKTON CITY IN SAN JOAQUIN COUNTY.
SUTTER COUNTY	SUTTER COUNTY.
BALANCE OF SUTTER COUNTY	SUTTER COUNTY LESS.
TEHAMA COUNTY	TEHAMA COUNTY.
TRINITY COUNTY	TRINITY COUNTY.
TULARE CITY	TULARE CITY IN TULARE COUNTY.
TULARE COUNTY	TULARE COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
TUOLUMNE COUNTY	TUOLUMNE COUNTY.
TURLOCK CITY	TURLOCK CITY IN STANISLAUS COUNTY.
TWENTYNINE PALMS CITY	TWENTYNINE PALMS CITY IN SAN BERNARDINO COUNTY.
VALLEJO CITY	VALLEJO CITY IN SOLANO COUNTY.
VICTORVILLE CITY	VICTORVILLE CITY IN SAN BERNARDINO COUNTY.
WATSONVILLE CITY	WATSONVILLE CITY IN SANTA CRUZ COUNTY.
WEST SACRAMENTO CITY	WEST SACRAMENTO CITY IN YOLO COUNTY.
WOODLAND CITY	WOODLAND CITY IN YOLO COUNTY.
YUBA CITY	YUBA CITY IN SUTTER COUNTY.
YUBA COUNTY	YUBA COUNTY.
COLORADO	
AURORA CITY	AURORA CITY IN ADAMS COUNTY.
	ARAPAHOE COUNTY.
BENT COUNTY	BENT COUNTY.
CONEJOS COUNTY	CONEJOS COUNTY.
COSTILLA COUNTY	COSTILLA COUNTY.
CROWLEY COUNTY	CROWLEY COUNTY.
DOLORES COUNTY	DOLORES COUNTY.
FREMONT COUNTY	FREMONT COUNTY.
HUERFANO COUNTY	HUERFANO COUNTY.
OTERO COUNTY	OTERO COUNTY.
PUEBLO CITY	PUEBLO CITY IN PUEBLO COUNTY.
PUEBLO COUNTY	PUEBLO COUNTY.
SAGUACHE COUNTY	SAGUACHE COUNTY.
SAN JUAN COUNTY	SAN JUAN COUNTY.
CONNECTICUT	
BRIDGEPORT CITY	BRIDGEPORT CITY.
EAST HARTFORD CITY	EAST HARTFORD CITY.
HARTFORD CITY	HARTFORD CITY.
NEW BRITAIN CITY	NEW BRITAIN CITY.
NEW HAVEN CITY	NEW HAVEN CITY.
WATERBURY CITY	WATERBURY CITY.
WINDHAM TOWN	WINDHAM TOWN.
DISTRICT OF COLUMBIA	
DISTRICT OF COLUMBIA	DISTRICT OF COLUMBIA.
FLORIDA	
FORT PIERCE CITY	FORT PIERCE CITY IN ST. LUCIE COUNTY.
HENDRY COUNTY	HENDRY COUNTY.
LAUDERDALE LAKES CITY	LAUDERDALE LAKES CITY IN BROWARD COUNTY.
RIVIERA BEACH CITY	RIVIERA BEACH CITY IN PALM BEACH COUNTY.
GEORGIA	
ALBANY CITY	ALBANY CITY IN DOUGHERTY COUNTY.
ATKINSON COUNTY	ATKINSON COUNTY.
ATLANTA CITY	ATLANTA CITY IN DE KALB COUNTY.
	FULTON COUNTY.
AUGUSTA CITY	AUGUSTA CITY IN RICHMOND COUNTY.
BLECKLEY COUNTY	BLECKLEY COUNTY.
BURKE COUNTY	BURKE COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
CHATTAHOOCHEE COUNTY	CHATTAHOOCHEE COUNTY.
DECATUR COUNTY	DECATUR COUNTY.
DOOLY COUNTY	DOOLY COUNTY.
EAST POINT CITY	EAST POINT CITY IN FULTON COUNTY.
GREENE COUNTY	GREENE COUNTY.
HANCOCK COUNTY	HANCOCK COUNTY.
JEFF DAVIS COUNTY	JEFF DAVIS COUNTY.
JEFFERSON COUNTY	JEFFERSON COUNTY.
LINCOLN COUNTY	LINCOLN COUNTY.
MACON CITY	MACON CITY IN BIBB COUNTY.
	JONES COUNTY.
MACON COUNTY	MACON COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
MC DUFFIE COUNTY	MC DUFFIE COUNTY.
MERIWETHER COUNTY	MERIWETHER COUNTY.
PEACH COUNTY	PEACH COUNTY.
QUITMAN COUNTY	QUITMAN COUNTY.
RANDOLPH COUNTY	RANDOLPH COUNTY.
RICHMOND COUNTY	RICHMOND COUNTY.
SPALDING COUNTY	SPALDING COUNTY.
STEWARD COUNTY	STEWARD COUNTY.
SUMTER COUNTY	SUMTER COUNTY.
TALBOT COUNTY	TALBOT COUNTY.
TALIAFERRO COUNTY	TALIAFERRO COUNTY.
TAYLOR COUNTY	TAYLOR COUNTY.
TELFAIR COUNTY	TELFAIR COUNTY.
TERRELL COUNTY	TERRELL COUNTY.
TREUTLEN COUNTY	TREUTLEN COUNTY.
UPSON COUNTY	UPSON COUNTY.
WARREN COUNTY	WARREN COUNT.
WEBSTER COUNTY	WEBSTER COUNTY.
WHEELER COUNTY	WHEELER COUNTY.
WILKES COUNTY	WILKES COUNTY.
IDAHO	
ADAMS COUNTY	ADAMS COUNTY.
BENEWAH COUNTY	BENEWAH COUNTY.
BOUNDARY COUNTY	BOUNDARY COUNTY.
CLEARWATER COUNTY	CLEARWATER COUNTY.
IDAHO COUNTY	IDAHO COUNTY.
MINIDOKA COUNTY	MINIDOKA COUNTY.
PAYETTE COUNTY	PAYETTE COUNTY.
SHOSHONE COUNTY	SHOSHONE COUNTY.
ILLINOIS	
ADDISON VILLAGE	ADDISON VILLAGE IN DU PAGE COUNTY.
ALEXANDER COUNTY	ALEXANDER COUNTY.
ALTON CITY	ALTON CITY IN MADISON COUNTY.
AURORA CITY	AURORA CITY IN DU PAGE COUNTY.
	KANE COUNTY.
BELLEVILLE CITY	BELLEVILLE CITY IN ST. CLAIR COUNTY.
BERWYN CITY	BERWYN CITY IN COOK COUNTY.
BOONE COUNTY	BOONE COUNTY.
CALUMET CITY	CALUMET CITY IN COOK COUNTY.
CARPENTERSVILLE CITY	CARPENTERSVILLE CITY IN KANE COUNTY.
CARROLL COUNTY	CARROLL COUNTY.
CHICAGO CITY	CHICAGO CITY IN COOK COUNTY.
CHICAGO HEIGHTS CITY	CHICAGO HEIGHTS CITY IN COOK COUNTY.
CICERO CITY	CICERO CITY IN COOK COUNTY.
COOK COUNTY	COOK COUNTY.
DANVILLE CITY	DANVILLE CITY IN VERMILION COUNTY.
DECATUR CITY	DECATUR CITY IN MACON COUNTY.
DES PLAINES CITY	DES PLAINES CITY IN COOK COUNTY.
DOLTON VILLAGE	DOLTON VILLAGE IN COOK COUNTY.
EAST ST. LOUIS CITY	EAST ST. LOUIS CITY IN ST. CLAIR COUNTY.
ELGIN CITY	ELGIN CITY IN COOK COUNTY.
	KANE COUNTY.
FAYETTE COUNTY	FAYETTE COUNTY.
FRANKLIN COUNTY	FRANKLIN COUNTY.
FREEPORT CITY	FREEPORT CITY IN STEPHENSON COUNTY.
GALESBURG CITY	GALESBURG CITY IN KNOX COUNTY.
GALLATIN COUNTY	GALLATIN COUNTY.
GRANITE CITY	GRANITE CITY IN MADISON COUNTY.
GRUNDY COUNTY	GRUNDY COUNTY.
HANOVER PARK VILLAGE	HANOVER PARK VILLAGE IN COOK COUNTY.
	DU PAGE COUNTY.
HARDIN COUNTY	HARDIN COUNTY.
HARVEY CITY	HARVEY CITY IN COOK COUNTY.
JOHNSON COUNTY	JOHNSON COUNTY.
JOLIET CITY	JOLIET CITY IN WILL COUNTY.
KANKAKEE CITY	KANKAKEE CITY IN KANKAKEE COUNTY.
KANKAKEE COUNTY	KANKAKEE COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
KNOX COUNTY	KNOX COUNTY.
LA SALLE COUNTY	LA SALLE COUNTY.
LANSING VILLAGE	LANSING VILLAGE IN COOK COUNTY.
MACON COUNTY	MACON COUNTY.
MARION COUNTY	MARION COUNTY.
MASON COUNTY	MASON COUNTY.
MAYWOOD VILLAGE	MAYWOOD VILLAGE IN COOK COUNTY.
MONTGOMERY COUNTY	MONTGOMERY COUNTY.
NORTH CHICAGO CITY	NORTH CHICAGO CITY IN LAKE COUNTY.
PARK FOREST VILLAGE	PARK FOREST VILLAGE IN COOK COUNTY.
	WILL COUNTY.
PERRY COUNTY	PERRY COUNTY.
POPE COUNTY	POPE COUNTY.
PULASKI COUNTY	PULASKI COUNTY.
ROCKFORD CITY	ROCKFORD CITY IN WINNEBAGO COUNTY.
SALINE COUNTY	SALINE COUNTY.
SCOTT COUNTY	SCOTT COUNTY.
ST. CLAIR COUNTY	ST. CLAIR COUNTY.
STARK COUNTY	STARK COUNTY.
UNION COUNTY	UNION COUNTY.
VERMILION COUNTY	VERMILION COUNTY.
WAUKEGAN CITY	WAUKEGAN CITY IN LAKE COUNTY.
WEST CHICAGO CITY	WEST CHICAGO CITY IN DU PAGE COUNTY.
WINNEBAGO COUNTY	WINNEBAGO COUNTY.
INDIANA	
ANDERSON CITY	ANDERSON CITY IN MADISON COUNTY.
BLACKFORD COUNTY	BLACKFORD COUNTY.
CLAY COUNTY	CLAY COUNTY.
CRAWFORD COUNTY	CRAWFORD COUNTY.
EAST CHICAGO CITY	EAST CHICAGO CITY IN LAKE COUNTY.
ELKHART CITY	ELKHART CITY IN ELKHART COUNTY.
FAYETTE COUNTY	FAYETTE COUNTY.
GARY CITY	GARY CITY IN LAKE COUNTY.
GRANT COUNTY	GRANT COUNTY.
HAMMOND CITY	HAMMOND CITY IN LAKE COUNTY.
HENRY COUNTY	HENRY COUNTY.
HOWARD COUNTY	HOWARD COUNTY.
BALANCE OF HOWARD COUNTY	HOWARD COUNTY LESS.
KOKOMO CITY	KOKOMO CITY IN HOWARD COUNTY.
LAWRENCE COUNTY	LAWRENCE COUNTY.
MARION CITY	MARION CITY IN GRANT COUNTY.
MIAMI COUNTY	MIAMI COUNTY.
MICHIGAN CITY	MICHIGAN CITY IN LA PORTE COUNTY.
MUNCIE CITY	MUNCIE CITY IN DELAWARE COUNTY.
ORANGE COUNTY	ORANGE COUNTY.
RANDOLPH COUNTY	RANDOLPH COUNTY.
RICHMOND CITY	RICHMOND CITY IN WAYNE COUNTY.
SOUTH BEND CITY	SOUTH BEND CITY IN ST. JOSEPH COUNTY.
STARKE COUNTY	STARKE COUNTY.
SULLIVAN COUNTY	SULLIVAN COUNTY.
TERRE HAUTE CITY	TERRE HAUTE CITY IN VIGO COUNTY.
VERMILLION COUNTY	VERMILLION COUNTY.
VIGO COUNTY	VIGO COUNTY.
WABASH COUNTY	WABASH COUNTY.
WAYNE COUNTY	WAYNE COUNTY.
IOWA	
BURLINGTON CITY	BURLINGTON CITY IN DES MOINES COUNTY.
CLAYTON COUNTY	CLAYTON COUNTY.
LEE COUNTY	LEE COUNTY.
KANSAS	
CHEROKEE COUNTY	CHEROKEE COUNTY.
DONIPHAN COUNTY	DONIPHAN COUNTY.
GEARY COUNTY	GEARY COUNTY.
HUTCHINSON CITY	HUTCHINSON CITY IN RENO COUNTY.
KANSAS CITY KN	KANSAS CITY KN IN WYANDOTTE COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
LABETTE COUNTY	LABETTE COUNTY.
LEAVENWORTH CITY	LEAVENWORTH CITY IN LEAVENWORTH COUNTY.
LINN COUNTY	LINN COUNTY.
MONTGOMERY COUNTY	MONTGOMERY COUNTY.
OSAGE COUNTY	OSAGE COUNTY.
SUMNER COUNTY	SUMNER COUNTY.
TOPEKA CITY	TOPEKA CITY IN SHAWNEE COUNTY.
WICHITA CITY	WICHITA CITY IN SEDGWICK COUNTY.
WOODSON COUNTY	WOODSON COUNTY.
WYANDOTTE COUNTY	WYANDOTTE COUNTY.
KENTUCKY	
ALLEN COUNTY	ALLEN COUNTY.
BALLARD COUNTY	BALLARD COUNTY.
BATH COUNTY	BATH COUNTY.
BELL COUNTY	BELL COUNTY.
BOYLE COUNTY	BOYLE COUNTY.
BREATHITT COUNTY	BREATHITT COUNTY.
BRECKINRIDGE COUNTY	BRECKINRIDGE COUNTY.
BUTLER COUNTY	BUTLER COUNTY.
CARLISLE COUNTY	CARLISLE COUNTY.
CARTER COUNTY	CARTER COUNTY.
CHRISTIAN COUNTY	CHRISTIAN COUNTY.
CLAY COUNTY	CLAY COUNTY.
CLINTON COUNTY	CLINTON COUNTY.
CUMBERLAND COUNTY	CUMBERLAND COUNTY.
EDMONSON COUNTY	EDMONSON COUNTY.
ELLIOTT COUNTY	ELLIOTT COUNTY.
ESTILL COUNTY	ESTILL COUNTY.
FLOYD COUNTY	FLOYD COUNTY.
FULTON COUNTY	FULTON COUNTY.
GRAVES COUNTY	GRAVES COUNTY.
GRAYSON COUNTY	GRAYSON COUNTY.
HARLAN COUNTY	HARLAN COUNTY.
HICKMAN COUNTY	HICKMAN COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
JOHNSON COUNTY	JOHNSON COUNTY.
KNOTT COUNTY	KNOTT COUNTY.
KNOX COUNTY	KNOX COUNTY.
LAWRENCE COUNTY	LAWRENCE COUNTY.
LEE COUNTY	LEE COUNTY.
LESLIE COUNTY	LESLIE COUNTY.
LETCHER COUNTY	LETCHER COUNTY.
LEWIS COUNTY	LEWIS COUNTY.
LINCOLN COUNTY	LINCOLN COUNTY.
LYON COUNTY	LYON COUNTY.
MAGOFFIN COUNTY	MAGOFFIN COUNTY.
MARSHALL COUNTY	MARSHALL COUNTY.
MARTIN COUNTY	MARTIN COUNTY.
MCCREARY COUNTY	MCCREARY COUNTY.
MCLEAN COUNTY	MCLEAN COUNTY.
MEADE COUNTY	MEADE COUNTY.
KENTUCKY	
MENIFEE COUNTY	MENIFEE COUNTY.
MONTGOMERY COUNTY	MONTGOMERY COUNTY.
MORGAN COUNTY	MORGAN COUNTY.
MUHLENBERG COUNTY	MUHLENBERG COUNTY.
NICHOLAS COUNTY	NICHOLAS COUNTY.
OHIO COUNTY	OHIO COUNTY.
OWSLEY COUNTY	OWSLEY COUNTY.
PADUCAH CITY	PADUCAH CITY IN MCCRACKEN COUNTY.
PERRY COUNTY	PERRY COUNTY.
PIKE COUNTY	PIKE COUNTY.
POWELL COUNTY	POWELL COUNTY.
ROBERTSON COUNTY	ROBERTSON COUNTY.
ROCKCASTLE COUNTY	ROCKCASTLE COUNTY.
WOLFE COUNTY	WOLFE COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
LOUISIANA	
ALEXANDRIA CITY	ALEXANDRIA CITY IN RAPIDES PARISH.
ALLEN PARISH	ALLEN PARISH.
ASSUMPTION PARISH	ASSUMPTION PARISH.
AVOYELLES PARISH	AVOYELLES PARISH.
BATON ROUGE CITY	BATON ROUGE CITY IN EAST BATON ROUGE PARISH.
BEAUREGARD PARISH	BEAUREGARD PARISH.
BIENVILLE PARISH	BIENVILLE PARISH.
CALCASIEU PARISH	CALCASIEU PARISH.
CALDWELL PARISH	CALDWELL PARISH.
CATAHOULA PARISH	CATAHOULA PARISH.
CONCORDIA PARISH	CONCORDIA PARISH.
DE SOTO PARISH	DE SOTO PARISH.
EAST CARROLL PARISH	EAST CARROLL PARISH.
EAST FELICIANA PARISH	EAST FELICIANA PARISH.
EVANGELINE PARISH	EVANGELINE PARISH.
FRANKLIN PARISH	FRANKLIN PARISH.
IBERIA PARISH	IBERIA PARISH.
BALANCE OF IBERIA PARISH	IBERIA PARISH LESS.
IBERVILLE PARISH	IBERVILLE PARISH.
LAKE CHARLES CITY	LAKE CHARLES CITY IN CALCASIEU PARISH.
MADISON PARISH	MADISON PARISH.
MONROE CITY	MONROE CITY IN OUACHITA PARISH.
MOREHOUSE PARISH	MOREHOUSE PARISH.
NATCHITOCHES PARISH	NATCHITOCHES PARISH.
NEW IBERIA CITY	NEW IBERIA CITY IN IBERIA PARISH.
POINTE COUPEE PARISH	POINTE COUPEE PARISH.
RED RIVER PARISH	RED RIVER PARISH.
RICHLAND PARISH	RICHLAND PARISH.
ST. HELENA PARISH	ST. HELENA PARISH.
ST. JAMES PARISH	ST. JAMES PARISH.
ST. LANDRY PARISH	ST. LANDRY PARISH.
ST. MARY PARISH	ST. MARY PARISH.
TANGIPAHOA PARISH	TANGIPAHOA PARISH.
TENSAS PARISH	TENSAS PARISH.
WASHINGTON PARISH	WASHINGTON PARISH.
WEBSTER PARISH	WEBSTER PARISH.
WEST BATON ROUGE PARISH	WEST BATON ROUGE PARISH.
WEST CARROLL PARISH	WEST CARROLL PARISH.
WEST FELICIANA PARISH	WEST FELICIANA PARISH.
WINN PARISH	WINN PARISH.
MAINE	
AROOSTOOK COUNTY	AROOSTOOK COUNTY.
PISCATAQUIS COUNTY	PISCATAQUIS COUNTY.
SOMERSET COUNTY	SOMERSET COUNTY.
WASHINGTON COUNTY	WASHINGTON COUNTY.
MARYLAND	
BALTIMORE CITY	BALTIMORE CITY.
HAGERSTOWN CITY	HAGERSTOWN CITY IN WASHINGTON COUNTY.
WORCESTER COUNTY	WORCESTER COUNTY.
MASSACHUSETTS	
BROCKTON CITY	BROCKTON CITY IN PLYMOUTH COUNTY.
CHELSEA CITY	CHELSEA CITY IN SUFFOLK COUNTY.
FALL RIVER CITY	FALL RIVER CITY IN BRISTOL COUNTY.
FITCHBURG CITY	FITCHBURG CITY IN WORCESTER COUNTY.
FLORIDA TOWN	FLORIDA TOWN IN BERKSHIRE COUNTY.
GARDNER TOWN	GARDNER TOWN IN WORCESTER COUNTY.
HOLYOKE CITY	HOLYOKE CITY IN HAMPDEN COUNTY.
LAWRENCE CITY	LAWRENCE CITY IN ESSEX COUNTY.
LOWELL CITY	LOWELL CITY IN MIDDLESEX COUNTY.
MONROE TOWN	MONROE TOWN IN FRANKLIN COUNTY.
NEW BEDFORD CITY	NEW BEDFORD CITY IN BRISTOL COUNTY.
PROVINCETOWN TOWN	PROVINCETOWN TOWN IN BARNSTABLE COUNTY.
SOUTHBRIDGE TOWN	SOUTHBRIDGE TOWN IN WORCESTER COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
SPRINGFIELD CITY	SPRINGFIELD CITY IN HAMPDEN COUNTY.
TEMPLETON TOWN	TEMPLETON TOWN IN WORCESTER COUNTY.
TRURO TOWN	TRURO TOWN IN BARNSTABLE COUNTY.
WARWICK TOWN	WARWICK TOWN IN FRANKLIN COUNTY.
MICHIGAN	
ALCONA COUNTY	ALCONA COUNTY.
ALGER COUNTY	ALGER COUNTY.
ALPENA COUNTY	ALPENA COUNTY.
ANTRIM COUNTY	ANTRIM COUNTY.
ARENAC COUNTY	ARENAC COUNTY.
BARAGA COUNTY	BARAGA COUNTY.
BATTLE CREEK CITY	BATTLE CREEK CITY IN CALHOUN COUNTY.
BAY CITY	BAY CITY IN BAY COUNTY.
BAY COUNTY	BAY COUNTY.
BENZIE COUNTY	BENZIE COUNTY.
BERRIEN COUNTY	BERRIEN COUNTY.
BRANCH COUNTY	BRANCH COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
CHARLEVOIX COUNTY	CHARLEVOIX COUNTY.
CHEBOYGAN COUNTY	CHEBOYGAN COUNTY.
CHIPPEWA COUNTY	CHIPPEWA COUNTY.
CLARE COUNTY	CLARE COUNTY.
CLINTON TOWNSHIP	CLINTON TOWNSHIP IN MACOMB COUNTY.
CRAWFORD COUNTY	CRAWFORD COUNTY.
DELTA COUNTY	DELTA COUNTY.
DETROIT CITY	DETROIT CITY IN WAYNE COUNTY.
EAST LANSING CITY	EAST LANSING CITY IN INGHAM COUNTY.
EASTPOINTE CITY	EASPOINTE CITY IN EMMET COUNTY.
FLINT CITY	FLINT CITY IN GENESEE COUNTY.
FLINT TOWNSHIP	FLINT TOWNSHIP IN GENESEE COUNTY.
GENESEE COUNTY	GENESEE COUNTY.
GLADWIN COUNTY	GLADWIN COUNTY.
GOGEBIC COUNTY	GOGEBIC COUNTY.
GRAND RAPIDS CITY	GRAND RAPIDS CITY IN KENT COUNTY.
GRATIOT COUNTY	GRATIOT COUNTY.
HIGHLAND PARK CITY	HIGHLAND PARK CITY IN WAYNE COUNTY.
HILLSDALE COUNTY	HILLSDALE COUNTY.
HOLLAND CITY	HOLLAND CITY IN ALLEGAN COUNTY. OTTAWA COUNTY.
HURON COUNTY	HURON COUNTY.
INKSTER CITY	INKSTER CITY IN WAYNE COUNTY.
IONIA COUNTY	IONIA COUNTY.
IOSCO COUNTY	IOSCO COUNTY.
IRON COUNTY	IRON COUNTY.
JACKSON CITY	JACKSON CITY IN JACKSON COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
KALAMAZOO CITY	KALAMAZOO CITY IN KALAMAZOO COUNTY.
KALKASKA COUNTY	KALKASKA COUNTY.
KEWEENAW COUNTY	KEWEENAW COUNTY.
LAKE COUNTY	LAKE COUNTY.
LANSING CITY	LANSING CITY IN EATON COUNTY.
LAPEER COUNTY	LAPEER COUNTY.
LENAWEE COUNTY	LENAWEE COUNTY.
LINCOLN PARK CITY	LINCOLN PARK CITY IN WAYNE COUNTY.
LUCE COUNTY	LUCE COUNTY.
MACKINAC COUNTY	MACKINAC COUNTY.
MACOMB COUNTY	MACOMB COUNTY.
MANISTEE COUNTY	MANISTEE COUNTY.
MASON COUNTY	MASON COUNTY.
MECOSTA COUNTY	MECOSTA COUNTY.
MISSAUKEE COUNTY	MISSAUKEE COUNTY.
MONTCALM COUNTY	MONTCALM COUNTY.
MONTMORENCY COUNTY	MONTMORENCY COUNTY.
MOUNT MORRIS TOWNSHIP	MOUNT MORRIS TOWNSHIP IN GENESEE COUNTY.
MUSKEGON CITY	MUSKEGON CITY IN MUSKEGON COUNTY.
MUSKEGON COUNTY	MUSKEGON COUNTY.
NEWAYGO COUNTY	NEWAYGO COUNTY.
OAK PARK CITY	OAK PARK CITY IN OAKLAND COUNTY.
OCEANA COUNTY	OCEANA COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
OGEMAW COUNTY	OGEMAW COUNTY.
ONTONAGON COUNTY	ONTONAGON COUNTY.
OSCEOLA COUNTY	OSCEOLA COUNTY.
OSCODA COUNTY	OSCODA COUNTY.
OTSEGO COUNTY	OTSEGO COUNTY.
PONTIAC CITY	PONTIAC CITY IN OAKLAND COUNTY.
PORT HURON CITY	PORT HURON CITY IN ST. CLAIR COUNTY.
PRESQUE ISLE COUNTY	PRESQUE ISLE COUNTY.
ROSCOMMON COUNTY	ROSCOMMON COUNTY.
ROSEVILLE CITY	ROSEVILLE CITY IN MACOMB COUNTY.
SAGINAW CITY	SAGINAW CITY IN SAGINAW COUNTY.
SAGINAW COUNTY	SAGINAW COUNTY.
SANILAC COUNTY	SANILAC COUNTY.
SCHOOLCRAFT COUNTY	SCHOOLCRAFT COUNTY.
SHIAWASSEE COUNTY	SHIAWASSEE COUNTY.
SOUTHFIELD CITY	SOUTHFIELD CITY IN OAKLAND COUNTY.
ST. CLAIR SHORES CITY	ST. CLAIR SHORES CITY IN MACOMB COUNTY.
ST. CLAIR COUNTY	ST. CLAIR COUNTY.
ST. JOSEPH COUNTY	ST. JOSEPH COUNTY.
TAYLOR CITY	TAYLOR CITY IN WAYNE COUNTY.
TUSCOLA COUNTY	TUSCOLA COUNTY.
VAN BUREN COUNTY	VAN BUREN COUNTY.
WARREN CITY	WARREN CITY IN MACOMB COUNTY.
WATERFORD TOWNSHIP	WATERFORD TOWNSHIP IN OAKLAND COUNTY.
WAYNE COUNTY	WAYNE COUNTY.
WEXFORD COUNTY	WEXFORD COUNTY.
WYOMING CITY	WYOMING CITY IN KENT COUNTY.
MINNESOTA	
CLEARWATER COUNTY	CLEARWATER COUNTY.
ITASCA COUNTY	ITASCA COUNTY.
KANABEC COUNTY	KANABEC COUNTY.
MARSHALL COUNTY	MARSHALL COUNTY.
MILLE LACS COUNTY	MILLE LACS COUNTY.
RED LAKE COUNTY	RED LAKE COUNTY.
WADENA COUNTY	WADENA COUNTY.
MISSISSIPPI	
ADAMS COUNTY	ADAMS COUNTY.
ALCORN COUNTY	ALCORN COUNTY.
AMITE COUNTY	AMITE COUNTY.
ATTALA COUNTY	ATTALA COUNTY.
BENTON COUNTY	BENTON COUNTY.
BILOXI CITY	BILOXI CITY IN HARRISON COUNTY.
BOLIVAR COUNTY	BOLIVAR COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
CARROLL COUNTY	CARROLL COUNTY.
CHICKASAW COUNTY	CHICKASAW COUNTY.
CHOCTAW COUNTY	CHOCTAW COUNTY.
CLAIBORNE COUNTY	CLAIBORNE COUNTY.
CLARKE COUNTY	CLARKE COUNTY.
CLAY COUNTY	CLAY COUNTY.
COAHOMA COUNTY	COAHOMA COUNTY.
COLUMBUS CITY	COLUMBUS CITY IN LOWNDES COUNTY.
OPIAH COUNTY	OPIAH COUNTY.
FRANKLIN COUNTY	FRANKLIN COUNTY.
GEORGE COUNTY	GEORGE COUNTY.
GREENE COUNTY	GREENE COUNTY.
GREENVILLE CITY	GREENVILLE CITY IN WASHINGTON COUNTY.
GRENADA COUNTY	GRENADA COUNTY.
GULFPORT CITY	GULFPORT CITY IN HARRISON COUNTY.
HANCOCK COUNTY	HANCOCK COUNTY.
HARRISON COUNTY	HARRISON COUNTY.
HATTIESBURG CITY	HATTIESBURG CITY IN FORREST COUNTY.
HOLMES COUNTY	HOLMES COUNTY.
HUMPHREYS COUNTY	HUMPHREYS COUNTY.
ISSAQUENA COUNTY	ISSAQUENA COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
JACKSON CITY	JACKSON CITY IN HINDS COUNTY.
	MADISON COUNTY.
	RANKIN COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
JASPER COUNTY	JASPER COUNTY.
JEFFERSON COUNTY	JEFFERSON COUNTY.
JEFFERSON DAVIS COUNTY	JEFFERSON DAVIS COUNTY.
KEMPER COUNTY	KEMPER COUNTY.
LAUDERDALE COUNTY	LAUDERDALE COUNTY.
LAWRENCE COUNTY	LAWRENCE COUNTY.
LEAKE COUNTY	LEAKE COUNTY.
LEFLORE COUNTY	LEFLORE COUNTY.
LINCOLN COUNTY	LINCOLN COUNTY.
LOWNDES COUNTY	LOWNDES COUNTY.
MARION COUNTY	MARION COUNTY.
MARSHALL COUNTY	MARSHALL COUNTY.
MERIDIAN CITY	MERIDIAN CITY IN LAUDERDALE COUNTY.
MONROE COUNTY	MONROE COUNTY.
MONTGOMERY COUNTY	MONTGOMERY COUNTY.
NOXUBEE COUNTY	NOXUBEE COUNTY.
PANOLA COUNTY	PANOLA COUNTY.
PASCAGOULA CITY	PASCAGOULA CITY IN JACKSON COUNTY.
PEARL RIVER COUNTY	PEARL RIVER COUNTY.
PERRY COUNTY	PERRY COUNTY.
PIKE COUNTY	PIKE COUNTY.
PRENTISS COUNTY	PRENTISS COUNTY.
QUITMAN COUNTY	QUITMAN COUNTY.
SHARKEY COUNTY	SHARKEY COUNTY.
STONE COUNTY	STONE COUNTY.
SUNFLOWER COUNTY	SUNFLOWER COUNTY.
TALLAHATCHIE COUNTY	TALLAHATCHIE COUNTY.
TATE COUNTY	TATE COUNTY.
TIPPAH COUNTY	TIPPAH COUNTY.
TISHOMINGO COUNTY	TISHOMINGO COUNTY.
TUNICA COUNTY	TUNICA COUNTY.
UNION COUNTY	UNION COUNTY.
VICKSBURG CITY	VICKSBURG CITY IN WARREN COUNTY.
WALTHALL COUNTY	WALTHALL COUNTY.
WARREN COUNTY	WARREN COUNTY.
WASHINGTON COUNTY	WASHINGTON COUNTY.
WAYNE COUNTY	WAYNE COUNTY.
WEBSTER COUNTY	WEBSTER COUNTY.
WILKINSON COUNTY	WILKINSON COUNTY.
WINSTON COUNTY	WINSTON COUNTY.
YALOBUSHA COUNTY	YALOBUSHA COUNTY.
YAZOO COUNTY	YAZOO COUNTY.
MISSOURI	
BATES COUNTY	BATES COUNTY.
CARTER COUNTY	CARTER COUNTY.
DENT COUNTY	DENT COUNTY.
DUNKLIN COUNTY	DUNKLIN COUNTY.
HENRY COUNTY	HENRY COUNTY.
HICKORY COUNTY	HICKORY COUNTY.
IRON COUNTY	IRON COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
KANSAS CITY MO	KANSAS CITY MO IN CASS COUNTY.
	CLAY COUNTY.
	JACKSON COUNTY.
	PLATTE COUNTY.
LACLEDE COUNTY	LACLEDE COUNTY.
LINN COUNTY	LINN COUNTY.
MISSISSIPPI COUNTY	MISSISSIPPI COUNTY.
MORGAN COUNTY	MORGAN COUNTY.
NEW MADRID COUNTY	NEW MADRID COUNTY.
PEMISCOT COUNTY	PEMISCOT COUNTY.
REYNOLDS COUNTY	REYNOLDS COUNTY.
SHANNON COUNTY	SHANNON COUNTY.
ST. FRANCOIS COUNTY	ST. FRANCOIS COUNTY.
ST. LOUIS CITY	ST. LOUIS CITY

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
STONE COUNTY	STONE COUNTY.
SULLIVAN COUNTY	SULLIVAN COUNTY.
TANEY COUNTY	TANEY COUNTY.
TEXAS COUNTY	TEXAS COUNTY.
WASHINGTON COUNTY	WASHINGTON COUNTY.
WAYNE COUNTY	WAYNE COUNTY.
WRIGHT COUNTY	WRIGHT COUNTY.
MONTANA	
BIG HORN COUNTY	BIG HORN COUNTY.
GLACIER COUNTY	GLACIER COUNTY.
LINCOLN COUNTY	LINCOLN COUNTY.
NEBRASKA	
THURSTON COUNTY	THURSTON COUNTY.
NEW JERSEY	
ATLANTIC CITY	ATLANTIC CITY IN ATLANTIC COUNTY.
BERKELEY TOWNSHIP	BERKELEY TOWNSHIP IN OCEAN COUNTY.
CAMDEN CITY	CAMDEN CITY IN CAMDEN COUNTY.
CAPE MAY COUNTY	CAPE MAY COUNTY.
CITY OF ORANGE TOWNSHIP	CITY OF ORANGE TOWNSHIP IN ESSEX COUNTY.
CUMBERLAND COUNTY	CUMBERLAND COUNTY.
EAST ORANGE CITY	EAST ORANGE CITY IN ESSEX COUNTY.
ELIZABETH CITY	ELIZABETH CITY IN UNION COUNTY.
GARFIELD CITY	GARFIELD CITY IN BERGEN COUNTY.
IRVINGTON TOWNSHIP	IRVINGTON TOWNSHIP IN ESSEX COUNTY.
JERSEY CITY	JERSEY CITY IN HUDSON COUNTY.
MILLVILLE CITY	MILLVILLE CITY IN CUMBERLAND COUNTY.
NEPTUNE TOWNSHIP	NEPTUNE TOWNSHIP IN MONMOUTH COUNTY.
NEWARK CITY	NEWARK CITY IN ESSEX COUNTY.
PASSAIC CITY	PASSAIC CITY IN PASSAIC COUNTY.
PATERSON CITY	PATERSON CITY IN PASSAIC COUNTY.
PERTH AMBOY CITY	PERTH AMBOY CITY IN MIDDLESEX COUNTY.
PLAINFIELD CITY	PLAINFIELD CITY IN UNION COUNTY.
TRENTON CITY	TRENTON CITY IN MERCER COUNTY.
UNION CITY	UNION CITY IN HUDSON COUNTY.
WEST NEW YORK TOWN	WEST NEW YORK TOWN IN HUDSON COUNTY.
WILLINGBORO TOWNSHIP	WILLINGBORO TOWNSHIP IN BURLINGTON COUNTY.
NEW MEXICO	
CATRON COUNTY	CATRON COUNTY.
CHAVES COUNTY	CHAVES COUNTY.
GRANT COUNTY	GRANT COUNTY.
GUADALUPE COUNTY	GUADALUPE COUNTY.
LUNA COUNTY	LUNA COUNTY.
MCKINLEY COUNTY	MCKINLEY COUNTY.
MORA COUNTY	MORA COUNTY.
SAN MIGUEL COUNTY	SAN MIGUEL COUNTY.
TAOS COUNTY	TAOS COUNTY.
NEW YORK	
BRONX COUNTY	BRONX COUNTY.
BUFFALO CITY	BUFFALO CITY IN ERIE COUNTY.
ELMIRA CITY	ELMIRA CITY IN CHEMUNG COUNTY.
HEMPSTEAD VILLAGE	HEMPSTEAD VILLAGE IN NASSAU COUNTY.
JEFFERSON COUNTY	JEFFERSON COUNTY.
KINGS COUNTY	KINGS COUNTY.
LEWIS COUNTY	LEWIS COUNTY.
NIAGARA FALLS CITY	NIAGARA FALLS CITY IN NIAGARA COUNTY.
OSWEGO COUNTY	OSWEGO COUNTY.
ROCHESTER CITY	ROCHESTER CITY IN MONROE COUNTY.
NORTH CAROLINA	
ANSON COUNTY	ANSON COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
BEAUFORT COUNTY	BEAUFORT COUNTY.
BERTIE COUNTY	BERTIE COUNTY.
BLADEN COUNTY	BLADEN COUNTY.
BURKE COUNTY	BURKE COUNTY.
BURLINGTON CITY	BURLINGTON CITY IN ALAMANCE COUNTY.
CALDWELL COUNTY	CALDWELL COUNTY.
CASWELL COUNTY	CASWELL COUNTY.
CLEVELAND COUNTY	CLEVELAND COUNTY.
COLUMBUS COUNTY	COLUMBUS COUNTY.
EDGECOMBE COUNTY	EDGECOMBE COUNTY.
GASTONIA CITY	GASTONIA CITY IN GASTON COUNTY.
GOLDSBORO CITY	GOLDSBORO CITY IN WAYNE COUNTY.
GRAHAM COUNTY	GRAHAM COUNTY.
HALIFAX COUNTY	HALIFAX COUNTY.
HICKORY CITY	HICKORY CITY IN BURKE COUNTY.
	CATAWBA COUNTY.
JACKSONVILLE CITY	JACKSONVILLE CITY IN ONSLOW COUNTY.
KANNAPOLIS CITY	KANNAPOLIS CITY IN CABARRUS COUNTY.
	ROWAN COUNTY.
KINSTON CITY	KINSTON CITY IN LENOIR COUNTY.
MARTIN COUNTY	MARTIN COUNTY.
MCDOWELL COUNTY	MCDOWELL COUNTY.
MITCHELL COUNTY	MITCHELL COUNTY.
MONTGOMERY COUNTY	MONTGOMERY COUNTY.
NORTHAMPTON COUNTY	NORTHAMPTON COUNTY.
PERSON COUNTY	PERSON COUNTY.
RICHMOND COUNTY	RICHMOND COUNTY.
ROBESON COUNTY	ROBESON COUNTY.
ROCKINGHAM COUNTY	ROCKINGHAM COUNTY.
ROCKY MOUNT CITY	ROCKY MOUNT CITY IN EDGECOMBE COUNTY.
	NASH COUNTY.
ROWAN COUNTY	ROWAN COUNTY.
RUTHERFORD COUNTY	RUTHERFORD COUNTY.
SALISBURY CITY	SALISBURY CITY IN ROWAN COUNTY.
SCOTLAND COUNTY	SCOTLAND COUNTY.
SWAIN COUNTY	SWAIN COUNTY.
TYRRELL COUNTY	TYRRELL COUNTY.
VANCE COUNTY	VANCE COUNTY.
WARREN COUNTY	WARREN COUNTY.
WASHINGTON COUNTY	WASHINGTON COUNTY.
WILSON CITY	WILSON CITY IN WILSON COUNTY.
WILSON COUNTY	WILSON COUNTY.
YANCEY COUNTY	YANCEY COUNTY.
NORTH DAKOTA	
PEMBINA COUNTY	PEMBINA COUNTY.
ROLETTE COUNTY	ROLETTE COUNTY.
SIOUX COUNTY	SIOUX COUNTY.
OHIO	
ADAMS COUNTY	ADAMS COUNTY.
AKRON CITY	AKRON CITY IN SUMMIT COUNTY.
ASHLAND COUNTY	ASHLAND COUNTY.
ASHTABULA COUNTY	ASHTABULA COUNTY.
BARBERTON CITY	BARBERTON CITY IN SUMMIT COUNTY.
BELMONT COUNTY	BELMONT COUNTY.
BROWN COUNTY	BROWN COUNTY.
CANTON CITY	CANTON CITY IN STARK COUNTY.
CARROLL COUNTY	CARROLL COUNTY.
CINCINNATI CITY	CINCINNATI CITY IN HAMILTON COUNTY.
CLARK COUNTY	CLARK COUNTY.
CLEVELAND CITY	CLEVELAND CITY IN CUYAHOGA COUNTY.
COLUMBIANA COUNTY	COLUMBIANA COUNTY.
COSHOCTON COUNTY	COSHOCTON COUNTY.
CRAWFORD COUNTY	CRAWFORD COUNTY.
DAYTON CITY	DAYTON CITY IN MONTGOMERY COUNTY.
EAST CLEVELAND CITY	EAST CLEVELAND CITY IN CUYAHOGA COUNTY.
ERIE COUNTY	ERIE COUNTY.
EUCLID CITY	EUCLID CITY IN CUYAHOGA COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
GALLIA COUNTY	GALLIA COUNTY.
GARFIELD HEIGHTS CITY	GARFIELD HEIGHTS CITY IN CUYAHOGA COUNTY.
GUERNSEY COUNTY	GUERNSEY COUNTY.
HARRISON COUNTY	HARRISON COUNTY.
HOCKING COUNTY	HOCKING COUNTY.
HURON COUNTY	HURON COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
JEFFERSON COUNTY	JEFFERSON COUNTY
LIMA CITY	LIMA CITY IN ALLEN COUNTY.
LORAIN CITY	LORAIN CITY IN LORAIN COUNTY.
LUCAS COUNTY	LUCAS COUNTY.
MAHONING COUNTY	MAHONING COUNTY.
MANSFIELD CITY	MANSFIELD CITY IN RICHLAND COUNTY.
MAPLE HEIGHTS CITY	MAPLE HEIGHTS CITY IN CUYAHOGA COUNTY.
MASSILLON CITY	MASSILLON CITY IN STARK COUNTY.
MEIGS COUNTY	MEIGS COUNTY.
MONROE COUNTY	MONROE COUNTY.
MONTGOMERY COUNTY	MONTGOMERY COUNTY.
MORGAN COUNTY	MORGAN COUNTY.
MUSKINGUM COUNTY	MUSKINGUM COUNTY.
NOBLE COUNTY	NOBLE COUNTY.
OTTAWA COUNTY	OTTAWA COUNTY.
PERRY COUNTY	PERRY COUNTY.
PICKAWAY COUNTY	PICKAWAY COUNTY.
PIKE COUNTY	PIKE COUNTY.
RICHLAND COUNTY	RICHLAND COUNTY.
RIVERSIDE CITY	RIVERSIDE CITY IN MONTGOMERY COUNTY.
ROSS COUNTY	ROSS COUNTY.
SANDUSKY CITY	SANDUSKY CITY IN ERIE COUNTY.
SCIOTO COUNTY	SCIOTO COUNTY.
SENECA COUNTY	SENECA COUNTY.
SPRINGFIELD CITY	SPRINGFIELD CITY IN CLARK COUNTY.
STARK COUNTY	STARK COUNTY.
TOLEDO CITY	TOLEDO CITY IN LUCAS COUNTY.
TROTWOOD CITY	TROTWOOD CITY IN MONTGOMERY COUNTY.
TRUMBULL COUNTY	TRUMBULL COUNTY.
VINTON COUNTY	VINTON COUNTY.
WARREN CITY	WARREN CITY IN TRUMBULL COUNTY.
XENIA CITY	XENIA CITY IN GREENE COUNTY.
YOUNGSTOWN CITY	YOUNGSTOWN CITY IN MAHONING COUNTY.
ZANESVILLE CITY	ZANESVILLE CITY IN MUSKINGUM COUNTY.
OKLAHOMA	
COAL COUNTY	COAL COUNTY.
HUGHES COUNTY	HUGHES COUNTY.
MCCURTAIN COUNTY	MCCURTAIN COUNTY.
MUSKOGEE CITY	MUSKOGEE CITY IN MUSKOGEE COUNTY.
OKFUSKEE COUNTY	OKFUSKEE COUNTY.
OKMULGEE COUNTY	OKMULGEE COUNTY.
SEMINOLE COUNTY	SEMINOLE COUNTY.
WOODS COUNTY	WOODS COUNTY.
OREGON	
ALBANY CITY	ALBANY CITY IN LINN COUNTY.
BAKER COUNTY	BAKER COUNTY.
COLUMBIA COUNTY	COLUMBIA COUNTY.
COOS COUNTY	COOS COUNTY.
CROOK COUNTY	CROOK COUNTY.
CURRY COUNTY	CURRY COUNTY.
DOUGLAS COUNTY	DOUGLAS COUNTY.
GRANT COUNTY	GRANT COUNTY.
GRESHAM CITY	GRESHAM CITY IN MULTNOMAH COUNTY.
HARNEY COUNTY	HARNEY COUNTY.
HOOD RIVER COUNTY	HOOD RIVER COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
JOSEPHINE COUNTY	JOSEPHINE COUNTY.
KEIZER CITY	KEIZER CITY IN MARION COUNTY.
KLAMATH COUNTY	KLAMATH COUNTY.
LAKE COUNTY	LAKE COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
LANE COUNTY	LANE COUNTY.
BALANCE OF LANE COUNTY	LANE COUNTY LESS.
LINCOLN COUNTY	LINCOLN COUNTY.
LINN COUNTY	LINN COUNTY.
MALHEUR COUNTY	MALHEUR COUNTY.
MARION COUNTY	MARION COUNTY.
BALANCE OF MARION COUNTY	MARION COUNTY LESS.
MCMINNVILLE CITY	MCMINNVILLE CITY IN YAMHILL COUNTY.
MORROW COUNTY	MORROW COUNTY.
MULTNOMAH COUNTY	MULTNOMAH COUNTY.
BALANCE OF MULTNOMAH COUNTY	MULTNOMAH COUNTY LESS.
OREGON CITY	OREGON CITY IN CLACKAMAS COUNTY.
PORTLAND CITY	PORTLAND CITY IN CLACKAMAS COUNTY.
	MULTNOMAH COUNTY.
	WASHINGTON COUNTY.
SALEM CITY	SALEM CITY IN MARION COUNTY.
	POLK COUNTY.
SHERMAN COUNTY	SHERMAN COUNTY.
SPRINGFIELD CITY	SPRINGFIELD CITY IN LANE COUNTY.
TILLAMOOK COUNTY	TILLAMOOK COUNTY.
UMATILLA COUNTY	UMATILLA COUNTY.
UNION COUNTY	UNION COUNTY.
WALLOWA COUNTY	WALLOWA COUNTY.
WASCO COUNTY	WASCO COUNTY.
WHEELER COUNTY	WHEELER COUNTY.
YAMHILL COUNTY	YAMHILL COUNTY.
PENNSYLVANIA	
ALLENTOWN CITY	ALLENTOWN CITY IN LEHIGH COUNTY.
ARMSTRONG COUNTY	ARMSTRONG COUNTY.
BEDFORD COUNTY	BEDFORD COUNTY.
CAMBRIA COUNTY	CAMBRIA COUNTY.
BALANCE OF CAMBRIA COUNTY	CAMBRIA COUNTY LESS.
CAMERON COUNTY	CAMERON COUNTY.
CHESTER CITY	CHESTER CITY IN DELAWARE COUNTY.
CLEARFIELD COUNTY	CLEARFIELD COUNTY.
FAYETTE COUNTY	FAYETTE COUNTY.
FOREST COUNTY	FOREST COUNTY.
GREENE COUNTY	GREENE COUNTY.
HARRISBURG CITY	HARRISBURG CITY IN DAUPHIN COUNTY.
HAZLETON CITY	HAZLETON CITY IN LUZERNE COUNTY.
HUNTINGDON COUNTY	HUNTINGDON COUNTY.
JOHNSTOWN CITY	JOHNSTOWN CITY IN CAMBRIA COUNTY.
MCKEESPORT CITY	MCKEESPORT CITY IN ALLEGHENY COUNTY.
NEW CASTLE CITY	NEW CASTLE CITY IN LAWRENCE COUNTY.
PHILADELPHIA CITY	PHILADELPHIA CITY IN PHILADELPHIA COUNTY.
PHILADELPHIA COUNTY	PHILADELPHIA COUNTY.
POTTER COUNTY	POTTER COUNTY.
READING CITY	READING CITY IN BERKS COUNTY.
WILKES-BARRE CITY	WILKES-BARRE CITY IN LUZERNE COUNTY.
WILLIAMSPORT CITY	WILLIAMSPORT CITY IN LYCOMING COUNTY.
YORK CITY	YORK CITY IN YORK COUNTY.
RHODE ISLAND	
CENTRAL FALLS CITY	CENTRAL FALLS CITY IN PROVIDENCE COUNTY.
NEW SHOREHAM TOWN	NEW SHOREHAM TOWN.
SOUTH CAROLINA	
ABBEVILLE COUNTY	ABBEVILLE COUNTY.
ALLENDALE COUNTY	ALLENDALE COUNTY.
ANDERSON CITY	ANDERSON CITY IN ANDERSON COUNTY.
ANDERSON COUNTY	ANDERSON COUNTY.
BAMBERG COUNTY	BAMBERG COUNTY.
BARNWELL COUNTY	BARNWELL COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
CHEROKEE COUNTY	CHEROKEE COUNTY.
CHESTER COUNTY	CHESTER COUNTY.
CHESTERFIELD COUNTY	CHESTERFIELD COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
CLARENDON COUNTY	CLARENDON COUNTY.
COLLETON COUNTY	COLLETON COUNTY.
COLUMBIA CITY	COLUMBIA CITY IN RICHLAND COUNTY.
DARLINGTON COUNTY	DARLINGTON COUNTY.
DILLON COUNTY	DILLON COUNTY.
EDGEFIELD COUNTY	EDGEFIELD COUNTY.
FAIRFIELD COUNTY	FAIRFIELD COUNTY.
FLORENCE CITY	FLORENCE CITY IN FLORENCE COUNTY.
FLORENCE COUNTY	FLORENCE COUNTY.
GEORGETOWN COUNTY	GEORGETOWN COUNTY.
GREENVILLE CITY	GREENVILLE CITY IN GREENVILLE COUNTY.
GREENWOOD COUNTY	GREENWOOD COUNTY.
HAMPTON COUNTY	HAMPTON COUNTY.
LANCASTER COUNTY	LANCASTER COUNTY.
LAURENS COUNTY	LAURENS COUNTY.
LEE COUNTY	LEE COUNTY.
MARION COUNTY	MARION COUNTY.
MARLBORO COUNTY	MARLBORO COUNTY.
MC CORMICK COUNTY	MC CORMICK COUNTY.
NEWBERRY COUNTY	NEWBERRY COUNTY.
NORTH CHARLESTON CITY	NORTH CHARLESTON CITY IN CHARLESTON COUNTY.
OCONEE COUNTY	OCONEE COUNTY.
ORANGEBURG COUNTY	ORANGEBURG COUNTY.
PICKENS COUNTY	PICKENS COUNTY.
ROCKHILL CITY	ROCKHILL CITY IN YORK COUNTY.
SALUDA COUNTY	SALUDA COUNTY.
SPARTANBURG CITY	SPARTANBURG CITY IN SPARTANBURG COUNTY.
SPARTANBURG COUNTY	SPARTANBURG COUNTY.
SUMTER CITY	SUMTER CITY IN SUMTER COUNTY.
SUMTER COUNTY	SUMTER COUNTY.
UNION COUNTY	UNION COUNTY.
WILLIAMSBURG COUNTY	WILLIAMSBURG COUNTY.
YORK COUNTY	YORK COUNTY.
SOUTH DAKOTA	
BUFFALO COUNTY	BUFFALO COUNTY.
CORSON COUNTY	CORSON COUNTY.
DEWEY COUNTY	DEWEY COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
SHANNON COUNTY	SHANNON COUNTY.
ZIEBACH COUNTY	ZIEBACH COUNTY.
TENNESSEE	
BENTON COUNTY	BENTON COUNTY.
BLEDSOE COUNTY	BLEDSOE COUNTY.
CARROLL COUNTY	CARROLL COUNTY.
CLAY COUNTY	CLAY COUNTY.
COCKE COUNTY	COCKE COUNTY.
COLUMBIA CITY	COLUMBIA CITY IN MAURY COUNTY.
CROCKETT COUNTY	CROCKETT COUNTY.
DECATUR COUNTY	DECATUR COUNTY.
FENTRESS COUNTY	FENTRESS COUNTY.
GIBSON COUNTY	GIBSON COUNTY.
GILES COUNTY	GILES COUNTY.
GREENE COUNTY	GREENE COUNTY.
GRUNDY COUNTY	GRUNDY COUNTY.
HANCOCK COUNTY	HANCOCK COUNTY.
HARDEMAN COUNTY	HARDEMAN COUNTY.
HARDIN COUNTY	HARDIN COUNTY.
HAYWOOD COUNTY	HAYWOOD COUNTY.
HENDERSON COUNTY	HENDERSON COUNTY.
HENRY COUNTY	HENRY COUNTY.
HOUSTON COUNTY	HOUSTON COUNTY.
HUMPHREYS COUNTY	HUMPHREYS COUNTY.
JACKSON CITY	JACKSON CITY IN MADISON COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
JOHNSON COUNTY	JOHNSON COUNTY.
KINGSPORT CITY	KINGSPORT CITY IN HAWKINS COUNTY.
	SULLIVAN COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
LAKE COUNTY	LAKE COUNTY.
LAUDERDALE COUNTY	LAUDERDALE COUNTY.
LAWRENCE COUNTY	LAWRENCE COUNTY.
LEWIS COUNTY	LEWIS COUNTY.
MARSHALL COUNTY	MARSHALL COUNTY.
MEIGS COUNTY	MEIGS COUNTY.
MEMPHIS CITY	MEMPHIS CITY IN SHELBY COUNTY.
MORGAN COUNTY	MORGAN COUNTY.
MORRISTOWN CITY	MORRISTOWN CITY IN HAMBLEN COUNTY.
PERRY COUNTY	PERRY COUNTY.
PICKETT COUNTY	PICKETT COUNTY.
RHEA COUNTY	RHEA COUNTY.
SCOTT COUNTY	SCOTT COUNTY.
STEWART COUNTY	STEWART COUNTY.
TIPTON COUNTY	TIPTON COUNTY.
VAN BUREN COUNTY	VAN BUREN COUNTY.
WARREN COUNTY	WARREN COUNTY.
WAYNE COUNTY	WAYNE COUNTY.
WEAKLEY COUNTY	WEAKLEY COUNTY.
WHITE COUNTY	WHITE COUNTY.
TEXAS	
ANDERSON COUNTY	ANDERSON COUNTY.
ARANSAS COUNTY	ARANSAS COUNTY.
BAYTOWN CITY	BAYTOWN CITY IN HARRIS COUNTY.
BEAUMONT CITY	BEAUMONT CITY IN JEFFERSON COUNTY.
BEE COUNTY	BEE COUNTY.
BROOKS COUNTY	BROOKS COUNTY.
BROWNSVILLE CITY	BROWNSVILLE CITY IN CAMERON COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
CAMERON COUNTY	CAMERON COUNTY.
CASS COUNTY	CASS COUNTY.
COCHRAN COUNTY	COCHRAN COUNTY.
CORYELL COUNTY	CORYELL COUNTY.
DALLAS CITY	DALLAS CITY IN COLLIN COUNTY. DALLAS COUNTY. DENTON COUNTY.
DAWSON COUNTY	DAWSON COUNTY.
DEL RIO CITY	DEL RIO CITY IN VAL VERDE COUNTY.
DELTA COUNTY	DELTA COUNTY.
DIMMIT COUNTY	DIMMIT COUNTY.
DUVAL COUNTY	DUVAL COUNTY.
EL PASO CITY	EL PASO CITY IN EL PASO COUNTY.
EL PASO COUNTY	EL PASO COUNTY.
FANNIN COUNTY	FANNIN COUNTY.
FRIO COUNTY	FRIO COUNTY.
GALVESTON CITY	GALVESTON CITY IN GALVESTON COUNTY.
GRIMES COUNTY	GRIMES COUNTY.
HARDIN COUNTY	HARDIN COUNTY.
HARLINGEN CITY	HARLINGEN CITY IN CAMERON COUNTY.
HIDALGO COUNTY	HIDALGO COUNTY.
BALANCE OF HIDALGO COUNTY	HIDALGO COUNTY LESS.
HOUSTON CITY	HOUSTON CITY IN FORT BEND COUNTY. HARRIS COUNTY.
HOUSTON COUNTY	HOUSTON COUNTY.
HUDSPETH COUNTY	HUDSPETH COUNTY.
JASPER COUNTY	JASPER COUNTY.
JEFFERSON COUNTY	JEFFERSON COUNTY.
KARNES COUNTY	KARNES COUNTY.
KILLEEN CITY	KILLEEN CITY IN BELL COUNTY.
LANCASTER CITY	LANCASTER CITY IN DALLAS COUNTY.
LIBERTY COUNTY	LIBERTY COUNTY.
LOVING COUNTY	LOVING COUNTY.
LUFKIN CITY	LUFKIN CITY IN ANGELINA COUNTY.
MATAGORDA COUNTY	MATAGORDA COUNTY.
MAVERICK COUNTY	MAVERICK COUNTY.
MISSION CITY	MISSION CITY IN HIDALGO COUNTY.
MITCHELL COUNTY	MITCHELL COUNTY.
MORRIS COUNTY	MORRIS COUNTY.
NEWTON COUNTY	NEWTON COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
ORANGE COUNTY	ORANGE COUNTY.
PARIS CITY	PARIS CITY IN LAMAR COUNTY.
PASADENA CITY	PASADENA CITY IN HARRIS COUNTY.
PHARR CITY	PHARR CITY IN HIDALGO COUNTY.
POLK COUNTY	POLK COUNTY.
PORT ARTHUR CITY	PORT ARTHUR CITY IN JEFFERSON COUNTY.
PRESIDIO COUNTY	PRESIDIO COUNTY.
RED RIVER COUNTY	RED RIVER COUNTY.
REEVES COUNTY	REEVES COUNTY.
SABINE COUNTY	SABINE COUNTY.
SAN AUGUSTINE COUNTY	SAN AUGUSTINE COUNTY.
SAN JUAN CITY	SAN JUAN CITY IN HIDALGO COUNTY.
SAN PATRICIO COUNTY	SAN PATRICIO COUNTY.
SOCORRO CITY	SOCORRO CITY IN EL PASO COUNTY.
STARR COUNTY	STARR COUNTY.
TERRELL COUNTY	TERRELL COUNTY.
TEXARKANA CITY TEX	TEXARKANA CITY TEX IN BOWIE COUNTY.
TEXAS CITY	TEXAS CITY IN GALVESTON COUNTY.
TYLER COUNTY	TYLER COUNTY.
UVALDE COUNTY	UVALDE COUNTY.
VAL VERDE COUNTY	VAL VERDE COUNTY.
WESLACO CITY	WESLACO CITY IN HIDALGO COUNTY.
WILLACY COUNTY	WILLACY COUNTY.
ZAPATA COUNTY	ZAPATA COUNTY.
ZAVALA COUNTY	ZAVALA COUNTY.
UTAH	
GARFIELD COUNTY	GARFIELD COUNTY.
OGDEN CITY	OGDEN CITY IN WEBER COUNTY.
SAN JUAN COUNTY	SAN JUAN COUNTY.
VIRGINIA	
CHARLOTTE COUNTY	CHARLOTTE COUNTY.
DANVILLE CITY	DANVILLE CITY IN DANVILLE CITY.
EMPORIA CITY	EMPORIA CITY IN EMPORIA CITY.
GREENSVILLE COUNTY	GREENSVILLE COUNTY.
HALIFAX COUNTY	HALIFAX COUNTY.
HENRY COUNTY	HENRY COUNTY.
MARTINSVILLE CITY	MARTINSVILLE CITY IN MARTINSVILLE CITY.
PATRICK COUNTY	PATRICK COUNTY.
PETERSBURG CITY	PETERSBURG CITY IN PETERSBURG CITY.
SUSSEX COUNTY	SUSSEX COUNTY.
WILLIAMSBURG CITY	WILLIAMSBURG CITY.
WASHINGTON	
ADAMS COUNTY	ADAMS COUNTY.
BREMERTON CITY	BREMERTON CITY IN KITSAP COUNTY.
CHELAN COUNTY	CHELAN COUNTY.
CLALLAM COUNTY	CLALLAM COUNTY.
CLARK COUNTY	CLARK COUNTY.
COLUMBIA COUNTY	COLUMBIA COUNTY.
COWLITZ COUNTY	COWLITZ COUNTY.
EVERETT CITY	EVERETT CITY IN SNOHOMISH COUNTY.
FERRY COUNTY	FERRY COUNTY.
FRANKLIN COUNTY	FRANKLIN COUNTY.
GRANT COUNTY	GRANT COUNTY.
GRAYS HARBOR COUNTY	GRAYS HARBOR COUNTY.
KLICKITAT COUNTY	KLICKITAT COUNTY.
LAKEWOOD CITY	LAKEWOOD CITY IN PIERCE COUNTY.
LEWIS COUNTY	LEWIS COUNTY.
LONGVIEW CITY	LONGVIEW CITY IN COWLITZ COUNTY.
MASON COUNTY	MASON COUNTY.
MOUNT VERNON CITY	MOUNT VERNON CITY IN SKAGIT COUNTY.
OKANOGAN COUNTY	OKANOGAN COUNTY.
PACIFIC COUNTY	PACIFIC COUNTY.
PASCO CITY	PASCO CITY IN FRANKLIN COUNTY.
PEND OREILLE COUNTY	PEND OREILLE COUNTY.
PIERCE COUNTY	PIERCE COUNTY.

LABOR SURPLUS AREAS—Continued

October 1, 2006 Through September 30, 2007

Eligible labor surplus areas	Civil jurisdictions included
SEA TAC CITY	SEA TAC CITY IN KING COUNTY.
SKAMANIA COUNTY	SKAMANIA COUNTY.
SPOKANE CITY	SPOKANE CITY IN SPOKANE COUNTY.
STEVENS COUNTY	STEVENS COUNTY.
TACOMA CITY	TACOMA CITY IN PIERCE COUNTY.
VANCOUVER CITY	VANCOUVER CITY IN CLARK COUNTY.
WAHKIAKUM COUNTY	WAHKIAKUM COUNTY.
WALLA WALLA CITY	WALLA WALLA CITY IN WALLA WALLA COUNTY.
WENATCHEE CITY	WENATCHEE CITY IN CHELAN COUNTY.
YAKIMA CITY	YAKIMA CITY IN YAKIMA COUNTY.
YAKIMA COUNTY	YAKIMA COUNTY.
WEST VIRGINIA	
BROOKE COUNTY	BROOKE COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
CLAY COUNTY	CLAY COUNTY.
HANCOCK COUNTY	HANCOCK COUNTY.
MASON COUNTY	MASON COUNTY.
MCDOWELL COUNTY	MCDOWELL COUNTY.
MINGO COUNTY	MINGO COUNTY.
PARKERSBURG CITY	PARKERSBURG CITY IN WOOD COUNTY.
ROANE COUNTY	ROANE COUNTY.
TYLER COUNTY	TYLER COUNTY.
WETZEL COUNTY	WETZEL COUNTY.
WIRT COUNTY	WIRT COUNTY.
WISCONSIN	
ADAMS COUNTY	ADAMS COUNTY.
BELOIT CITY	BELOIT CITY IN ROCK COUNTY.
FOREST COUNTY	FOREST COUNTY.
GREEN BAY CITY	GREEN BAY CITY IN BROWN COUNTY.
IRON COUNTY	IRON COUNTY.
KENOSHA CITY	KENOSHA CITY IN KENOSHA COUNTY.
MANITOWOC CITY	MANITOWOC CITY IN MANITOWOC COUNTY.
MARQUETTE COUNTY	MARQUETTE COUNTY.
MENOMINEE COUNTY	MENOMINEE COUNTY.
MILWAUKEE CITY	MILWAUKEE CITY IN MILWAUKEE COUNTY.
RACINE CITY	RACINE CITY IN RACINE COUNTY.

[FR Doc. E6–19647 Filed 11–20–06; 8:45 am]

BILLING CODE 4510–30–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors; Amended Notice, Correction of Meeting Date

Notice: This notice serves to correct the date of a previously announced meeting of the Legal Services Corporation (LSC) Board of Directors. The notice of this meeting was posted for public inspection by the **Federal Register** on Wednesday, November 15, 2006. The correct meeting date is Monday, November 27, 2006. There are no other changes.

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet on November 27, 2006 via conference call. The meeting will begin at 2 p.m. (EST), and continue until conclusion of the Board's agenda.

LOCATION: 3333 K Street, N.W., Washington, DC 20007, 3rd Floor Conference Center.

STATUS OF MEETING: Open. Directors will participate by telephone conference in such a manner as to enable interested members of the public to hear and identify all persons participating in the meeting. Members of the public wishing to observe the meeting may do so by joining participating staff at the location indicated above. Members of the public wishing to listen to the meeting by telephone may obtain call-in information by calling LSC's FOIA Information line at (202) 295–1629.

MATTERS TO BE CONSIDERED:

1. Approval of the agenda.
2. Consider and act on Board of Directors' response to the Inspector General's Semiannual Report to Congress for the period of April 1, 2006 through September 30, 2006.
3. Consider and act on other business.
4. Public comment.

CONTACT PERSON FOR INFORMATION: Patricia D. Batie, Manager of Board Operations, at (202) 295–1500.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia D. Batie, at (202) 295–1500.

November 17, 2006.

Victor M. Fortuno,

Vice President, General Counsel, & Corporate Secretary.

[FR Doc. 06–9347 Filed 11–17–06; 1:49 pm]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 06–086]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Mr. Walter Kit, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Mr. Walter Kit, NASA PRA Officer, NASA Headquarters, 300 E Street SW., JE000, Washington, DC 20546, (202) 358–1350, *Walter.Kit-1@nasa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of these information collections is to gather Web site usability data by a combination of complimentary data collection instruments that will be used by Web and product design teams to enhance NASA Web sites and educational products, making them easier to use and more effective for users to access Agency information with the least amount of time, frustration, and effort.

II. Method of Collection

Usability data will be gathered using various methods and resources, including but not limited to candidate screening, user observation, focus groups, questionnaires, and in-person interviews by means of questionnaires on Web sites, email attachments, faxes, telephone interviews, and direct person-to-person communication.

III. Data

Title: Generic Web Site Usability Information Collections.

OMB Number: 2700–XXXX.

Type of review: Generic Collection.

Affected Public: Individuals or households.

Number of Respondents: 1800.

Responses Per Respondent: 1.

Annual Responses: 600.

Hours Per Response: 1.5 hours.

Annual Burden Hours: 900.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Gary Cox,

Deputy Chief Information Officer (Acting).

[FR Doc. E6–19656 Filed 11–20–06; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice (06–085)

National Environmental Policy Act; Mars Science Laboratory Mission

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability of final environmental impact statement (FEIS) for implementation of the Mars Science Laboratory (MSL) mission.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and NASA policy and procedures (14 CFR Part 1216 subpart 1216.3), NASA has prepared and issued a FEIS for the proposed MSL mission. The FEIS addresses the potential environmental impacts associated with implementing the mission. The purpose of this proposal is to explore the surface of Mars with a mobile science laboratory (hereinafter called the ''rover''). This environmental impact statement (EIS) is a tiered document (Tier 2 EIS) under NASA's Programmatic EIS for the Mars Exploration Program (MEP). The FEIS presents descriptions of the proposed MSL mission, spacecraft, and candidate launch vehicles; an overview of the affected environment at and near the launch site; and the potential environmental consequences associated with the Proposed Action and alternatives, including the No Action Alternative.

The MSL mission is planned for launch during the September–November 2009 time period from Cape Canaveral Air Force Station (CCAFS), Florida, on an expendable launch vehicle. The arrival date at Mars would range from mid-July 2010 to not later than mid-October 2010, depending on the exact launch date and the yet to be determined landing site on the surface of Mars. Using advanced instrumentation, the MSL rover would strive to acquire significant detailed information regarding the habitability of Mars from a scientifically promising location on the surface. The mission would also fulfill NASA's strategic technology goals of increasing the mass of science payloads delivered to the surface of Mars, expanding access to higher and lower latitudes, increasing precision landing capability, and increasing traverse capability (mobility) to distances on the order of several kilometers.

The FEIS evaluates two alternatives in addition to the No Action Alternative. Under the Proposed Action (Alternative 1, NASA's Preferred Alternative), the proposed MSL rover would utilize a radioisotope power system, a Multi-Mission Radioisotope Thermoelectric Generator (MMRTG), as its primary source of electrical power to operate and conduct science on the surface of Mars. Under Alternative 2, an MSL rover would utilize solar energy as its primary source of electrical power to operate and conduct science on the surface of Mars.

DATES: NASA will take no final action on the proposed MSL mission on or before December 21, 2006, or 30 days from the date of publication in the **Federal Register** of the U.S. Environmental Protection Agency (EPA) notice of availability of the MSL FEIS, whichever is later.

ADDRESSES: The FEIS may be reviewed at the following locations:

(a) NASA Headquarters, Library, Room 1J20, 300 E Street, SW., Washington, DC 20546–0001;

(b) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109.

Hard copies of the FEIS also may be examined at other NASA Centers (see **SUPPLEMENTARY INFORMATION** below).

Limited hard copies of the FEIS are available, on a first request basis, by contacting Mark R. Dahl at the address, telephone number, or electronic mail address indicated below. The FEIS is also available in Adobe® portable document format at *http://spacescience.nasa.gov/admin/pubs/msl/index.htm.* NASA's Record of Decision (ROD) will also be placed on that Web site when it is issued. Anyone who desires a hard copy of NASA's ROD when it is issued should so indicate by contacting Mr. Dahl.

FOR FURTHER INFORMATION CONTACT: Mark R. Dahl, Planetary Science Division, Science Mission Directorate, NASA Headquarters, Washington, DC 20546–0001, telephone 202–358–4800, or electronic mail *mep.nepa@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION: The MEP is currently being implemented as a sustained series of flight missions to Mars, each of which will provide important, focused scientific return. The MEP is fundamentally a science driven program whose focus is on understanding and characterizing Mars as a dynamic system and ultimately addressing whether life is or was ever a part of that system. The core MEP addresses the highest priority scientific investigations directly related to the Program goals and objectives. MSL investigations would be a means of addressing several of the high-priority scientific investigations recommended to NASA by the planetary science community.

The overall scientific goals of the MSL mission can be divided into four areas: (1) Assess the biological potential of at least one selected site on Mars; (2) characterize the geology and geochemistry of the landing region at all appropriate spatial scales; (3) investigate planetary processes of relevance to past habitability; and (4) characterize the broad spectrum of the Martian surface radiation environment. The following specific objectives are planned for the mission to address these goals:

—Determine the nature and inventory of organic carbon compounds;
—Inventory the chemical building blocks of life (carbon, hydrogen, nitrogen, oxygen, phosphorus, and sulfur);
—Identify features that may represent the effects of biological processes;
—Investigate the chemical, isotopic, and mineralogical composition of Martian surface and near-surface geological materials;
—Interpret the processes that have formed and modified rocks and regolith;
—Assess long-timescale (i.e., 4-billion-year) atmospheric evolution processes; and
—Determine the present state, distribution, and cycling of water and carbon dioxide.

The proposed MSL mission would utilize a rover with advanced instrumentation to acquire significant detailed information regarding the habitability of Mars from a scientifically promising location. The mission would also fulfill NASA's strategic technology goals of increasing the mass of science payloads delivered to the surface of Mars, expanding access to higher and lower latitudes, increasing precision landing capability, and increasing traverse capability (mobility) to distances on the order of several kilometers.

Mobility is essential because evidence for past or present life on Mars will very likely not be so abundant or widespread that it will be available in the immediate vicinity of the selected landing site. Without the mobility necessary to conduct in situ exploration, it may not be possible to uniquely characterize a target location.

The Proposed Action (Alternative 1, NASA's Preferred Alternative) consists of continuing preparations for and implementing the MSL mission to Mars. The proposed MSL rover would utilize a MMRTG as its primary source of electrical power to operate and conduct science on the surface of Mars. Under Alternative 2, NASA would discontinue preparations for the Proposed Action (Alternative 1) and implement an alternative MSL mission to Mars. The alternative MSL rover would utilize solar energy as its primary source of electrical power to operate and conduct science on the surface of Mars. With either the Proposed Action (Alternative 1) or Alternative 2, the MSL spacecraft would be launched on board an expendable launch vehicle from CCAFS, Florida during the September—November 2009 time period. Under the No Action Alternative, NASA would discontinue preparations for the MSL mission, and the spacecraft would not be launched.

With either the Proposed Action (Alternative 1) or Alternative 2, the potentially affected environment for a normal launch includes the area at and in the vicinity of the launch site, CCAFS in Florida. The environmental impacts of a normal launch of the mission for either alternative would be associated principally with the exhaust emissions from the expendable launch vehicle. These effects would include: (1) Short-term impacts on air quality within the exhaust cloud and near the launch pad; and (2) the potential for acidic deposition on the vegetation and surface water bodies at and near the launch complex.

Potential launch accidents could result in the release of some of the radioactive material on board the spacecraft. The MMRTG planned for use on the rover for the Proposed Action (Alternative 1) would use approximately 4.8 kilograms (10.6 pounds) of plutonium dioxide to provide electrical power. For either alternative, two of the science instruments on the rover would use small quantities of radioactive material, totaling approximately two curies, for instrument calibration or science experiments.

The U.S. Department of Energy (DOE), in cooperation with NASA, has performed a risk assessment of potential accidents for the MSL mission. This assessment used a methodology refined through applications to the Galileo, Ulysses, Cassini, Mars Exploration Rover, and New Horizons missions. DOE's risk assessment for the proposed MSL mission indicates that in the event of a launch accident the expected impacts of released radioactive material at and in the vicinity of the launch area, and on a global basis, would be small. Alternative 2 would not involve any MMRTG-associated radiological risks since an MMRTG would not be used for this mission alternative.

The FEIS may be reviewed at the following public libraries in Florida:

(a) Central Brevard Public Library and Reference Center, 308 Forrest Avenue, Cocoa, FL 32922;

(b) Cocoa Beach Public Library, 550 North Brevard Avenue, Cocoa Beach, FL 32931;

(c) Melbourne Public Library, 540 East Fee Avenue, Melbourne, FL 32901;

(d) Merritt Island Public Library, 1195 North Courtenay Parkway, Merritt Island, FL 32953;

(e) Port St. John Public Library, 6500 Carole Avenue, Port St. John, FL 32927;

(f) Titusville Public Library, 2121 South Hopkins Avenue, Titusville, FL 32780.

The FEIS also may be examined at the following NASA locations by contacting the pertinent Freedom of Information Office:

(a) NASA, Ames Research Center, Moffett Field, CA 94035 (650–604–3273);

(b) NASA, Dryden Flight Research Center, Edwards, CA 93523 (661–276–2704);

(c) NASA, Glenn Research Center at Lewis Field, Cleveland, OH 44135 (866–404–3642);

(d) NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301–286–4721);

(e) NASA, Johnson Space Center, Houston, TX 77058 (281–483–8612);

(f) NASA, Kennedy Space Center, FL 32899 (321–867–2745);

(g) NASA, Langley Research Center, Hampton, VA 23681 (757–864–2497);

(h) NASA, Marshall Space Flight Center, Huntsville, AL 35812 (256–544–1837); and

(i) NASA, Stennis Space Center, MS 39529 (228–688–2118).

NASA published a Notice of Availability (NOA) of the Draft EIS (DEIS) for the MSL mission in the **Federal Register** on September 5, 2006, (71 FR 52347) and made the DEIS available in electronic format on its Web site. The EPA published its NOA in the **Federal Register** on September 8, 2006, (71 FR 53093). In addition, NASA published its NOA in local newspapers in the Cape Canaveral, Florida regional area, and in Washington, DC, and held public meetings in Cocoa, Florida on September 27, 2006, and in Washington, DC on October 10, 2006, during which attendees were invited to present both oral and written comments on the DEIS. Three comments relevant to the DEIS were presented at these meetings. NASA received 44 written comment submissions, both hardcopy and electronic, during the comment period ending October 23, 2006. The comments are addressed in the FEIS.

Olga M. Dominguez,

Assistant Administrator for Infrastructure and Administration.

[FR Doc. E6–19610 Filed 11–20–06; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice

Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from October 27, 2006, to November 8, 2006. The last biweekly notice was published on November 7, 2006 (71 FR 65139).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or

petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *HearingDocket@nrc.gov;* or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to (301) 415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the licensee.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)–(viii).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov.*

AmerGen Energy Company, LLC, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station (Oyster Creek), Ocean County, New Jersey

Date of amendment request: September 28, 2006.

Description of amendment request: The amendment would revise the Oyster Creek Technical Specifications definition of Channel Calibration, Channel Check, and Channel Functional Test in accordance with the NUREG–1433, Revision 3, ''Standard Technical Specifications, General Electric Plants—BWR [boiling water reactor]/4.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The definitions of Channel Check, Channel Calibration[,] and Channel Functional Test specified in Technical Specifications (TS) provide basic information regarding what the test involves, the components involved in the test, and general information regarding how the test is to be performed. Instrument channel checking, calibrating, and testing are not initiators of any accident previously evaluated. Furthermore, the proposed changes will not affect the ability of the channel being checked, calibrated[,] or tested to respond as assumed in any accident previously evaluated. Therefore, these revised definitions result in no increase in the probability of an accident previously evaluated.

The proposed revisions of these definitions, corresponding administrative changes (capitalization of definitions), and the proposed alternate testing and calibrating methodology using sequential, overlapping testing, and/or actual channel input signals and/or in place qualitative assessments of resistance temperature detectors (RTD's) and thermocouples (TC's) involve no changes to plant design, equipment, or operation related to mitigation of accidents. The qualitative evaluation of sensor behavior for non-adjustable sensors will provide an accurate indication of sensor operation and will

assure that [the evaluated] portion of the channel is operating properly, ensuring that the consequences of an accident will remain as previously evaluated. Therefore, these revised definitions result in no increase in the consequences of an accident previously identified.

Based on the above, AmerGen concludes that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance of the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed revisions of the instrument surveillance definitions, corresponding administrative changes (capitalization of definitions), and the proposed alternate testing and calibrating methodology using sequential, overlapping testing, and/or actual channel input signals and/or in place qualitative assessments of RTD's and TC's do not involve a physical alteration of the plant or a change in the methods governing normal plant operation. No new or different type[s] of equipment will be installed. The proposed changes also do not adversely affect the operation or operability of existing plant equipment. The proposed revisions will allow a change in testing and calibrating methodology. Allowing an alternate testing and calibrating methodology will not change how the plant is operated. Each instrument channel will be tested one sub channel at a time, as is currently performed, and will not create the possibility of a new or different kind of accident.

Based on the above discussion, AmerGen concludes that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The affected definitions involve checking, calibrating[,] and testing of instrumentation used in the mitigation of accidents to ensure that the instrumentation will perform as assumed in safety analyses. The proposed revisions of these definitions, corresponding administrative changes (capitalization of definitions), and the proposed alternate testing and calibrating methodology using sequential, overlapping testing, and/or actual channel input signals and/or in place qualitative assessments of RTD's and TC's does not alter the ability of the instrument channel to respond as designed or assumed in the safety analyses. As a result[,] the ability of the plant to respond to[,] and mitigate[,] accidents is unchanged by the revised definitions. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Thomas S. O'Neill, Associate General Counsel, Exelon Generation Company, LCC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Harold K. Chernoff.

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Date of amendment request: June 16, 2006, as supplemented by letter dated September 14, 2006.

Description of amendment request: The proposed amendment would revise the Byron Station Updated Final Safety Analysis Report (UFSAR) to incorporate changes concerning the requirements for physical protection from tornado-generated missiles (TGM) for safety-related and non-safety related systems and components.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The probability of occurrence of the design basis tornado remains the same as originally established in the Byron Station Updated Final Safety Analysis Report (UFSAR). The request involves the use of a probability-based assessment of the need for physical tornado missile protection of specific existing features at Byron Station.

The request is to utilize an NRC approved methodology (*i.e.*, the Electric Power Research Institute (EPRI) Topical Report ''Tornado Missile Risk Evaluation Methodology'') to conclude that the acceptance criteria of NUREG–0800, ''Standard Review Plan,'' (SRP) Section 2.2.3, ''Evaluation of Potential Accidents,'' Revision 2, July 1981, has been met for Byron Station and that tornado missile damage of selected components at Byron Station need not be considered as a credible event.

Per Item 2 in Section III of SRP 3.5.1.4, probability methods can be used to accept tornado missile effects provided damage to all important structures, systems and components, as discussed in Regulatory Guide 1.117 are considered. Per Section II of the SRP, the acceptance criterion of SRP 2.2.3 is applicable. Section II of SRP 2.2.3 states that the expected rate of occurrence of potential exposure in excess of 10 CFR Part 100, ''Reactor Site Criteria,'' guidelines of approximately 1.0E–06 per reactor year is acceptable, if when combined with reasonable qualitative arguments, that the realistic probability can be shown to be smaller.

[The licensee in its September 14, 2006, letter stated the following in regards to the consequences of an accident previously evaluated:

The acceptance criteria for the TORMIS analysis has been established as 1.0 E–06 per year cumulative probability of a TGM striking/damaging an unprotected essential SSC [system, structure or component] required for safe shutdown in the event of a tornado, which is the same value found to be acceptable by the NRC based on the accepted rates of occurrence of potential exposures in excess of 10 CFR 100 guidelines. This criteria in combination with conservative qualitative assumptions show that the realistic probability of a potential exposure in excess of the 10 CFR Part 100 guidelines is lower than 1.0 E–06 per year. The conservative qualitative assumptions are the same as previously found to be acceptable by the NRC as described below:

It is assumed that an essential SSC being struck/damaged by a tornado missile will result in damage sufficient to preclude it from performing its safety function.

It is assumed that the damage to the essential SSC results in damage to fuel sufficient to result in conservatively calculated radiological release values in excess of 10 CFR 100 guidelines.

There are no missiles that can directly impact irradiated fuel, even the spent fuel stored in the Spent Fuel Pool.]

The proposed change is not considered to constitute a significant increase in the probability or occurrence or the consequences of an accident due to the extremely low probability of damage due to tornado-generated missiles and therefore an extremely low probability of a radiological release. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of previously evaluated accidents.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This change involves the use of an alternative methodology to assess the need for tornado missile protection on selected Byron Station components. The use of this methodology and the changes to the Byron Station UFSAR will be limited to design basis tornado applications and do not contribute to the possibility of a new or different kind of accident from those previously analyzed.

No new or different system interactions are created and no new processes are introduced. The proposed change does not introduce any new failure mechanisms, malfunctions, or accident initiators not already considered in the design and licensing bases. Based on this evaluation, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The changes, allowing for no additional physical protection for tornado-generated missiles for certain Byron Sation components, is based on successfully meeting the acceptance criteria of NUREG–0800, ''Standard Review Plan,'' (SRP) Section 2.2.3, ''Evaluation of Potential Accidents,'' Revision 2, July 1981. Because of the extremely low probability of damage to these components from tornado-generated missiles, the change is not considered to constitute a significant decrease in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Mr. Bradley J. Fewell, Assistant General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, PA 19348.

NRC Branch Chief: Daniel S. Collins.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Ohio

Date of amendment request: October 13, 2006.

Description of amendment request: The proposed amendment would eliminate License Condition 2.F, which requires reporting violations of Operating License Section 2.C, and eliminates Technical Specification 5.6.6, which contains a reporting condition similar to Operating License Section 2.C.(6).

The availability of this operating license improvement was announced in the **Federal Register** on November 4, 2005 (70 FR 67202), as part of the consolidated line item improvement process (CLIIP). The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 29, 2005 (70 FR 51098), on possible amendments concerning this CLIIP, including a model safety evaluation and a model no significant hazards consideration (NSHC) determination. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on November 4, 2005 (70 FR 67202). In its application dated October 13, 2006, the licensee affirmed the applicability of the following determination.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change involves the deletion of a reporting requirement. The change does not affect plant equipment or operating practices and therefore does not significantly increase the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change is administrative in that it deletes a reporting requirement. The change does not add new plant equipment, change existing plant equipment, or affect the operating practices of the facility. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change deletes a reporting requirement. The change does not affect plant equipment or operating practices and therefore does not involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, Attorney, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Branch Chief: Daniel S. Collins.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: October 5, 2006.

Description of amendment request: The proposed amendment to the Improved Technical Specification will revise the defined pool burnup-enrichment requirements, storage configuration for fresh fuel and low burnup/high enriched fuel, the definition of a peripheral assembly, and will include minor editorial changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The LAR proposes to revise the fresh fuel loading configuration. PEF [Progress Energy Florida, Inc.] has reanalyzed the criticality of the revised storage configuration for fresh fuel checkerboarded with spent fuel in Pool A, and surrounded by empty water cells in Pool B. Similarly, storage of spent fuel in peripheral storage locations, given the new definition, was also reanalyzed. The revised fuel storage configuration does not affect any structure, system, component or process related to the operation of Crystal River Unit 3 (CR–3). As a result, the proposed LAR will not change the probability or consequences of any accidents previously evaluated that are related to operation of the plant. Thus, only those accidents that are related to movement and storage of fuel assemblies could be potentially affected by the proposed LAR.

Fuel Handling Accidents (FHAs) are analyzed in Section 14.2.2.3 of the CR–3 Final Safety Analysis Report (FSAR). These include a FHA inside the Reactor Building (RB) and outside the RB. This LAR involves storage of fuel assemblies, an activity conducted outside the RB only. Therefore, only the FHA outside the RB event needs to be considered.

The FHA outside the RB event is described as the dropping of a fuel assembly into the spent fuel storage pool that results in damage to a fuel assembly and the release of the gaseous fission products. The current FHA assumes all 208 fuel pins in the dropped assembly are damaged and the gas gap activity released. The results of that analysis demonstrate that the applicable dose acceptance criteria, 10 CFR 50.67 and Regulatory Guide 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors,'' are satisfied. Thus, the consequences of a FHA are not increased by the allowed change in the fresh fuel configuration. The fresh fuel storage configurations permit more effective use of already existing storage locations. They do not change the frequency or method for handling fuel assemblies. Fuel handling equipment is unaffected. As such, the probability of a FHA has not increased. Since only one fuel assembly is handled at a time, the consequences of a FHA have not increased.

The current limiting heat load for the spent fuel pool is from the combined impact of stored spent fuel and a full core off-load. These changes do not increase spent fuel storage capacity over that for which the racks are currently analyzed and it does not increase the amount of heat ejected from an off-loaded core. Consequently, current analyses for spent fuel pool cooling remain valid. The configuration change allows fresh fuel to be checkerboarded with spent fuel. Since these changes do not increase the storage capacity over that already analyzed for the racks, filling the empty water cells in the checkerboard pattern with spent fuel will not increase the heat load over that already analyzed. The Pool B allowance to surround a higher enriched/lower burnup fuel assembly in Pool B with empty water cells or changing the definition of a periphery rack cell does not increase the number of spent fuel assembly rack locations over that previously analyzed. Therefore, there is no increase in the pool heat load over that already analyzed.

A change in storage configurations in storage Pools A and B does not increase the probability of a full core off-load or the frequency of establishing maximum heat load conditions.

The FSAR specifies the normal upper limit of the fuel pool cooling system as 160 °F. Administrative controls are implemented to

control when fuel may be moved from the reactor to the fuel pool to prevent reaching this limit.

Because neither the probability nor the consequences of a FHA are increased, and because there is not additional heat input to the spent fuel pools, it is concluded that the LAR does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated?

Onsite storage of spent fuel assemblies in the spent fuel pools is a normal activity for which CR–3 has been designed and licensed. As part of assuring that this normal activity can be performed without endangering public health and safety, the ability of CR–3 to safely accommodate different possible accidents in the spent fuel pools, such as dropping a fuel assembly or the misloading of a fuel assembly, have been analyzed. The revised fuel storage configurations proposed by the LAR does not change the methods of fuel movement or fuel storage. No structural or mechanical change to racks or fuel handling equipment is being proposed. The proposed revisions allow for more effective use of existing, unmodified rack locations when fresh or highly enriched, low burnup fuel is stored in the pool. The proposed revisions are a modification to the criticality analysis only, and therefore the proposed LAR does not create any new or different kind of accident from those previously evaluated.

(3) Involve a significant reduction in a margin of safety?

The CR–3 Improved Technical Specification (ITS) ensures the effective neutron multiplication factor, Keff, of the spent fuel storage racks is maintained less than or equal to 0.95 when fully loaded and flooded with unborated water. The revisions proposed by the LAR likewise ensure Keff is maintained less than this requirement.

Analyses for the proposed fuel storage configurations have shown that sufficient margin exists for fuel enriched to the maximum allowed by the CR–3 license, and for all fuel that is or has been in use at CR–3. Maintaining this margin is assured by remaining within the limits on initial enrichment and fuel burnup that are specified in the CR–3 ITS and, in the case of highly enriched, low burnup fuel in Pool B, by water hole spacing. The LAR proposes allowing fresh fuel to be checkerboarded with Category B type fuel in Pool A rather than with empty water cells. It also allows fresh fuel with high initial enrichment which does not meet current burnup requirements to be placed in Pool B if surrounded by eight empty water cells. It also proposes to change the definition of a periphery rack location for storing Category BP type fuel. Analyses show that the new proposed limits ensure that Keff remains less than 0.95. Attachment E [not included in this FR notice] provides an analysis summary.

The current CR–3 licensing basis allows the use of administrative controls, *e.g.*, curves of initial fuel assembly enrichment versus burnup, as a means of preventing criticality in the spent fuel pools. The use of these curves would be continued under this proposed amendment. The changes to these curves proposed by this LAR consist of revising the values of burnup and adding notes to restrict loading of certain fuel assemblies to specific configurations. These types of curves and administrative controls have been included in the CR–3 operating license and their use implemented by site procedures for many operating cycles. From this previous use, CR–3 personnel are familiar with the practice of using administrative controls, such as curves of fuel assembly enrichment versus burnup, to prevent criticality events when placing fuel assemblies in the spent fuel pool.

Misloaded and mislocated fuel assemblies were analyzed. The analysis demonstrated that misloading of a fresh fuel assembly, assuming no soluble poison (boron) in the water does result in exceeding the criticality margin regulatory limit of Keff = 0.95. The analysis further shows that a concentration of 165 ppm boron in the Pool A and a concentration of 46 ppm boron in Pool B is sufficient to ensure Keff < 0.95. LCO 3.7.14 currently requires a minimum boron concentration of 1925 ppm in the spent fuel pools until fuel is verified as having been loaded in accordance with the enrichment and burnup requirements of LCO 3.7.15. The soluble boron assumed in the analysis for this proposed change is substantially less than the 1925 ppm required by the existing license. Therefore, existing license requirements for soluble boron remain conservative.

The NRC staff has reviewed the analysis provided for Florida Power Corporation and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David T. Conley, Associate General Counsel II—Legal Department, Progress Energy Service Company, LLC, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Branch Chief (Acting): L. Raghavan.

FPL Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center (DAEC), Linn County, Iowa

Date of amendment request: July 17, 2006.

Description of amendment request: The proposed amendment would revise the Limiting Condition for Operation (LCO) 3.6.3.1 to eliminate the requirement for the Containment Atmospheric Dilution (CAD) system, allowing its removal from the DAEC. LCO 3.6.3.2 would also be revised to allow an additional 48 hours on plant start-up or shutdown sequences for the primary containment to be de-inerted.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The Containment Atmosphere Dilution (CAD) system and primary containment oxygen concentration are not initiators to any accident previously evaluated in the DAEC Updated Final Safety Analysis Report (UFSAR). The CAD system and containment oxygen concentration were previously relied upon to mitigate the consequences of a design basis accident (DBA) combustible gas mixture. However, the revised 10 CFR 50.44 (68 FR 54123) no longer defines a DBA hydrogen release (*i.e.*, combustible gas mixture) and the Commission has subsequently found that the DBA loss of coolant accident (LOCA) hydrogen release is not risk significant. In addition, hydrogen control systems, such as CAD, have been determined to be ineffective at mitigating hydrogen releases from the more risk significant beyond design basis accidents that could threaten containment integrity. Therefore, elimination of the CAD system will not significantly increase the consequences of any accident previously evaluated. The consequences of an accident while relying on the revised Required Actions for primary containment oxygen concentration are no different than the consequences of the same accidents under the current Required Actions. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed change. The changes do not involve a physical alteration of the plant, except for the elimination of the CAD system (*i.e.*, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. The CAD system is not considered an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building from any DBA. In addition, the changes do not impose any new or different requirements. The changes to the Technical Specifications for oxygen concentration do not alter assumptions made in the safety analysis, but reflect changes to the safety analysis requirements allowed under the revised 10 CFR 50.44. Specifically that an inerted containment is no[t] required to mitigate any DBA, but has been found to be helpful in mitigating certain beyond design basis events (*i.e.*, severe accidents) that could generate combustible levels of hydrogen.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The installation of combustible gas control systems, such as CAD, required by the original § 50.44(b)(3) was intended to address the limited quantity and rate of hydrogen generation that was postulated from a design-basis LOCA. The Commission has found that this hydrogen release is not risk-significant because the design-basis LOCA hydrogen release does not contribute to the conditional probability of a large release up to approximately 24 hours after the onset of core damage. In addition, these systems were ineffective at mitigating hydrogen releases from risk-significant accident sequences that could threaten containment integrity. (68 FR 54123). The proposed changes to CAD and primary containment oxygen concentration reflect this new regulatory position and, in light of the remaining plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, including postulated beyond design basis events, does not result in a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. R. E. Helfrich, Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408–0420.

NRC Branch Chief: L. Raghavan.

Indiana Michigan Power Company (I&M), Docket No. 50–316, Donald C. Cook Nuclear Plant, Unit 2, Berrien County, Michigan

Date of amendment request: September 15, 2006.

Description of amendment request: The proposed amendment would replace the current control system and it will increase the nominal control fluid oil operating pressure from 114 pounds per square inch gauge (psig) to 1600 psig. The control fluid oil pressure provides an input to the reactor protection system via three pressure switches connected to the control fluid header. Due to the change in the operating pressure, I&M is proposing a revision to the allowable low fluid oil pressure value from greater than or equal to 57 psig to greater than or equal to 750 psig.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change reflects a design change to the turbine control system that increases the control oil pressure, necessitating a change to the value at which a low fluid oil pressure initiates a reactor trip. The turbine control oil pressure is an input to the reactor trip instrumentation, and the reactor trip is a response to an event that trips the turbine. A change in the nominal control oil pressure does not introduce any mechanisms that would increase the probability of an accident previously analyzed. The reactor trip on turbine trip function is an anticipatory trip, and the safety analysis does not credit this trip for protecting the reactor core. Thus, the consequences of previously analyzed accidents are not impacted.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The control fluid oil pressure decreases in response to a turbine trip. The value at which the low control fluid oil initiates a reactor trip is not an accident initiator. The change in the value reflects the higher pressure of the turbine control system that will be installed during the Unit 2 Cycle 17 refueling outage.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The change involves a parameter that initiates an anticipatory reactor trip following a turbine trip. The safety analyses do not credit this anticipatory trip for reactor core protection.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The Nuclear Regulatory Commission (NRC) staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: James M. Petro, Jr., Esquire, One Cook Place, Bridgman, MI 49106.

NRC Acting Branch Chief: Martin C. Murphy.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit 1 and 2, Berrien County, Michigan

Date of amendment request: September 15, 2006.

Description of amendment request: The proposed amendment would modify the Technical Specifications (TS) to change Required Action Notes in TS 3.3.1, ''Reactor Trip System Instrumentation,'' and TS 3.3.2, ''Engineered Safety Features Actuation System Instrumentation,'' to reflect installed bypass test capability, as well as correct one administrative error in TS 3.3.1 Condition Q. The proposed changes to the Required Action Notes are consistent with wording in Standard Technical Specifications (NUREG–1431, Revision 3) for plants with installed bypass test capability.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

Response: No.

The proposed change reflects NUREG–1431, Revision 3, ''Standard Technical Specifications, Westinghouse Plants,'' (STS) wording for plants with installed bypass test capability and aligns Technical Specification (TS) Condition entry requirements with other portions of the TS. The proposed changes do not modify how the reactor trip system (RTS) and engineered safety features actuation systems (ESFAS) functions respond to an accident condition. The proposed changes to the TS Required Action Notes prevent unnecessary TS Action entry during performance of surveillance testing. The probability of accidents previously evaluated remains unchanged since the proposed change does not affect any accident initiators. The consequences of accidents previously evaluated are unaffected by this change because no change to any accident mitigation scenario has resulted and there are no additional challenges to fission product barrier integrity.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No changes are being made to the plant that would introduce any new accident causal mechanisms. The proposed change to

the Required Action Notes and Condition entry requirements does not adversely affect previously identified accident initiators and does not create any new accident initiators. The change does not affect how the RTS and ESFAS functions operate. No new single failure or accident scenarios are created by the proposed change and the proposed change does not result in any event previously deemed incredible being made credible.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

No safety analyses were changed or modified as a result of the proposed TS changes to reflect STS wording for plants with installed bypass test capability or for aligning TS Condition entry requirements. All margins associated with the current safety analyses acceptance criteria are unaffected. The current safety analyses remain bounding. The safety systems credited in the safety analyses will continue to be available to perform their mitigation functions. The proposed change does not affect the availability or operability of safety-related systems and components.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The Nuclear Regulatory Commission (NRC) staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: James M. Petro, Jr., Esquire, One Cook Place, Bridgman, MI 49106

NRC Acting Branch Chief: M. Murphy.

Nuclear Management Company, LLC, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: August 14, 2006.

Description of amendment request: The proposed amendments would make miscellaneous improvements to the Technical Specifications (TS) for Prairie Island Nuclear Generating Plant (PINGP) Units 1 and 2. The proposed amendments would revise TS 1.3, ''Completion Times''; TS 3.1.4, ''Rod Group Alignment Limits''; TS 3.3.7, ''Spent Fuel Pool Special Ventilation System (SFPSVS) Actuation Instrumentation''; TS 3.7.10, ''Control Room Special Ventilation System (CRSVS)''; and TS Chapter 4.0, ''Design Features''.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This license amendment request proposes changes to the Prairie Island Nuclear Generating Plant Technical Specifications as follows: Technical Specification 1.3, ''Completion Times'', revise a text header and add a new text header; Technical Specification 3.1.4, ''Rod Group Alignment Limits'', remove a Surveillance Note which cross-references another Technical Specification and may cause confusion; Technical Specification 3.3.7, ''Spent Fuel Pool Special Ventilation System (SFPSVS) Actuation Instrumentation'', revises the Modes of Applicability consistent with plant design and the Technical Specifications for the Spent Fuel Pool Special Ventilation System, the supported system; Technical Specification 3.7.10, ''Control Room Special Ventilation System (CRSVS)'', revises the applicability of Condition C and clarifies the requirements of the Surveillance to verify train filtration flow; and Technical Specification Chapter 4.0, ''Design Features'', revises Reference 1 to the most recent version of the document.

Revising and adding text headers in Technical Specification 1.3 are administrative changes because the revised document does not change any basis for the current Technical Specifications. Since these are administrative changes, they do not involve a significant increase in the probability or consequences of a previously evaluated accident. Technical Specification 3.1.4 assures that the control rod positions are within the limits assumed in the safety analysis and that the assumed shutdown margin is available when needed. This license amendment request proposes to remove a Note from a surveillance requirement that cross-references to Technical Specification 3.1.7. Removal of this Note does not change plant operations, testing or maintenance; therefore the proposed change does not involve a significant increase in the probability of an accident. Since plant operations, testing and maintenance are not changed, the proposed changes do not involve a significant increase in the consequences of an accident previously evaluated.

The Spent Fuel Pool Special Ventilation System filters radioactive materials in the fuel pool enclosure atmosphere released following a fuel handling accident. This license amendment request proposes to revise the Modes and Other Specified Conditions of Applicability for the actuation instrumentation.

Technical Specification to be consistent with the Modes and Other Specified Conditions of Applicability in the Technical Specification for the supported system. The Spent Fuel Pool Special Ventilation System and its actuation instrumentation are not accident initiators; therefore, the proposed changes do not affect the probability of an accident. With the proposed change, the Technical Specifications will continue to require the system actuation instrumentation to be operable when irradiated fuel is moved in the fuel pool enclosure which is also the required Applicability in the supported system Technical Specification. Since the instrumentation will be required to actuate the supported system when it is required to operate, the accident consequences will continue to be mitigated with this proposed Technical Specification change. Thus, the proposed Technical Specification change does not involve a significant increase in the consequences of an accident previously evaluated.

The Control Room Special Ventilation System provides an enclosed control room environment from which the plant can be operated following an uncontrolled release of radioactivity. This system is not an accident initiator, thus the proposed changes do not increase the probability of an accident. This license amendment proposes changes which will: (1) Reduce the time to shut down the plant when Technical Specification required actions or completion time is not met; and (2) clarifies surveillance requirements to assure that the system performs as designed. These changes do not impact the performance of the system; thus this change does not involve a significant increase in the consequences of an accident previously evaluated.

Updating the reference in Technical Specification Chapter 4.0 is an administrative change because the revised document does not change any basis for the current Technical Specifications. Since this is an administrative change, it does not involve a significant increase in the probability or consequences of a previously evaluated accident.

The changes proposed in this license amendment do not involve a significant increase the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This license amendment request proposes changes to the Prairie Island Nuclear Generating Plant Technical Specifications as follows: Technical Specification 1.3, ''Completion Times'', revise a text header and add a new text header; Technical Specification 3.1.4, ''Rod Group Alignment Limits'', remove a Surveillance Note which cross-references another Technical Specification and may cause confusion; Technical Specification 3.3.7, ''Spent Fuel Pool Special Ventilation System (SFPSVS) Actuation Instrumentation'', revises the Modes of Applicability consistent with plant design and the Technical Specifications for the Spent Fuel Pool Special Ventilation System, the supported system; Technical Specification 3.7.10, ''Control Room Special Ventilation System (CRSVS)'', revises the applicability of Condition C and clarifies the requirements of the Surveillance to verify train filtration flow; and Technical Specification Chapter 4.0, ''Design Features'',

revises Reference 1 to the most recent version of the document.

Revising and adding text headers in Technical Specification 1.3 are administrative changes because the revised document does not change any basis for the current Technical Specifications. Since these are administrative changes, they do not create the possibility of a new or different kind of accident.

Removal of a surveillance note from Technical Specification 3.1.4 that cross-references another Technical Specification does not change any plant operations, maintenance activities or testing requirements. The Limiting Conditions for Operation will continue to be met and the proper control rod positions will continue to be maintained. There are no new failure modes or mechanisms created through the removal of the Surveillance Requirements Note, nor are new accident precursors generated by this change. This proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed revision of Modes of Applicability for the Spent Fuel Pool Special Ventilation System actuation instrumentation makes operation of the actuation instrumentation consistent with the Technical Specification requirements for the supported system and does not change the operation of the supported system for accident mitigation. The Limiting Conditions for Operation will continue to be met, no new failure modes or mechanisms are created and no new accident precursors are generated by this change. This proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The changes proposed for the Control Room Special Ventilation System Technical Specifications do not change any the system operations, maintenance activities or testing requirements. The Limiting Conditions for Operation will continue to be met, no new failure modes or mechanisms are created and no new accident precursors are generated by this change. This proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Updating the reference in Technical Specification Chapter 4.0 is an administrative change because the revised document does not change any basis for the current Technical Specifications. Since this is an administrative change, it does not create the possibility of a new or different kind of accident.

The Technical Specification changes proposed in this license amendment do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

This license amendment request proposes changes to the Prairie Island Nuclear Generating Plant Technical Specifications as follows: Technical Specification 1.3, ''Completion Times'', revise a text header and add a new text header; Technical Specification 3.1.4, ''Rod Group Alignment Limits'', remove a Surveillance Note which cross-references another Technical Specification and may cause confusion; Technical Specification 3.3.7, ''Spent Fuel Pool Special Ventilation System (SFPSVS) Actuation Instrumentation'', revises the Modes of Applicability consistent with plant design and the Technical Specifications for the Spent Fuel Pool Special Ventilation System, the supported system; Technical Specification 3.7.10, ''Control Room Special Ventilation System (CRSVS)'', revises the applicability of Condition C and clarifies the requirements of the Surveillance to verify train filtration flow; and Technical Specification Chapter 4.0, ''Design Features'', revises Reference 1 to the most recent version of the document.

Revising and adding text headers in Technical Specification 1.3 are administrative changes because the revised document does not change any basis for the current Technical Specifications. Since these are administrative changes, they do not involve a significant reduction in a margin of safety.

Plant operations are required to meet all Technical Specifications for which the Applicability is met; therefore, removal of the cross-reference Note from a Technical Specification 3.1.4 surveillance requirement does not change how the plant is operated and therefore, this change does not involve a significant reduction in a margin of safety.

Technical Specification 3.3.7 provides requirements for actuation instrument which supports the operation of the Spent Fuel Pool Special Ventilation System as required by Technical Specification 3.7.13. The current Applicability for Technical Specification 3.3.7 requires the actuation instrumentation to be operable in Modes which are not required by Technical Specification 3.7.13. This license amendment proposes to make Technical Specification 3.3.7 Applicability the same as Technical Specification 3.7.13. This change does not reduce the conditions or Modes when the Spent Fuel Pool Special Ventilation System will operate and perform its accident mitigation function; thus this change does not involve a significant reduction in a margin of safety.

This license amendment proposes changes to the Control Room Special Ventilation System Technical Specifications which will: (1) Reduce the time to shut down the plant when Technical Specification required actions or completion time is not met; and (2) clarifies surveillance requirements to assure that the system performs as designed. The proposed time to shut down the plant is consistent with other Technical Specifications for shutting down the plant and allows adequate time for an orderly shut down of the plant; thus this change does not involve a significant reduction in a margin of safety. The surveillance requirement clarifications do not reduce any testing requirements and will continue to demonstrate that the system can perform its required safety function and satisfy the Limiting Conditions for Operation. Thus this change does not involve a significant reduction in a margin of safety.

Updating the reference in Technical Specification Chapter 4.0 is an administrative change because the revised document does not change any basis for the current Technical Specifications. Since this is an administrative change, it does not involve a significant reduction in a margin of safety.

The Technical Specification changes proposed in this license amendment do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92 (c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Jonathan Rogoff, Esquire, Vice President, Counsel & Secretary, Nuclear Management Company, LLC, 700 First Street, Hudson, WI 54016.

NRC Branch Chief: M. Murphy (A).

Tennessee Valley Authority, Docket Nos. 50–260 and 50–296, Browns Ferry Nuclear Plant (BFN), Units 2 and 3, Limestone County, Alabama

Date of amendment request: October 26, 2006.

Description of amendment request: The proposed request would revise the Units 2 and 3 emergency diesel generator (EDG) Technical Specification (TS) Completion Time (CT) from 14 days to 7 days for restoration of an inoperable EDG. The current 14-day CT was based on the assumption that Unit 1 was shut down. The near-term restart of Unit 1 will invalidate this assumption, therefore, the affected CTs are being returned to their original duration of 7 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed Technical Specification change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The EDGs are designed as backup alternating current (AC) power sources in the event of a loss of offsite power. The proposed restoration of the EDG CT to its original TS duration does not change the conditions, operating configurations, or minimum amount of operating equipment assumed in the safety analysis for accident mitigation. No changes are proposed in the manner in which the EDGs provide plant protection or which create new modes of plant operation. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed Technical Specification change create the possibility of

a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment does not introduce new equipment which could create a new or different kind of accident. Existing equipment will not be operated in any new modes or for purposes different than it is now utilized. No new external threats, release pathways, or equipment failure modes are created. Therefore, the implementation of the proposed amendment will not create a possibility for an accident of a new or different type than those previously evaluated.

3. Does the proposed Technical Specification change involve a significant reduction in a margin of safety?

Response: No.

BFN's emergency AC [alternating current] system is designed with sufficient redundancy such that an EDG may be removed from service for maintenance or testing. The remaining EDGs are capable of carrying sufficient electrical loads to satisfy the UFSAR [Updated Final Safety Analysis Report] requirements for accident mitigation or unit safe shutdown. The proposed change does not impact the redundancy or availability requirements of offsite power supplies or change the ability of the plant to cope with station blackout events.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Branch Chief: L. Raghavan.

U.S. Department of Transportation (USDOT), United States Maritime Administration (MARAD), License No. NS–1, Docket No. 50–238, Nuclear Ship Savannah (NSS)

Date of amendment request: August 7, 2006.

Description of amendment request: The proposed license amendment would modify the Technical Specification (TS) requirements to prepare for decommissioning the NSS. Five TS changes are proposed. Three of the proposed changes are related to allowing the NSS to be berthed at locations other than the James River Reserve Fleet (JRRF), Newport News, Virginia. The fourth proposed change eliminates the need to utilize administrative controls to remove the Containment Vessel (CV) Entry Shield Plugs to perform activities such as surveys, system walkdowns and inspections required for developing a detailed decommissioning plan, schedule and cost estimate.

The fifth proposed change clarifies the TS and eliminates redundancies, subtle differences and inefficiencies in the current TS regarding preventing unauthorized access into the Reactor Compartment and Radiation Control Areas. In addition, MARAD is enhancing the numbering of the TSs to remove ambiguities that exist in the current numbering (*e.g.*, TS 2.2 is found on pages 3 and 11 of the current TSs).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Proposed changes (1) Ship's Location, (2) Review and Audit Committee Membership, (3) Qualification to perform Surveys and Surveillances, (4) CV Entry Shield Plugs and (5) RC and RCA Entrances are administrative in nature and do not involve the modification of any plant equipment or affect basic plant operation.

The NSS's reactor is not operational and the level of radioactivity in the NSS has significantly decreased from the levels that existed when the 1976 Possession-only License was issued. No aspect of any of proposed changes is an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Does the change create the possibility of a new or different kind of accident from any accident evaluated?

Response: No.

Proposed changes (1) Ship's Location, (2) Review and Audit Committee Membership, (3) Qualification to perform Surveys and Surveillances, (4) CV Entry Shield Plugs and (5) RC and RCA Entrances are administrative and do not involve any physical alteration of plant equipment that was not previously allowed by Technical Specifications. These proposed changes do not change the method by which any safety-related system performs its function. As such, no new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Does the change involve a significant reduction in a margin of safety?

Response: No.

Proposed changes (1) Ship's Location, (2) Review and Audit Committee Membership, (3) Qualification to perform Surveys and Surveillances, (4) CV Entry Shield Plugs and (5) RC and RCA Entrances are administrative in nature. No margins of safety exist that are relevant to the ship's defueled and partially dismantled reactor. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed changes. The proposed changes involve movement of the ship, changes in the performance of responsibilities and significantly improved radiological conditions since 1976.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based upon the staff's review of the licensee's analysis, as well as the staff's own evaluation, the staff concludes that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Senior Technical Advisor, N.S. Savannah: Erhard W. Koehler, MARAD, Office of Ship Operations.

NRC Branch Chief: Claudia Craig.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov*.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: September 29, 2005, as supplemented by letter dated July 5, 2006.

Brief description of amendments: These amendments modified the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, and Independent Spent Fuel Security Program.

Date of issuance: October 31, 2006.

Effective date: As of the date of issuance to be implemented within 30 days from the date of issuance.

Amendment Nos.: Unit 1–162, Unit 2–162, Unit 3–162.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Operating Licenses for all three units.

Date of initial notice in ***Federal Register:*** August 1, 2006 (71 FR 43530).

The July 5, 2006, letter contained the no significant hazards consideration determination for the September 29, 2005, letter that was published in the August 1, 2006, notice. The July 5, 2006, supplemental letter provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 31, 2006.

No significant hazards consideration comments received: No.

Letter contained the no significant hazards consideration determination for the September 29, 2005, letter that was published in the August 1, 2006, notice. The July 5, 2006, supplemental letter provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 31, 2006.

No significant hazards consideration comments received: No.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: January 4, 2006.

Brief description of amendment: The proposed amendment changed the Millstone Power Station, Unit No. 2 Technical Specification (TS) 3/4 3.3.8, ''Instrumentation, Accident Monitoring,'' to modify the description of the pressurizer power operated relief valves and pressurizer safety valves position indicators.

Date of issuance: November 7, 2006.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 294.

Facility Operating License No. DPR–65: The amendment revised the TSs.

Date of initial notice in ***Federal Register:*** February 28, 2006 (71 FR 10073).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 7, 2006.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Ohio

Date of application for amendment: November 15, 2005.

Brief description of amendment: The amendment modified the technical specifications to clarify the wording of the emergency closed cooling water (ECCW) Surveillance Requirement 3.7.10.2 that verified actuation of the entire ECCW system rather than just verifying ''valve'' actuation.

Date of issuance: October 27, 2006.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment No.: 139.

Facility Operating License No. NPF–58: This amendment revised the Technical Specification Surveillance Requirements and License.

Date of initial notice in ***Federal Register***: January 31, 2006 (71 FR 5081).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 27, 2006.

No significant hazards consideration comments received: No.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Miami-Dade County, Florida

Date of application for amendments: April 27, 2006, as supplemented October 3, 2006.

Brief description of amendments: The amendments revise, on a one-time basis, Technical Specification 3/4.4.5, Steam Generator (SG) Surveillance Requirements, to exclude the region of the SG tubes below 17 inches from the top of the hot leg tube sheet from the inspection requirements. The amendments also permanently revise the limit for primary-to-secondary leakage in TS 3/4.4.6, Reactor Coolant System Leakage.

Date of issuance: November 1, 2006.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos: 231 and 226.

Renewed Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 1, 2006 (71 FR 43532).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 1, 2006.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of application for amendments: March 7, 2006, as supplemented by letter dated August 3, 2006.

Brief description of amendments: The amendment revised Section 3.3.1, ''Reactor Trip System (RTS) Instrumentation,'' of the DCCNP–1 and DCCNP–2 Technical Specifications, changing the reactor trip on turbine trip interlock from the P–7 setpoint (10 percent rated thermal power) to the P–8 setpoint (31 percent rated thermal power).

Date of issuance: October 30, 2006.

Effective date: As of the date of issuance and shall be implemented prior to entry into Mode 1 from the Cycle 21 refueling outage for DCCNP–1, and prior to entry into Mode 1 from the Cycle 17 refueling outage for DCCNP–2.

Amendment Nos.: 297 and 298.

Facility Operating License Nos. DPR–58 and DPR–74: Amendments revise the Technical Specifications.

Date of initial notice in ***Federal Register***: April 25, 2006 (71 FR 23956).

The supplemental letter contained clarifying information and did not change the initial no significant hazards consideration determination, and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 30, 2006.

No significant hazards consideration comments received: No.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: March 15, 2006.

Brief description of amendment: The amendment revised the Cooper Nuclear Station Technical Specification 5.5.12, ''Primary Containment Leakage Rate Testing Program,'' by adding two sub-paragraphs to note exemptions from Section III.A and Section lII.B of 10 CFR Part 50, Appendix J, Option B. These two sub-paragraphs allow the leakage contribution from the four main steam line penetrations, referred to as the Main Steam Isolation Valve leakage, to be excluded.

Date of issuance: October 31, 2006.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 226.

Facility Operating License No. DPR–46: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: April 25, 2006 (71 FR 23958).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 31, 2006.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1 (FCS), Washington County, Nebraska

Date of amendment request: October 31, 2005, as supplemented on July 25, 2006.

Brief description of amendment: The amendment revised the FCS Updated Safety Analysis Report Sections related to the radiological consequences of events affected by the planned 2006 replacement of the steam generators and pressurizer.

Date of issuance: October 27, 2006.

Effective date: As of its date of issuance and shall be implemented within 90 days of its issuance.

Amendment No.: 243.

Renewed Facility Operating License No. DPR–40: The amendment revised the Updated Safety Analysis Report.

Date of initial notice in ***Federal Register***: December 20, 2005 (70 FR 75493).

The July 25, 2006, supplemental letter provided information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a safety evaluation dated October 27, 2006.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: December 19, 2005, as supplemented on May 30, 2006.

Brief description of amendment: The amendment modified Fort Calhoun Station, Unit No. 1's Technical Specification 2.4, ''Containment Cooling,'' (and the associated Bases) to reduce the required number of operable containment spray (CS) pumps from three to two in order to enhance net positive suction head margins. The proposed change was implemented by disabling the CS actuation signal automatic start feature of one of the two CS pumps that share the same diesel generator and a common suction line.

Date of issuance: October 27, 2006.

Effective date: The license amendment is effective as of its date of issuance.

Amendment No.: 244.

Renewed Facility Operating License No. DPR–40: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: February 28, 2006 (71 FR 10075).

The May 30, 2006, supplemental letter provided information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a safety evaluation dated October 27, 2006.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: September 30, 2005, as supplemented by letters dated May 23 and August 16, 2006.

Brief description of amendment: Omaha Public Power District proposed to change the licensing basis by replacing EMF–2087(P)(A), Revision 0, ''SEM/PWR–98: ECCS [Emergency Core Cooling System] Evaluation Model for PWR [Pressurized-Water Reactor] LBLOCA [Large Break Loss-of-Coolant Accident] Applications,'' Siemens Power Corporation, June 1999, with the AREVA NP, Inc. Topical Report EMF–2103(P)(A), ''Realistic Large Break LOCA Methodology,'' Framatome ANP, Inc., in the Fort Calhoun Station, Unit 1 (FCS), Core Operating Limit Report (COLR). This change is necessary since the EMF–2087(P)(A) methodology is not approved for analyzing M5 clad fuel, which will be used in the FCS reactor core starting in Cycle 24. As part of this approval, the NRC staff reviewed the AREVA NP, Inc. FCS-specific LBLOCA analysis using EMF–2103(P)(A). EMF–2103(P)(A) will be used for Cycle 24 and beyond.

Date of issuance: November 3, 2006.

Effective date: Effective as of its date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 245.

Renewed Facility Operating License No. DPR–40: The amendment revised the COLR.

Date of initial notice in ***Federal Register***: January 3, 2006 (71 FR 152).

The May 23 and August 16, 2006, supplemental letters provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a safety evaluation dated November 3, 2006.

No significant hazards consideration comments received: No.

Omaha Public Power District (OPPD), Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: May 30, 2006, as supplemented by two letters dated on August 30, 2006.

Brief description of amendment: The amendment revised the Fort Calhoun Station, Unit No. 1 (FCS) Technical Specification (TS) requirements related to steam generator tube integrity. The change is consistent with NRC-approved Revision 4 to Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler TSTF–449, ''Steam Generator Tube Integrity.'' The availability of this TS improvement was announced in the **Federal Register** on May 6, 2005 (70 FR 24126) as part of the consolidated line item improvement process (CLIIP).

OPPD also changed the FCS TS by deleting the sleeving repair alternative to plugging for steam generator tubes. The FCS replacement steam generators (RSGs) to be installed during the fall of 2006 are manufactured by Mitsubishi Heavy Industries, Ltd. (MHI). OPPD has stated that the sleeving repair alternative to plugging will not be used for the MHI RSGs.

Date of issuance: November 7, 2006.

Effective date: As of its date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 246.

Renewed Facility Operating License No. DPR–40: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register***: July 18, 2006 (71 FR 40750).

The two August 30, 2006, supplemental letters provided information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a safety evaluation dated November 7, 2006.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: October 7, 2005, as supplemented by letter dated September 8, 2006.

Brief description of amendment: The proposed amendment revised the Technical Specifications (TSs) to clarify certain requirements during fuel movement, core alterations, and operations with the potential for draining the reactor vessel. The amendment better aligns the TSs with the NRC-approved Revision 2 to Technical Specification Task Force (TSTF) Traveler TSTF–51, ''Revise Containment Requirements During Handling Irradiated Fuel and Core Alterations,'' and NUREG–1433, ''Standard Technical Specifications General Electric Plants, BWR [boiling water reactor]/4.''

Date of issuance: October 31, 2006.

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment No.: 170.

Facility Operating License No. NPF–57: This amendment revised the TSs.

*Date of initial notice in **Federal Register***: May 9, 2006 (71 FR 27002).

The licensee's September 8, 2006, supplement provided clarifying information that did not change the scope of the proposed amendment as described in the original notice of proposed action published in the **Federal Register**, and did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 31, 2006.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: April 25, 2006.

Brief description of amendments: The amendments revised the Technical Specifications to adopt the provisions in Technical Specification Task Force (TSTF) Traveler TSTF–359, ''Increased Flexibility in Mode Restraints,'' Revision 9. The availability of TSTF–359 for adoption by licensees was announced in the **Federal Register** on April 4, 2003 (68 FR 16579).

Date of issuance: October 27, 2006.

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment Nos.: 276, 258.

Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the Technical Specifications and License.

*Date of initial notice in **Federal Register***: July 5, 2006 (71 FR 38185).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 27, 2006.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of application for amendment: October 28, 2005, as supplemented on April 2, June 15, and August 31, 2006.

Brief description of amendment: The amendment revises the Virgil C. Summer Nuclear Station Technical Specifications and provides associated Bases to permit the implementation of an alternate alternating current power supply.

Date of issuance: November 2, 2006.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No. 178.

Renewed Facility Operating License No. NPF–12: Amendment revises the Technical Specifications.

*Date of initial notice in **Federal Register***: March 14, 2006 (71 FR 13176).

The supplemental letter provided clarifying information that was within the scope of the initial notice and did not change the initial proposed no significant hazards consideration.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 2, 2006.

No significant hazards consideration comments received: No.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: October 27, 2005.

Brief description of amendment: The amendment revised Technical Specifications (TSs) 1.1, ''Definitions,'' and 3.4.16, ''RCS [reactor coolant system] Specific Activity,'' to replace the current Limiting Condition for Operation (LCO) 3.4.16 limits on RCS specific activity with limits on RCS Dose Equivalent I–131 (DEI) and Dose Equivalent Xe-133 (DEX). In TS 1.1, the definition of (1) É—Average Disintegration Energy is replaced by the definition of DEX and (2) DEI is revised to allow the use of alternate thyroid dose conversion factors. The modes of applicability, conditions and required actions, and surveillance requirements for TS 3.4.16 are revised.

Date of issuance: October 31, 2006.

Effective date: As of its date of issuance and shall be implemented within 90 days of the date of issuance.

Amendment No.: 170.

Facility Operating License No. NPF–42. The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register***: January 3, 2006 (71 FR 156).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 31, 2006.

No significant hazards consideration comments received: No.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: August 25, 2006, as supplemented by letter dated October 25, 2006.

Brief description of amendment: The amendment revised Technical Specification (TS) 3.7.2, ''Main Steam Isolation Valves (MSIVs),'' and TS 3.7.3, ''Main Feedwater Isolation Valves (MFIVs),'' to add the associated actuator trains to (1) the limiting condition for operation (LCO), (2) the conditions, required actions, and completion times for the LCO, and (3) the surveillance requirements. The Table of Contents for the TSs is changed to account for the resulting renumbering of TS pages.

Date of issuance: November 7, 2006.

Effective date: As of its date of issuance and shall be implemented within 30 days of the date of issuance.

Amendment No.: 171.

Facility Operating License No. NPF–42. The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: September 1, 2006 (71 FR 52173).

The supplemental letter dated October 25, 2006, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 7, 2006.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 9th day of November, 2006.

For The Nuclear Regulatory Commission.

Catherine Haney,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E6–19434 Filed 11–20–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NUREG–1852]

Demonstrating the Feasibility and Reliability of Operator Manual Actions in Response to Fire, Draft Report for Comment

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of comment period for NUREG–1852, ''Demonstrating the Feasibility and Reliability of Operator Manual Actions in Response to Fire, Draft Report for Comment.''

SUMMARY: On October 12, 2006 (71 FR 60200), the Nuclear Regulatory Commission (NRC) issued for public comment NUREG 1852, ''Demonstrating the Feasibility and Reliability of Operator Manual Actions in Response to Fire, Draft Report for Comment.'' Due to an error in the previous notice of comment period extension, a request has been made to extend the public comment period to allow the public 60 days to review the document. Currently, the **Federal Register** specifies that the public comment period ends on December 12, 2006.

DATES: The comment period has been extended and now expires on January 30, 2007. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: Members of the public are invited and encouraged to submit written comments to Michael Lesar, Chief, Rules and Directives Branch, Office of Administration, Mail Stop T6–D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Hand-deliver comments attention to Michael Lesar, 11545 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m. on Federal workdays. Comments may also be sent electronically to *NRCREP@nrc.gov.*

This document, NUREG–1852, is available at the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* under Accession No. ML062350292; on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/docs4comment.html;* and at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. The PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415–4737 or (800) 397–4205; fax (301) 415–3548; e-mail *PDR@NRC.GOV.*

FOR FURTHER INFORMATION CONTACT: Erasmia Lois, Human Factors and Reliability Branch, Office of Nuclear Regulatory Research, telephone: (301) 415–6560; e-mail: *exl1@nrc.gov.*

Dated at Rockville, Maryland, this 15th day of November, 2006.

For the Nuclear Regulatory Commission.

Jose Ibarra,

Chief, Human Factors and Reliability Branch, Probabilistic Risk and Applications, Division of Risk Assessment and Special Projects, Office of Nuclear Regulatory Research.

[FR Doc. E6–19626 Filed 11–20–06; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

General Schedule Locality Pay Areas

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: On behalf of the President's Pay Agent, the Office of Personnel Management (OPM) is providing notice about two changes in locality pay area boundaries in 2007 under the locality pay program for General Schedule and certain other employees. Grayson County, TX, will be added to the Dallas locality pay area, and Berks County, PA, will be added to the Philadelphia locality pay area. These changes will occur automatically under existing regulations. OPM also plans to issue a notice later about changes in the regulations needed to update the official descriptions of the Boston-Worcester-Manchester, MA-NH-ME-RI locality pay area and the Denver-Aurora-Boulder, CO locality pay area. As required by OPM regulations, the additions to locality pay areas are effective as of the first pay period beginning on or after January 1, 2007. Both the additions and the planned description changes are the result of changes made by the Office of Management and Budget in Metropolitan Statistical Areas and Combined Statistical Areas.

DATES: The additions to locality pay areas are applicable on the first day of the first pay period beginning on or after January 1, 2007.

FOR FURTHER INFORMATION CONTACT: Allan Hearne, (202) 606–2838; *FAX:* (202) 606–4264; *e-mail: pay-performance-policy@opm.gov.*

Section 5304 of title 5, United States Code, authorizes locality pay for General Schedule (GS) employees with duty stations in the contiguous United States and the District of Columbia.

Section 5304(f) of title 5, United States Code, authorizes the President's Pay Agent (the Secretary of Labor, the Director of the Office of Management and Budget (OMB), and the Director of the Office of Personnel Management (OPM) to determine locality pay areas. The boundaries of locality pay areas must be based on appropriate factors,

which may include local labor market patterns, commuting patterns, and the practices of other employers. The Pay Agent must give thorough consideration to the views and recommendations of the Federal Salary Council, a body composed of experts in the fields of labor relations and pay policy and representatives of Federal employee organizations. The President appoints the members of the Federal Salary Council, which submits annual recommendations to the President's Pay Agent about the locality pay program.

Based on recommendations of the Federal Salary Council, we use Metropolitan Statistical Area (MSA) and Combined Statistical Area (CSA) definitions established by the Office of Management and Budget as the basis for locality pay area definitions. The definitions of the terms CSA and MSA in section 531.602 of title 5, Code of Federal Regulations, and section 531.609(d) provide that locality pay area definitions change automatically when OMB adds locations to a CSA or MSA. Under the regulations, the changes in locality pay areas resulting from OMB additions to a CSA or MSA go into effect the first pay period beginning on or after January 1, of the following year.

On April 25, 2006, and May 26, 2006, OMB issued bulletins announcing corrections to OMB Bulletin 06–01 updating MSAs and CSAs. The bulletins add the Sherman-Denison, TX MSA to the Dallas-Fort Worth, TX CSA, and the Reading, PA MSA to the Philadelphia-Camden-Vineland, PA-NJ-DE-MD CSA. OMB also added the Providence-New Bedford-Fall River, RI-MA MSA to the Boston-Worcester-Manchester, MA–NH CSA, and the Greeley, CO MSA to the Denver-Aurora-Boulder, CO CSA. The addition to the Dallas CSA will add Grayson County, TX, to the Dallas locality pay area and the addition to the Philadelphia CSA will add Berks County, PA to the Philadelphia locality pay area. These changes will occur automatically under existing regulations. The other changes require corresponding changes in the official designation of the Boston and Denver locality pay areas but do not change the geographic scope of those pay areas because the Providence area is already included in the Boston locality pay area and the Greeley area is already part of the Denver locality pay area under the Pay Agent's rules for areas of application.

Impact and Implementation

The changes in locality pay area boundaries will move an estimated 61 GS employees from the Rest of U.S. (RUS) locality pay area to the Dallas locality pay area and about 187 GS employees from the RUS locality pay area to the Philadelphia locality pay area, at a total cost of about $600,000 per year. The changes become applicable on the first day of the first pay period beginning on or after January 1, 2007.

Office of Personnel Management.

Linda M. Springer,

Director.

[FR Doc. E6–19477 Filed 11–20–06; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 27553; 812–13264]

HealthShares, Inc., et al.; Notice of Application

November 16, 2006.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 24(d) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

Summary of Application: Applicants request an order granting relief to permit (a) an open-end management investment company, the series of which consist of the component securities of certain equity securities indexes, to issue shares (''Shares'') that can be redeemed only in large aggregations (''Creation Units''), (b) secondary market transactions in Shares to occur at negotiated prices on a national securities exchange, as defined in section 2(a)(26) of the Act (''Exchange''), (c) dealers to sell Shares to purchasers in the secondary market unaccompanied by a prospectus when prospectus delivery is not required by the Securities Act of 1933 (''Securities Act''), and (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units.

Applicants: HealthShares, Inc. (''Corporation''), Ferghana-Wellspring LLC (''Index Creator''), and X-Shares Advisors, LLC (''Advisor'').

DATES: *Filing Dates:* The application was filed on March 1, 2006, and amended on August 23, 2006 and November 15, 2006.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on December 6, 2006, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants, 420 Lexington Avenue, Suite 2550, New York, NY 10170.

FOR FURTHER INFORMATION CONTACT: Shannon Conaty, Senior Counsel, at (202) 551–6827, or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Public Reference Desk, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington DC 20549–0102 (telephone (202) 551–5850).

Applicants' Representations

1. The Corporation, a Maryland corporation, is registered under the Act as an open-end management investment company. Applicants currently intend to introduce 20 series (''Initial Funds'') of the Corporation and may establish additional series in the future (''Future Funds,'' and together with the Initial Funds, ''Funds''). The Advisor, a wholly-owned subsidiary of the Index Creator, is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'') and will serve as the investment adviser to each Fund.[1] The Advisor expects to enter into a sub-advisory agreement with BNY Investment Advisors to serve as sub-adviser (''Sub-Advisor'') to the Funds. The Sub-Advisor is not otherwise an affiliated person of the Advisor or the Index Creator and is registered as an investment adviser under the Advisers Act. ALPS Distributors, Inc., a broker-

[1] Neither the Index Creator nor the Advisor nor any affiliated person of the Index Creator or the Advisor is or will be registered as a broker or dealer.

dealer registered under the Securities Exchange Act of 1934 (''Exchange Act''), will serve as principal underwriter for the Funds (the ''Distributor'').

2. Each Fund seeks to invest in a portfolio of equity securities (''Portfolio Securities'') that substantially replicate a particular benchmark (each an ''Index'' or ''Underlying Index'' and collectively, the ''Indices'' or ''Underlying Indices''). The Underlying Indices are based on a proprietary, rules-based methodology developed by the Index Creator to define certain segments of the healthcare, life sciences and biotechnology sectors of both domestic and international markets (''Methodology'').[2] The Methodology, including the rules which govern the inclusion and weighting of securities in the Underlying Indices, will be publicly available, including on either the Advisor's or the Funds' website (''Web site''), along with the identities and weightings of the component securities of each Index (''Component Securities'') and the Portfolio Securities of each Fund.[3] While the Index Creator may change the rules of the Methodology in the future, the Index Creator presently does not intend to do so. Any change to the Methodology would not take effect until the Index Creator had given the public at least 60 days advance notice of the change and had given reasonable notice of the change to the Index Administrator/Calculation Agent. The ''Index Administrator/Calculation Agent'' is the entity that, pursuant to an agreement with the Index Creator, is solely responsible for all Index calculation, maintenance, dissemination and reconstitution activities.[4] The Administrator/Calculation Agent is not, and will not be, an affiliated person, or an affiliated person of an affiliated person, of the Funds, Advisor, Sub-Advisor, Index Creator, any promoter of the Funds, or the Distributor of the Funds.[5]

3. Applicants state that the Index Personnel will not have any responsibility for the management of the Funds. In addition, applicants have adopted policies and procedures that, among other things, are designed to limit or prohibit communications between the Index Personnel and other employees of the Index Creator and the Advisor or any Sub-Advisor (''Firewalls''). Among other things, the Firewalls prohibit the Index Personnel from disseminating non-public information about the Indices, including potential changes to the Methodology, to, among others, the employees of the Advisor or any Sub-Advisor responsible for managing the Funds (''advisory personnel''). The Firewalls also prohibit the Advisor's and Sub-Advisor's advisory personnel from sharing any non-public information about the management of the Funds with the personnel responsible for creating, monitoring, calculating, maintaining or disseminating the Indices (i.e., Index Personnel and the Index Administrator/Calculation Agent). Further, the Advisor and the Sub-Advisor have adopted, pursuant to rule 206(4)–7 under the Advisers Act, written policies and procedures designed to prevent violations of the Advisers Act and the rules under the Advisers Act. The Advisor, the Sub-Advisor and the Distributor each have adopted or will adopt a Code of Ethics as required under rule 17j–1 under the Act, which contains provisions reasonably necessary to prevent Access Persons (as defined in rule 17j–1) from engaging in any conduct prohibited in rule 17j–1. In addition, the Advisor and the Sub-Advisor have adopted or will adopt policies and procedures to detect and prevent insider trading as required under section 204A of the Advisers Act, which are reasonably designed, taking into account the nature of their business, to prevent the misuse in violation of the Advisers Act, Exchange Act, or rules and regulations under the Advisers Act and Exchange Act, of material non-public information.

4. Any Future Fund will be advised by the Advisor or an entity controlled by or under common control with the Advisor. Applicants will not offer a Future Fund unless either they have requested and received with respect to such Future Fund exemptive relief from the Commission or a no-action position from the staff of the Commission, or the Future Fund will be listed on an Exchange without the need for a filing under rule 19b–4 under the Exchange Act. In addition, any Future Fund that relies on any order granted pursuant to this application will comply with the terms and conditions of the application, including the following: (a) The Methodology will be publicly available, including on the Website; (b) once the rules of the Methodology are established, applicants may change them only after giving the public at least 60 days advance notice of any change; (c) applicants have Firewalls; (d) the Index Administrator/Calculation Agent will not be an affiliated person, or an affiliated person of an affiliated person, of the Funds, Advisor, Sub-Advisor, Index Creator, Distributor or promoter of the Funds; and (e) the Indexes will be reconstituted on a fixed periodic basis no more frequently than quarterly.

5. The investment objective of each Fund will be to provide investment results that track the performance, before fees and expenses, of a particular Underlying Index. The intra-day value of each Index will be disseminated every 15 seconds throughout the trading day over the Consolidated Tape on each day that the Funds are open, which includes any day that the Funds are required by to be open under section 22(e) of the Act (''Business Day''). In seeking to achieve its investment objective, each Fund will utilize either a replication or a representative sampling strategy. A Fund using a replication strategy generally will invest in the Component Securities in its Underlying Index in approximately the same weightings as in the Underlying Index. In certain circumstances, such as when a Component Security is illiquid or there are practical difficulties or substantial costs involved in holding every security in an Underlying Index, a Fund may use a representative sampling strategy pursuant to which it will invest in some but not all of the Component Securities.[6] Applicants

[2] Each Underlying Index is developed using an investment approach known as ''Vertical Investing,'' which seeks to categorize companies within a particular healthcare, life sciences or biotechnology index by focusing on each company's business activities with regard to the diagnosis of diseases, the development of drugs, treatments, therapies and delivery systems, and the development of enabling/research tools and technologies for use in these sectors.

[3] The Index Creator, as owner of the Indices and all intellectual property related to them, intends to license the Indices to the Advisor for use in connection with the Funds. The license will specifically state that the Advisor must provide the use of the Indices to the Funds at no cost.

[4] The Index Administrator/Calculation Agent will determine the number, type and weight of securities that comprise each Index and perform, or cause to be performed, all other calculations that are necessary to determine the proper constitution of each Index. The Index Administrator/Calculation Agent will not disclose any information about any Index's constitution to the Index Creator, the Advisor, the Sub-Advisor or the Funds prior to the publication of such information on the Website. However, the Index Administrator/Calculation Agent may disclose such information solely to certain employees of the Index Creator and its affiliates who will monitor the Methodology and the Indices (''Index Personnel'') and to the chief compliance officer of the Funds, the Advisor and the Sub-Advisor for purposes of monitoring compliance with the code of ethics of these entities.

[5] Standard & Poor's (''S&P'') will serve as Index Administrator/Calculation Agent for the Underlying Indices.

[6] Each Fund will invest at least 90% of its assets in Component Securities. Each Fund may invest up to 10% of its assets in securities that are not Component Securities, but which the Advisor or Sub-Advisor believes will help the Fund track its Underlying Index, including futures, options and swap contracts, cash and cash equivalents. Certain

Continued

anticipate that a Fund that utilizes a representative sampling strategy will not track the performance of its Underlying Index with the same degree of accuracy as an investment vehicle that invests in every Component Security of the Underlying Index in the same weighting as the Underlying Index. Applicants expect that each Fund will have a tracking error relative to the performance of its Underlying Index of less than 5%.

6. Shares of the Funds will be sold at a price of between $40 and $250 per Share in Creation Units of 50,000 Shares. All orders to purchase Creation Units must be placed with the Distributor by or through an ''Authorized Participant,'' an entity that has entered into an agreement with the Distributor and that is either (a) A participant in the continuous net settlement system of the National Securities Clearing Corporation, a clearing agency registered with the Commission or (b) a participant in the Depository Trust Company (''DTC,'' and such participant, ''DTC Participant''). Creation Units generally will be issued in exchange for an in-kind deposit of securities and cash, though a Fund may sell Creation Units on a cash-only basis in limited circumstances. An investor wishing to purchase a Creation Unit from a Fund will have to transfer to the Fund a ''Creation Deposit'' consisting of: (a) A portfolio of securities that has been selected by the Advisor or Sub-Advisor to correspond generally to the performance of the relevant Index (''Deposit Securities''); and (b) a cash payment to equalize any differences between the market value of the Deposit Securities per Creation Unit and the net asset value (''NAV'') per Creation Unit (''Cash Requirement'').[7] An investor purchasing a Creation Unit from a Fund will be charged a fee (''Transaction Fee'') to prevent the dilution of the interests of the remaining shareholders resulting from the Fund incurring costs in connection with the purchase of the Creation Units.[8] Each Fund will disclose the maximum Transaction Fee in its prospectus (''Prospectus'') and the method of calculating the Transaction Fee in its statement of additional information (''SAI''). No sales charges for purchases of Creation Units of any Fund are contemplated. The Corporation is authorized to implement a plan under rule 12b–1 under the Act for each of the Funds, which will be disclosed in the Fund's Prospectus, if implemented.

7. Orders to purchase Creation Units of a Fund will be placed with the Distributor who will be responsible for transmitting orders to the Funds. The Distributor will maintain a record of Creation Unit purchases. The Distributor will be responsible for issuing confirmations of acceptance and furnishing Prospectuses to purchasers of Creation Units.

8. Persons purchasing Creation Units from a Fund may hold the Shares or sell some or all of them in the secondary market. Shares of the Funds will be listed on an Exchange and traded in the secondary market in the same manner as other equity securities. It is expected that one or more members of the Exchange will act as a specialist (''Specialist''), and maintain a market on the Exchange for the Shares. The price of Shares traded on an Exchange will be based on a current bid/offer market. Purchases and sales of Shares in the secondary market will be subject to customary brokerage commissions and charges.

9. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. The Specialist, in providing for a fair and orderly secondary market for Shares, also may purchase Creation Units for use in its market-making activities. Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[9] Applicants expect that the price at which the Shares trade will be disciplined by arbitrage opportunities created by the ability to continually purchase or redeem Creation Units at their NAV, which should ensure that the Shares will not trade at a material discount or premium in relation to their NAV.

10. Shares will not be individually redeemable. Shares will only be redeemable in Creation Units from a Fund. To redeem, an investor will have to accumulate enough Shares to constitute a Creation Unit. Redemption orders must be placed by or through an Authorized Participant. An investor redeeming a Creation Unit generally will receive (a) A portfolio of securities designated to be delivered for Creation Unit redemptions on the date that the request for redemption is submitted (''Redemption Securities''), and (b) a ''Cash Redemption Payment,'' consisting of an amount calculated in the same manner as the Cash Requirement. An investor may receive the cash equivalent of a Redemption Security in certain circumstances, such as if the investor is constrained from effecting transactions in the security by regulation or policy. A redeeming investor will pay a Transaction Fee, which is calculated in the same manner as a Transaction Fee payable in connection with purchases of Creation Units.

11. Applicants state that neither the Corporation nor any Fund will be marketed or otherwise held out as a traditional open-end investment company or mutual fund. Rather, applicants state that each Fund will be marketed as an ''exchange-traded fund,'' ''investment company,'' ''fund,'' or ''trust.'' All marketing materials that refer to redeemability or describe the method of obtaining, buying or selling Shares will prominently disclose that Shares are not individually redeemable and that Shares may be acquired or redeemed from the Fund in Creation Units only. The same type of disclosure will be provided in the Prospectus, SAI, shareholder reports and investor educational materials issued or circulated in connection with Shares. The Funds will provide copies of their annual and semi-annual shareholder reports to DTC Participants for distribution to beneficial owners of Shares.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act granting an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 24(d) of the Act and rule 22c–1 Under the Act, and under sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

Funds may invest in American Depositary Receipts or Global Depositary Receipts (collectively, ''Depositary Receipts'') based on securities of foreign companies in the Underlying Index. A Fund would treat Depositary Receipts that represent Component Securities of its Underlying Index as Component Securities for purposes of any requirements related to the percentage of Component Securities held by a Fund.

[7] On each Business Day, prior to the opening of trading on the Exchange, the Advisor or Sub-Advisor will make available the list of the names and the required number of shares of each Deposit Security required for the Creation Deposit for the Fund. That Creation Deposit will apply to all purchases of Creation Units until a new Creation Deposit for the Fund is announced. Each Fund reserves the right to permit or require the substitution of an amount of cash in lieu of depositing some or all of the Deposit Securities. The Exchange will disseminate every 15 seconds throughout the trading day over the Consolidated Tape an amount representing, on a per Share basis, the sum of the current value of the Deposit Securities and the estimated Cash Requirement.

[8] When a Fund permits a purchaser to substitute cash for Deposit Securities, the purchaser may be assessed a higher Transaction Fee to offset the brokerage and other transaction costs incurred by the Fund to purchase the requisite Deposit Securities.

[9] Shares will be registered in book-entry form only. DTC or its nominee will be the registered owner of all outstanding Shares. DTC or DTC Participants will maintain records reflecting the beneficial owners of Shares.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Corporation to register as an open-end management investment company and issue Shares that are redeemable in Creation Units only. Applicants state that investors may purchase Shares in Creation Units and redeem Creation Units from each Fund. Applicants further state that because the market price of Shares will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary substantially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security, which is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that the provisions of section 22(d), as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers, and (c) ensure an orderly distribution of investment company shares by eliminating price competition from dealers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) Secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity will ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 24(d) of the Act

7. Section 24(d) of the Act provides, in relevant part, that the prospectus delivery exemption provided to dealer transactions by section 4(3) of the Securities Act does not apply to any transaction in a redeemable security issued by an open-end investment company. Applicants request an exemption from section 24(d) to permit dealers selling Shares to rely on the prospectus delivery exemption provided by section 4(3) of the Securities Act.[10]

8. Applicants state that Shares will be listed on an Exchange and will be traded in a manner similar to other equity securities, including the shares of closed-end investment companies. Applicants note that dealers selling shares of closed-end investment companies in the secondary market generally are not required to deliver a prospectus to the purchaser. Applicants contend that Shares, as a listed security, merit a reduction in the compliance costs and regulatory burdens resulting from the imposition of prospectus delivery obligations in the secondary market. Because Shares will be exchange-listed, prospective investors will have access to several types of market information about Shares. Applicants state that information regarding market price and volume will be continually available on a real-time basis throughout the day on computer screens of brokers and other electronic services. The previous day's closing price and volume information for Shares also will be published daily in the financial section of newspapers. In addition, the Web site will include, for each Fund, the prior Business Day's NAV, the mid-point of the bid-ask spread for a Share at the time of calculation of the NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the closing price against such Bid/Ask Price, as well as data in chart format displaying the frequency distribution of discounts and premiums of the Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters.

9. Investors also will receive a short product description (''Product Description''), describing a Fund and its

[10] Applicants state that they do not seek relief from the prospectus delivery requirement for non-secondary market transactions, such as purchases of Shares from the Funds or an underwriter. Applicants state that the Prospectus will caution persons purchasing Creation Units that some activities on their part, depending on the circumstances, may result in their being deemed statutory underwriters and subject them to the prospectus delivery and liability provisions of the Securities Act. For example, a broker-dealer firm and/or its client may be deemed a statutory underwriter if it takes Creation Units after placing an order with the Distributor, breaks them down into the constituent Shares and sells them directly to its customers, or if it chooses to couple the creation of new Shares with an active selling effort involving solicitation of secondary market demand for Shares. The Prospectus will state that whether a person is an underwriter depends upon all the facts and circumstances pertaining to that person's activities. The Prospectus also will state that dealers who are not ''underwriters'' but are participating in a distribution (as contrasted to ordinary secondary market trading transactions), and thus dealing with Shares that are part of an ''unsold allotment'' within the meaning of section 4(3)(C) of the Securities Act, would be unable to take advantage of the prospectus delivery exemption provided by section 4(3) of the Securities Act.

Shares. Applicants state that, while not intended as a substitute for a Prospectus, the Product Description will contain information about Shares that is tailored to meet the needs of investors purchasing Shares in the secondary market. The Product Description will prominently disclose that the Indexes are created and sponsored by an affiliated person of the Advisor.

Sections 17(a)(1) and (2) of the Act

10. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of the other person, and any person directly or indirectly controlling, controlled by or under common control with the other person. Section 2(a)(9) of the Act provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities.

11. Applicants request an exemption from section 17(a) to the extent necessary to permit (a) persons who are affiliated persons of a Fund solely by virtue of holding with the power to vote 5% or more, or more than 25%, of the Shares of a Fund (''First-Tier Affiliates'') and (b) affiliated persons of First-Tier Affiliates who are not otherwise affiliated with the Fund, and persons who are affiliated persons of a Fund solely by virtue of holding with the power to vote 5% or more, or more than 25%, of the outstanding voting securities of other registered investment companies (or series thereof) advised by the Advisor (''Second-Tier Affiliates'') to purchase and redeem Creation Units through in-kind purchases and sales of securities. Applicants contend that no useful purpose would be served by prohibiting the First- and Second-Tier Affiliates from purchasing or redeeming Creation Units through in-kind transactions. The deposit procedure for in-kind purchases and the redemption procedure for in-kind redemptions will be the same for all purchases and redemptions. Deposit Securities and Redemption Securities will be valued in the same manner as the Portfolio Securities. Therefore, applicants state, the in-kind purchases and redemptions for which relief is requested will afford no opportunity for the affiliated persons of a Fund, or the affiliated persons of such affiliated persons, described above, to effect a transaction detrimental to other holders of Shares. Applicants also believe that these in-kind purchases and redemptions will not result in self-dealing or overreaching of the Fund.

Applicants' Conditions

Applicants agree that any order granting the requested order will be subject to the following conditions:

1. Applicants will not register a Future Fund by means of filing a post-effective amendment to the Corporation's registration statement or by any other means, unless either (a) Applicants have requested and received with respect to such Future Fund, either exemptive relief from the Commission or a no-action letter from the Division of Investment Management of the Commission, or (b) the Future Fund will be listed on an Exchange without the need for a filing pursuant to rule 19b-4 under the Exchange Act.

2. Each Fund's Prospectus and Product Description will clearly disclose that, for purposes of the Act, Shares are issued by the Funds and that the acquisition of Shares by investment companies is subject to the restrictions of section 12(d)(1) of the Act, except as permitted by an exemptive order that permits registered investment companies to invest in a Fund beyond the limits of section 12(d)(1), subject to certain terms and conditions, including that the registered investment company enter into an agreement with the Fund regarding the terms of the investment.

3. As long as the Corporation operates in reliance on the requested order, the Shares will be listed on an Exchange.

4. Neither the Corporation nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Each Fund's Prospectus will prominently disclose that Shares are not individually redeemable shares and will disclose that the owners of Shares may acquire those Shares from a Fund and tender those Shares for redemption to a Fund in Creation Units only. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that Shares are not individually redeemable and that owners of Shares may acquire those Shares from a Fund and tender those Shares for redemption to a Fund in Creation Units only.

5. The Web site maintained for the Corporation, which is and will be publicly accessible at no charge, will contain the following information, on a per Share basis, for each Fund: (a) The prior Business Day's NAV and the Bid/Ask Price and a calculation of the premium or discount of the Bid/Ask Price at the time of calculation of the NAV against such NAV; and (b) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. In addition, the Product Description for each Fund will state that the website for the Fund has information about the premiums and discounts at which the Shares have traded.

6. The Prospectus and annual report for each Fund will also include: (a) The information listed in condition 5(b), (i) in the case of the Prospectus, for the most recently completed year (and the most recently completed quarter or quarters, as applicable) and (ii) in the case of the annual report, for the immediately preceding five years, as applicable; and (b) the following data, calculated on a per Share basis for one, five and ten year periods (or life of the Fund), (i) the cumulative total return and the average annual total return based on NAV and Bid/Ask Price, and (ii) the cumulative total return of the relevant Underlying Index.

7. Before a Fund may rely on the order, the Commission will have approved, pursuant to rule 19b–4 under the Exchange Act, an Exchange rule requiring Exchange members and member organizations effecting transactions in Shares to deliver a Product Description to purchasers of Shares.

For the Commission, by the Division of Investment Management, under delegated authority.

Nancy M. Morris,

Secretary.

[FR Doc. E6–19666 Filed 11–20–06; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54747; File No. SR–BSE–2006–51]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to Exchange Fees and Charges

November 14, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 31, 2006, the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') filed with

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the BSE. On November 13, 2006, the BSE filed Amendment No. 1 to the proposed rule change.[3] The BSE has designated this proposal as one changing a due, fee, or other charge under Section 19(b)(3)(A)(ii) of the Act,[4] and Rule 19b–4(f)(2) thereunder,[5] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the existing BSE fee schedules to reflect a new Designated Examining Authority (''DEA'') fee to be charged to Members for whom the BSE is the primary DEA. The text of the proposed rule change is available on the Exchange's Web site (*http://www.bostonstock.com*) and at the Commission's Public Reference Room. Below is the text of the proposed rule change, as amended. Proposed new language is *italicized*; proposed deletions are [bracketed].

* * * * *

MEMBERSHIP AND OTHER FEES

(1) Membership

Membership Dues—$ 1,000 per membership per quarter

Clearing Corporation Deposit—$ 6,000 (refundable)

Account Maintenance—$200 per month

SRO Fee—$100 per month

DEA Fee—$ [600]2,085 per month for firms where the BSE is the primary DEA, $400 per month for firms where the BSE is not the primary DEA

BSE Rules and Guides—CCH annual subscription rate

Transfer of Membership—$500 for intra-firm or inter-firm

Membership Lease Fee—1% per month of last consummated membership (for seats leased from BSE Treasury only)—sale, billed quarterly

* * * * *

[3] In Amendment No. 1, the Exchange revised the proposed rule text to correct inadvertent underlining and add additional clarifying language to the discussion of the proposed rule change.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 5 17 CFR 240.19b–4(f)(2).

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 BSE included statements concerning the purpose of, and basis for, the proposed rule change, as amended, and discussed any comments it received regarding the proposed rule change, as amended. The text of these statements may be examined at the places specified in Item IV below. The BSE 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 purpose of this filing is to amend the existing BSE fee schedules to reflect the new DEA fee to be charged to Members for whom the BSE is the primary DEA. The BSE has entered into an agreement (the ''Agreement'') with the NASD whereby the NASD has agreed to provide services to the BSE in support of the BSE's exercise of its regulatory authority as a self-regulatory organization, or ''SRO,'' as that term is defined in Section 3(a)(26) of the Act.[6] The Agreement does not allocate regulatory responsibilities pursuant to Rule 17d–2 under the Act, which responsibilities will remain with the BSE. In accordance with the Agreement, the NASD shall perform certain services for Member firms for whom the BSE is the DEA.

The BSE will charge the Member firms for whom the BSE is the primary DEA approximately $25,000 annually to provide the necessary services for each BSE Member for whom the BSE is the primary DEA. The $25,000 fee will be charged on a monthly basis over a twelve month time period. The BSE proposes amending its existing fee schedule to increase the DEA fee for Members for whom the BSE is the primary DEA from $600.00 per month to $2085.00 per month. The increase in the DEA fee is necessary in order to enable the BSE to properly carry out its regulatory responsibilities. The DEA fee for Members for whom the BSE is the primary DEA is essentially a pass through of the $25,000 annual fee charged by the NASD to the BSE in connection with the services the NASD will provide in support of the BSE's exercise of its regulatory authority.

[6] 15 U.S.C. 78c(a)(26).

2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with the requirements of Section 6(b) of the Act, in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges and is designed to promote just and equitable principles of trade, and to protect investors and the public interest in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.[8]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

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

The foregoing proposed rule change, as amended, has been designated as a fee change pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(2) thereunder,[10] because it establishes or changes a due, fee or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of the proposed rule change, as amended, 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

[7] 15 U.S.C. 78f(b)(4) and (b)(5).

[8] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on November 13, 2006, the date on which the BSE filed Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(2).

investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, 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–BSE–2006–51 on the subject line.

Paper comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BSE–2006–51. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the BSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BSE–2006–51 and should be submitted on or before December 12, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Nancy M. Morris,

Secretary.

[FR Doc. E6–19622 Filed 11–20–06; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54752; File No. SR–NASDAQ–2006–040]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto, To Modify Certain Fees for Listing on the Nasdaq Stock Market and To Make Available Products and Services Intended To Assist Companies With Their Disclosure and Regulatory Obligations, Shareholder Communications, and Other Corporate Objectives

November 14, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 2, 2006, The NASDAQ Stock Market LLC (''Nasdaq'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On October 30, 2006, Nasdaq filed Amendment No. 1. Nasdaq filed Amendment No. 2 on October 31, 2006. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to: (i) Modify annual fees for Nasdaq Global Market and Nasdaq Capital Market issuers; (ii) modify entry fees for Nasdaq Capital Market issuers; (iii) modify the listing of additional shares (''LAS'') fee for domestic issuers and establish an LAS fee for foreign issuers; (iv) modify fees for issuers seeking written interpretations of Nasdaq's listing rules; and (v) adopt other fee changes related to companies listing on and transferring between Nasdaq markets. The text of the proposed rule change is available at Nasdaq, at the Commission's Public Reference Room, and at *www.nasdaq.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq 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

Nasdaq proposes several modifications to its listing and other issuer fees as set forth below.

(i) Capital Market Entry Fee Changes

Nasdaq proposes to modify the entry fees payable by issuers listing on the Nasdaq Capital Market.[3] This fee is assessed on the date of entry and is calculated based on total shares outstanding. Currently, the minimum entry fee payable by a Nasdaq Capital Market issuer is $25,000 for listing up to five million shares of securities and the maximum fee is $50,000 for listing over 15 million shares. Pursuant to the proposed rule change, the minimum entry fee would increase to $50,000 for an issuer listing up to 15 million shares and the maximum fee would increase to $75,000 for an issuer listing over 15 million shares. In determining these fees, Nasdaq considered the fees charged by other markets and notes that the proposed Capital Market entry fees remain substantially below those of the New York Stock Exchange (''NYSE'') and NYSE Arca, and, are comparable to the fees charged by the American Stock Exchange (''Amex'').[4] Nasdaq also considered the time and effort that its staff devotes to the review and consideration of the typical Capital Market application. Finally, Nasdaq considered recent enhancements to its trading markets that facilitate initial public offerings, such as the Nasdaq IPO

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[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Nasdaq entry fees for Capital Market issuers were last increased in 2003. *See* Securities Exchange Act Release No. 47111 (December 31, 2002), 68 FR 822 (January 7, 2003) (SR–NASD–2002–183).

[4] The proposed Capital Market entry fees range from $15,000 below to $5,000 higher than the comparable Amex fee.

Cross. The IPO Cross is designed to ensure a more orderly market for new issues, as well as to provide fair executions for investors through an open and transparent process in which investors have the ability to enter orders and participate in price discovery, creating a single price for IPOs based on supply and demand. Nasdaq believes that this enhanced opening process increases the value of a Nasdaq listing.

(ii) Listing of Additional Shares Fee Changes

In addition, Nasdaq proposes to modify the fees for listing additional shares by domestic companies listed on the Nasdaq Global Market or the Nasdaq Capital Market.[5] Under the existing rule, Nasdaq issuers are assessed a quarterly fee of $2,500 or $0.01 per additional share, whichever is higher, up to an annual maximum of $45,000 per issuer. Under the proposed rule, the minimum quarterly fee would increase to $5,000 and the maximum fee would increase to $65,000 per year. The rule would continue to provide that no fee is charged for issuances of up to 49,999 additional shares per quarter.

In addition, Nasdaq proposes to introduce an LAS fee in the amount of $5,000 for non-U.S. companies that list additional shares or additional shares underlying ADRs in a given fiscal year. Historically, these companies were not charged an LAS fee. Nasdaq will calculate and assess this fee annually based on the change in the issuer's total shares outstanding as reported on its annual reports filed with the SEC. As with domestic issuers, however, there will be no fee for issuances of up to 49,999 additional shares per year.

The LAS fee is designed, in part, to offset the costs associated with reviewing the transactions that give rise to the issuance of shares for compliance with Nasdaq's requirements. In that regard, Nasdaq staff has devoted increased time to counseling companies regarding the application of those rules and has developed a comprehensive Web site providing guidance to companies, including frequently asked questions, summaries of Nasdaq interpretive positions, and rulings by the Nasdaq Listing and Hearing Review Council. The revised LAS fees will allow Nasdaq to continue these efforts. In addition, the proposed LAS fee on non-U.S. companies will allocate costs attributable to those companies in a more equitable manner. Nasdaq believes it is appropriate to maintain a lower LAS fee for non-U.S. companies because the Nasdaq listing is often not the primary listing for such companies.

(iii) Annual Fee Changes

Nasdaq proposes to modify the annual fees payable by domestic and foreign issuers listed on the Nasdaq Global Market (including the Nasdaq Global Select Market) or the Nasdaq Capital Market.[6] Currently issuers on each market are required to pay an annual fee based on the total number of shares outstanding. Under the proposed rule change, annual fees on the Nasdaq Global Market would increase from a minimum of $24,500 and a maximum of $75,000 to a minimum of $30,000 and a maximum of $95,000. In addition, annual fees on the Nasdaq Capital Market would increase from a minimum of $17,500 and a maximum of $21,000 to a $27,500 flat fee for any amount of shares outstanding. Annual fees for American Depositary Receipts (''ADRs'') listed on the Capital Market and ADRs and Closed End Funds on the Global Market would remain unchanged.

Nasdaq competes with several other domestic and international stock markets for company listings. Nasdaq considered the fees charged by these other markets in determining the new fees.[7] Nasdaq also considered the substantial resources it dedicates to its regulatory programs, ensuring that they are world-class. The Nasdaq Listing Qualifications Department monitors companies for compliance with the continued listing standards. In that regard, Listing Qualifications staff reviews all SEC filings made by Nasdaq-listed companies, including proxies and Forms 10–Q, 10–K and 8–K. This review is to assure that the issuer remains compliant with Nasdaq's financial and qualitative requirements, including all of Nasdaq's corporate governance listing standards. These reviews are facilitated by the use of a sophisticated, web-based compliance monitoring tool, which Nasdaq continuously enhances. In addition, Nasdaq has taken steps to enhance the transparency available to investors and potential investors surrounding its review of deficient companies and has enhanced its Web site to provide guidance to Nasdaq-listed companies. The Nasdaq MarketWatch Department maintains an orderly marketplace and a level playing field for market participants, investors and the general public. MarketWatch staff provides real-time surveillance of price and volume information reported by market participants, and reviews abnormal activity to determine if action is required to maintain a fair market. This surveillance is supported by real-time, automated detection systems, newsgathering resources, and contacts at listed companies and trading firms. Nasdaq companies and their investors also benefit by Nasdaq having an independent regulator in NASD, which enhances confidence in the trading of their securities.

In setting fees, Nasdaq also considered enhancements made to its trading systems since it last raised fees. For example, Nasdaq has implemented an ''Opening Cross'' and a ''Closing Cross,'' which determine a single price for the opening and closing, respectively, thereby helping issuers and investors by increasing liquidity and improving price discovery at these critical times of the day. Nasdaq also plans to launch Intraday Crosses and a Post-Close Cross and is in the final stages of launching its ''Single Book'' platform, which will further enhance liquidity for Nasdaq-listed companies. By contributing to increased liquidity, these systems help lower the cost of capital for Nasdaq-listed companies and their investors. While most of the costs of these systems are borne by their users, it is appropriate to consider the costs of developing and running these systems in establishing listing fees because listed companies and their investors benefit from the existence of these systems and because the systems enhance the value of a Nasdaq listing.

In addition, Nasdaq has announced that it will make available products and services intended to assist companies with their disclosure and regulatory obligations, shareholder communications, and other corporate objectives. Specifically, Nasdaq intends to provide enhancements to NASDAQ Online and the Market Intelligence Desk that will provide companies with additional information and analysis to help manage their investor relationship programs and understand movements in the market for their securities. In addition, Nasdaq intends to offer companies a service that converts their annual report and proxy material into a

[5] LAS fees were last increased in 2003. *See* Securities Exchange Act Release No. 48631 (October 15, 2003), 68 FR 60426 (October 22, 2003) (SR–NASD–2003–127).

[6] Nasdaq annual fees were last increased in 2005. *See* Securities Exchange Act Release No. 50838 (December 10, 2004), 69 FR 75578 (December 17, 2004) (SR–NASD–2004–128).

[7] The proposed $27,500 Capital Market annual fee compares to fees of $30,000—$85,000 on NYSE Arca and from $16,500—$34,000 on Amex. Each of these markets has listing standards comparable to those applicable to Capital Market companies. The proposed annual fees for the Nasdaq Global and Global Select Markets range from $30,000 to $95,000, compared to fees on the NYSE that range from $38,000 to $500,000. For any amount of shares outstanding, Nasdaq's fees would be less than those of the NYSE, and would be more than $400,000 less for some Global and Global Select Market companies.

dynamic, online document for use by current and potential shareholders. Nasdaq also intends to offer companies a customized report to help analyze their exposure to securities litigation and, for those companies that choose to participate, peer data on the size, structure and cost of director and officer insurance programs. Finally, Nasdaq plans to offer the following services: four audio webcasts, four press releases, and four Form 8–K filings.[8] Of course these services cannot satisfy all of a typical company's disclosure and compliance requirements, but using these services a company could, for example, announce their earnings each quarter to investors in a press release, file that press release on a Form 8–K, and have an audio webcast to discuss the quarter's results. Thus, Nasdaq believes that these services can assist companies in their disclosure requirements and will allow investors better access to company information. Nasdaq believes that all of these enhancements and services will assist companies in fulfilling their responsibilities as public companies, facilitate their investor relations and visibility goals, allow investors better access to company information and, while incidental to the listing, will differentiate a Nasdaq listing. Moreover, Nasdaq notes that these services are consistent with services that exchanges have long made available to their listed companies, which may or may not be used by those companies.[9] While not every company will use every service, Nasdaq believes there will be something of value to all companies. Further, given that Nasdaq's listing fees are generally below those of other markets, every company will receive significant value for its listing fee in comparison to a listing on other markets.

(iv) Fees for Written Interpretations

Under Nasdaq Rule 4550, an issuer considering a specific action or transaction can request an interpretation from Nasdaq as to how Nasdaq's rules apply to the proposed action or transaction. This service is provided for a non-refundable fee of $2,000, and the process generally takes four weeks. Alternatively, an issuer may elect to pay a non-refundable fee of $10,000 to receive an expedited response, which will be provided by a specific date that is less than four weeks but at least one week after the date staff receives all information necessary to respond to the request.

Under the proposed rule, the non-refundable fee for a written interpretation under the regular service would increase from $2,000 to $5,000 and the fee for expedited service would increase from $10,000 to $15,000. The process for reviewing written interpretations was established in 2003 and fees have not been increased since that date.[10] Since that time, many of the interpretative issues raised by this process have become more complex and taken an increasing amount of staff time, due in part to an increased focus on corporate governance, executive compensation issues and new SEC requirements regarding board composition and other matters. Given these changes, Nasdaq believes the fee increase is appropriate to support the ongoing cost of providing this service to issuers and to allocate that cost to those companies using this service.

In addition, Nasdaq proposes to modify Rule 4550 to clarify that an issuer that has been suspended or delisted, but where review of that decision is pending, is eligible to request a written interpretation upon payment of the applicable fee.

(v) Other Fee Changes and Waivers

Nasdaq also proposes to adopt two new fee waivers and eliminate the entry fee for most companies transferring between the Nasdaq Capital Market and the Nasdaq Global Market. First, Nasdaq is proposing to adopt new Interpretive Material to clarify that, in the case where a Nasdaq-listed company is acquired by a non-Nasdaq company and the surviving entity of the merger lists on the Nasdaq Global Market or the Nasdaq Capital Market, the company would receive a pro-rated waiver of the annual fee for the period of time following the merger. Because the newly listing company would also be assessed an annual fee for that period, Nasdaq believes that it is equitable to provide this waiver.

Second, Nasdaq proposes to waive the entry fee if a non-listed company acquires a company listed on another market, and, in connection with the acquisition, the surviving entity lists on Nasdaq. Nasdaq believes that this situation is comparable to a company switching from another exchange, for which Nasdaq waives the entry fee. Although these companies would be reviewed for compliance with Nasdaq listing standards in the same manner as any other company applying for listing on Nasdaq, Nasdaq believes that, on average, the review of such an issuer is less likely to involve time-consuming regulatory issues than the typical application from a company conducting an initial public offering or transferring from the over-the-counter market.

Third, the proposed rule change would eliminate the entry fee for most companies transferring between the Nasdaq Capital Market and the Nasdaq Global Market. The Global Market entry fee would not be applicable to a transfer from the Capital Market to the Global Market, except if a company that qualified for the Global Market chose to initially list after January 1, 2007, on the Capital Market instead. In this limited case, when the company seeks to transfer, Nasdaq will charge the company the difference between the Global Market Fee in effect at the time of the transfer and the Capital Market fee previously paid. Nasdaq believes the waiver of the entry fee is appropriate because these companies are already subject to Nasdaq's regulation and Nasdaq's qualitative listing requirements. As such, while Nasdaq conducts a complete review of all applicants, Nasdaq's experience is that the review of a company that is already listed on Nasdaq will generally take less time and effort than the application of an unlisted issuer. Nasdaq also notes that the waiver will allow Nasdaq to better compete with other markets for listings. In that regard, NYSE Group recently adopted a fee waiver for companies transferring between NYSE Arca and NYSE.[11] The proposed waiver is, in part, a response to that fee structure, intended to incent companies to initially list and remain listed on Nasdaq, rather than seek a listing

[8] Audio webcasts are encoded audio streams that are distributed via internet compliant file formats. Press releases, limited to 500 words, would be distributed over the PrimeZone U.S. circuit, which includes distribution to all major financial and news organizations. Companies will be able to file Forms 8–K with the Commission via the Commission's EDGAR system. The services described are what Nasdaq intends to offer during 2007. Nasdaq also plans to offer these or similar services on an ongoing basis, but will evaluate companies' usage of the services and explore other opportunities for services for listed companies, and may adjust the mix of products and services accordingly.

[9] For example, an exchange may hold an investor conference at which a company can elect to present information, or can choose not to do so. Another exchange may make a market opening ceremony available, of which some issuers may take advantage and others do not. Exchanges make reports available to their listed companies; some companies use those reports, whereas other companies instead obtain similar reports from third parties. Similarly, Nasdaq understands that other markets have made available investor disclosure services, such as webcasts, for their listed companies in recent years, which some companies have elected not to use.

[10] *See* Securities Exchange Act Release No. 48450 (September 4, 2003), 68 FR 53770 (September 12, 2004) (SR–NASD–2004–105).

[11] *See* Securities Exchange Act Release No. 54223 (July 26, 2006), 71 FR 43833 (August 2, 2006) (SR–NYSE–2006–43).

elsewhere, thereby promoting competition between Nasdaq and other exchange markets.

(vi) Implementation

The new annual fee schedule would be effective January 1, 2007. The new LAS fee schedule for domestic issuers would be effective for issuers starting with fiscal years beginning on or after January 1, 2007. Nasdaq will establish the initial number of shares for the LAS fee for non-U.S. issuers based on an issuer's first annual filing after January 1, 2007. Companies will be assessed the fee for the increase in the number of shares based on the subsequent annual filing. The entry fee changes would be effective upon approval of the proposed rule change by the Commission. However, issuers that have submitted a listing application to the Nasdaq Capital Market and paid the applicable application fee prior to the approval of the proposed rule change would be charged an entry fee based on the existing fee schedule and would not be subject to the change in entry fees.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[12] in general, and with Section 6(b)(4) of the Act,[13] in particular. Section 6(b)(4) requires that Nasdaq's rules provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. As described above, the proposed rule change will benefit issuers and investors by providing an equitable allocation of reasonable fees and charges among issuers listed on Nasdaq and allow Nasdaq to continue to enhance the services provided to issuers.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In that regard, Nasdaq notes that the proposed fees are generally lower than the fees charged by other U.S. marketplaces for listing and are appropriate in light of the trading system enhancements Nasdaq has made and the regulatory oversight that Nasdaq provides.

The proposed fees are also justified because of the numerous additional services that Nasdaq provides and plans to provide to listed companies. Nasdaq believes that by offering additional services to listed companies Nasdaq will differentiate itself, thereby enhancing competition among marketplaces, both domestically and globally, by increasing the value of a Nasdaq listing.[14]

Nasdaq also believes that offering services to listed companies will enhance competition among the providers of those services. The press release and Edgar-filing services that are being provided do not nearly satisfy listed-companies' needs for these services. As such, companies will still need to purchase these services from service providers and these service providers will continue to compete for this business based on price, reliability, and quality of services. To the extent that Nasdaq becomes a meaningful competitor to the existing providers of such services, listed companies will benefit from enhanced competition for their business.

With respect to press-release distribution, in particular, Nasdaq notes that its participation can only increase competition. Nasdaq estimates that two service providers, PR Newswire and Business Wire, distribute approximately 85% to 90% of press releases for public companies listed on U.S. exchanges.[15] By contrast, PrimeZone Media Network, the Nasdaq-owned company which will provide the services described, distributes fewer than 5% of press releases for public companies listed on U.S. exchanges. In fact, if all Nasdaq companies make use of all four press releases proposed to be offered to them, Nasdaq estimates that PR Newswire and Business Wire combined will still distribute more than 80% of press releases for public companies listed on U.S. exchanges. Given this landscape, it is apparent that the services Nasdaq is offering companies could only enhance competition, thereby reducing costs for our listed companies, and would not be a burden on competition. These same providers, as well as Thomson Financial, and financial printers, such as Bowne, Donneley, and Merrill Corp., among others, also provide services comparable to the Form 8–K EDGAR filings and webcasts that Nasdaq intends to provide. With respect to EDGAR filings, Nasdaq notes that in the twelve months prior to October 26, 2006, there were approximately 750,000 EDGAR filings.[16] Even if all Nasdaq-listed companies used all four Form 8–K filings, this would represent less than 2% of total EDGAR filings. As such, Nasdaq does not believe its proposal will have any adverse impact on competition for these services.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Nasdaq has received two comments regarding the proposed rule change. One commenter requested additional information about the services offered by Nasdaq and questioned the competitive impact of Nasdaq offering services to listed companies. Nasdaq's response to these questions are incorporated in Items 3 and 4, above. In addition, the commenter questioned whether Nasdaq will devote sufficient resources to the dissemination of information through PrimeZone. In fact, Nasdaq and PrimeZone are committed to expanding the already substantial PrimeZone distribution network. Finally, the commenter suggested that providing PrimeZone services to listed companies may be a ''conflict of interest'' with Nasdaq's role as a regulator. Nasdaq strongly disagrees with this assertion as Nasdaq does not regulate the market for information dissemination. While Nasdaq rules support the rules of the Commission by requiring companies to disclose material news, Nasdaq rules defer to the Commission's rules to determine the proper method of such disclosure.[17] Nasdaq has no intention to change these rules.[18]

A second commenter expressed concerns about paying for services that his company would not use. As noted in Section 3, above, Nasdaq believes that the listing fee provides substantial value even to companies that do not use any of the services offered by Nasdaq, as it also pays for access to the trading

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

[14] *See* Securities Exchange Act Release No. 54155 (July 14, 2006), 71 FR 41291 (July 20, 2006) (SR–NASDAQ–2006–001) where the Commission noted that Nasdaq operates in a competitive global exchange marketplace for listings, financial products, and market services and competes in such an environment with other market centers, including national securities exchanges, ECNs, and other alternative trading systems, for the privilege of providing market and listing services to broker-dealers and issuers.

[15] Based on Nasdaq's analysis of press releases sourced from the Comtex News Network data feed for the 90 days ending on October 23, 2006.

[16] This estimate is based on a search of the EDGAR database performed through EDGARpro at *http://pro.edgar-online.com/*.

[17] Nasdaq rules permit material information to be disclosed in ''*any* Regulation FD complaint method (or combinations of methods).'' *See* Nasdaq Rule 4310(c)(16) and IM–4120–1 (emphasis added).

[18] The commenter also requested information as to the allocation of fees within Nasdaq. Nasdaq notes that as a public company it files periodic reports that include financial information with the Commission. This information will identify the sources of Nasdaq's revenues consistent with the requirements for those reports and U.S. generally accepted accounting practice.

facilities and regulation of the Nasdaq marketplace, which have been enhanced since the last fee increase. In addition, Nasdaq notes that the services being provided are designed to supplement those a company already uses in achieving its investor relations, disclosure and other corporate objectives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which NASD consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–NASDAQ–2006–040 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2006–040. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of Nasdaq. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2006–040 and should be submitted on or before December 12, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Nancy M. Morris,

Secretary.

[FR Doc. E6–19620 Filed 11–20–06; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54750; File No. SR–NYSEArca-2006–88]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Exchange Fees and Charges

November 14, 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 November 13, 2006, NYSE Acra, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. NYSE Arca has designated this proposal as one establishing or changing a due, fee, or other charge imposed by a self-regulatory organization pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Schedule of Fees and Charges in order to modify the fee that applies to Option Strategy Executions.[5]

The text of the proposed rule change is available on the Exchange's Internet Web site (*http://www.nysearca.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 Exchange represents that the purpose of this proposed rule change is to modify the fee that applies to ''Option Strategy Executions.'' These transactions include reversals and conversions,[6] dividend spreads,[7] box spreads,[8] and merger spreads.[9] Because the referenced Options Strategy Executions are generally executed by

[5] Fees on Options Strategy Executions are applicable through a Pilot Program until March 1, 2007.

[6] Reversals and conversions are transactions that employ calls, puts, and the underlying stock to lock in a nearly risk free profit. Reversals are established by combining a short stock position with a short put and a long call position that shares the same strike and expiration. Conversions employ long positions in the underlying stock that accompany long puts and short calls sharing the same strike and expiration.

[7] Dividend spreads are trades involving deep-in-the-money options that exploit pricing differences arising around the time a stock goes ex-dividend.

[8] Box Spreads is a strategy that synthesizes long and short stock positions to create a profit. Specifically, a long call and short put at one strike is combined with a short call and long put at a different strike to create synthetic long and synthetic short stock positions, respectively.

[9] A merger spread is a transaction executed pursuant to a strategy involving the simultaneous purchase and sale of options of the same class and expiration date, but with different strike prices followed by the exercise of the resulting long option position.

professionals, whose profit margins are generally narrow, the Exchange caps the transaction fees associated with such executions at $1,000 per strategy execution that is executed on the same trading day in the same option class. In addition, the Exchange has a monthly fee cap of $25,000 per initiating firm for all strategy executions. At this time, the Exchange is proposing to lower the daily transaction fee cap in order to stay competitive with other national options exchanges. The Exchange proposes lowering the daily fee cap to $750 per execution. The monthly cap of $25,000 will remain unchanged. NYSE Arca believes that, by keeping fees on strategy executions low, the Exchange will be able to attract additional liquidity by accommodating these transactions.

The Exchange notes that OTP Holders and OTP Firms who wish to benefit from the fee cap would be required to submit to the Exchange forms with supporting documentation (*e.g.*, clearing firm transaction data) to qualify for the cap.

2. Statutory Basis

The Exchange believes that proposal is consistent with Section 6(b) of the Act,[10] in general, and Section 6(b)(4)[11] in particular, in that it provides for the equitable allocation of dues, fees, and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[12] and Rule 19b–4(f)(2)[13] thereunder because it establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–NYSEArca–2006–88 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2006–88. 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 Commissions 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 NYSE Arca. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2006–88 and should be submitted on or before December 12, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Nancy M. Morris,

Secretary.

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[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54748; File No. SR–OCC–2006–01]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Amended Filing of Proposed Rule Change To Revise Option Adjustment Methodology

November 14, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 12, 2006, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by OCC. On March 9, 2006, the Commission published notice of the proposed rule change to solicit comments from interested parties.[2] The Commission received ten comment letters.[3] To address the concerns raised by the commenters, OCC amended the proposed rule change on September 25, 2006. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

OCC is seeking to amend Article VI (Clearance of Exchange Transactions), Section 11A of OCC's By-Laws to (1) eliminate the need to round strike prices and/or units of trading in the event of certain stock dividends, stock distributions, and stock splits and (2)

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 53400 (March 2, 2006), 71 FR 12226.

[3] Joseph Haggenmiller (March 8, 2006); Erik A. Hartog, Operating Manager, Allagash Trading LLC (March 21, 2006); Jeffrey Woodring (March 22, 2006); Adam Besch-Turner (March 23, 2006); Christopher Nagy, Chairman, Options Committee, Securities Industry Association (March 24, 2006); Mike Ianni (April 5, 2006); Mike Ianni (April 5, 2006); Peter van Dooijeweert, President, Alopex Capital Management, LLC (April 26, 2006); Bob Linville and Deborah Mittelman, Service Bureau Committee Co-Chairs, Financial Information Forum (May 2, 2006); and William H. Navin, Executive Vice President, General Counsel, and Secretary, The Options Clearing Corporation (September 29, 2006).

provide for the adjustment of outstanding options for special dividends (*i.e.*, cash distributions not declared pursuant to a policy or practice of paying such distributions on a quarterly or other regular basis). The proposed rule change would also add a $12.50 per contract threshold amount for cash dividends and distributions to trigger application of OCC's adjustment rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Changes relating to Adjustments for Certain Stock Dividends, Stock Distributions, and Stock Splits

OCC's By-Laws currently specify two alternative methods of adjusting for stock dividends, stock distributions, and stock splits. In cases where one or more whole shares are issued with respect to each outstanding share, the number of outstanding option contracts is correspondingly increased and strike prices are proportionally reduced.[5] In all other cases, the number of shares to be delivered under the option contract is increased and the strike price is reduced proportionately.[6]

Although these two methods have been used since the inception of options trading, in certain circumstances either method can produce a windfall profit for one side and a corresponding loss for the other due to rounding of adjusted strike prices. These profits and losses, while small on a per-contract basis, can be significant for large positions. Because equity option strike prices are currently stated in eighths, OCC's By-Laws require adjusted strike prices to be rounded to the nearest eighth. For example, if an XYZ $50 option for 100 shares were to be adjusted for a 3-for-2 split, the deliverable would be increased to 150 shares and the strike price would be adjusted to $33.33, which would then be rounded up to $33-3/8. Prior to the adjustment, a call holder would have had to pay $5,000 to exercise ($50 × 100 shares). After the adjustment, the caller has to pay $5,006.25 for the equivalent stock position ($33.375 × 150 shares). Conversely, an exercising put holder would receive $5,006.25 instead of $5,000. The $6.25 difference represents a loss for call holders and put writers and a windfall for put holders and call writers.

A loss/windfall can also occur when the split results in a fractional deliverable (*e.g.*, when a 4-for-3 split produces a deliverable of 133.3333 shares). In those cases, OCC's By-Laws currently require that the deliverable be rounded down to eliminate the fraction, and if appropriate, the strike price be further adjusted to the nearest eighth to compensate for the diminution in the value of the contract resulting from the elimination of the fractional share. However, even if these steps are taken, small rounding inequities may remain.

The windfall profits and correspondent losses resulting from the rounding process have historically been accepted as immaterial. Due to recent substantial increases in trading volume and position size, however, they have become a source of concern to exchanges and market participants. In addition, OCC has been informed that some traders may be exploiting announcements of splits and similar events by quickly establishing positions designed to capture rounding windfalls at the expense of other market participants.

The inequity that results from the need to round strike prices can be eliminated by using a different adjustment method: namely, adjusting the deliverable but not the strike prices or the values used to calculate aggregate exercise prices and premiums. As an illustration of the proposed adjustment methodology, in the XYZ $50 option 3-for-2 split example described above, the resulting adjustment would be a deliverable of 150 shares of XYZ stock while the strike price would remain at $50. In this case, the presplit multiplier of 100, used to extend aggregate strike price and premium amounts, is unchanged. For example, a premium of 1.50 would equal $150 ($1.5 × 100) both before and after the adjustment. An exercising call holder would continue to pay $50 times 100 (for a total of $5,000) but would receive 150 shares of XYZ stock instead of 100.[7] This is the method currently used for property distributions such as spin-offs and special dividends large enough to require adjustments under OCC's By-Laws.

The inequity that results from the need to eliminate fractional shares from the deliverable and to compensate by further reducing the strike price to the nearest eighth can be eliminated by adjusting the deliverable to include cash in lieu of the fractional share. As an illustration, consider a 4-for-3 split of the stock underlying an XYZ $80 option with a 100 share deliverable. Employing the proposed adjustment method, the deliverable would be adjusted to 133.3333 shares, which would be rounded down to 133 shares, and the strike price would remain $80. However, instead of compensating for the elimination of the .3333 share by reducing the strike prices, the strike prices would be left unchanged, and the deliverable would be adjusted to 133 shares plus the cash value of the eliminated fractional share (.3333 × the post-split value of a share of XYZ stock as determined by OCC). The adjusted option would also continue to use 100 as the multiplier to calculate aggregate strike and premium amounts.

The proposed revised adjustment methodology would not generally be used for 2-for-1 or 4-for-1 stock distributions or splits (since such distributions or splits normally result in strike prices that do not require rounding to the nearest eighth). In addition, the revised adjustment methodology would not generally be used for stock dividends, stock distributions, or stock splits with respect to any series of options having exercise prices stated in decimals.[8] For those options, the existing adjustment rules would continue to apply. The reason for this is that once the market has converted to decimal strikes, the rounding errors created by rounding to the nearest cent would be immaterial even given the larger positions taken in today's markets and the other factors discussed above. Because conversion to

[4] The Commission has modified the text of the summaries prepared by OCC.

[5] For example, in the event of a 2-for-1 split, an XYZ $60 option calling for the delivery of 100 shares of XYZ stock would be subdivided into two XYZ $30 options, each calling for the delivery of 100 shares of XYZ stock.

[6] For example, in a 3-for-2 split, an XYZ $60 option calling for the delivery of 100 shares would be adjusted to call for the delivery of 150 shares and the strike price would be reduced to $40.

[7] The same adjustment methodology would apply to reverse stock splits or combination of shares. For example, in a 3-for-4 reverse stock split on a XYZ $50 option calling for the delivery of 100 shares, the resulting adjustment would be a deliverable of 75 shares of XYZ stock while the strike price would remain at $50.

[8] Although there are currently no decimal strikes for equity options, OCC wants to avoid the need for further amendments to its By-Laws and the options disclosure document in the event that such strikes are introduced in the future.

decimal strikes might be phased in rather than applied to all series of equity options simultaneously, the rule has been drafted to cover both methods of expressing exercise prices, applying the appropriate rule to each.

The proposed changes in adjustment methodology would not be implemented until the exchanges have conducted appropriate educational efforts and definitive copies of an appropriate supplement to the options disclosure document, *Characteristics and Risks of Standardized Options*, were available for distribution.[9]

B. Changes to the Definition of ''Ordinary Dividends and Distributions''

Article VI, Section 11A(c) of OCC's By-Laws currently provides that as a general rule, outstanding options will not be adjusted to compensate for ordinary cash dividends. Interpretation and Policy .01 under Section 11A of Article VI provides that a cash dividend will generally be deemed to be ''ordinary'' if the amount does not exceed 10% of the value of the underlying stock on the declaration date (''10% Rule''). The OCC Securities Committee is authorized to decide on a case-by-case basis whether to adjust for dividends exceeding that amount. As a result, OCC historically has not adjusted for special cash dividends unless the amount of the dividend was greater than 10% of the stock price at the close of trading on the declaration day.

The 10% Rule predated a number of significant developments, including, the introduction of Long-term Equity AnticiPation Security (''LEAPS'') options, the sizeable open interest seen today, the large contract volume associated with trading and spreading strategies, and modern option pricing models that take dividends into account. When open interest and individual positions were smaller, not adjusting for dividends of less than 10% did not have the pronounced impact it does today. Additionally, changes to the tax code which now tax dividends more favorably have provided an incentive for companies to pay more dividends, including special dividends. In light of these considerations, it is appropriate that the 10% Rule now be revised.

Under the revision proposed by OCC, a cash dividend or distribution would be considered ordinary (regardless of size) if the OCC Securities Committee determines that such dividend or distribution was declared pursuant to a policy or practice of paying such dividends or distributions on a quarterly or other regular basis. In addition, as a general rule, a cash dividend or distribution that is less than $12.50 per contract would not trigger the adjustment provisions of Article VI, Section 11A.

1. No Adjustment for Regularly-Scheduled Dividends Needed

Dividends declared by an issuer pursuant to a policy or practice of such issuer are known and can thus be priced into option premiums. By definition, however, special dividends cannot be anticipated in advance and therefore cannot be integrated into option pricing models.[10] If adjustments are not made in response to special dividends (*i.e.*, by calling for the delivery of the dividend) call holders can capture the dividends only by exercising their options. Often in these cases, especially with LEAPS options or FLEX options which can exist for 5 to 10 years, early exercise would sacrifice substantial option time value. This economic disadvantage would be further magnified if the option position is large, as is often the case today. Conversely, put holders often receive a windfall benefit from the increase in the in-the-money value on the ex date. To the extent that equity options can be priced accurately and consistently without dislocations due to unforeseen special dividends, these economic disadvantages can be avoided. Moreover, because special dividends are one-off events, adjusting for them would not cause the proliferation of outstanding series that would result from adjusting for regular dividends as explained below.

2. De Minimis Threshold

Adjusting for dividends can cause a proliferation of outstanding option symbols and series.[11] In the interest of providing some limit on option symbol proliferation, the proposed rule change includes a de minimis threshold of $12.50 per contract. Special dividends smaller than these amounts would not trigger an adjustment.

OCC believes that a threshold that is a set dollar amount is preferable to one that is a percentage of the stock price (like OCC's existing 10% Rule) because there are operational problems with applying a percentage threshold. Under the existing 10% Rule, in order to determine whether this threshold is met, the per share dividend amount is applied to the closing price of the underlying security on the dividend declaration date. The date the dividend is announced (by press release or by some other means) is not normally the ''declaration date'' when the dividend is officially declared by an issuer's board of directors. Until the actual declaration date, investors and traders may not know whether or not an announced dividend will trigger an adjustment based on the company's share price. In the interim, it is difficult for traders and investors to price their options because they do not know if an adjustment will be made.

The advantage of a fixed dollar threshold is avoiding uncertainty. The per contract value of the dividend can be immediately determined without the need to wait until the declaration date and without the need to do a calculation based on the closing price of the underlying shares.

3. Consistency Across Relevant Interpretations

Interpretations and Policies .01 and .08 under Article VI, Section 11A apply to cash distributions. Interpretation and Policy .01 (as proposed to be amended) would apply in general to all cash distributions. Interpretation and Policy .08 currently carves out exceptions for fund share cash distributions and does not include a threshold minimum. In the interest of clarity and consistency with Interpretation and Policy .01, Interpretation .08 would be revised to provide for the same $12.50 per contract threshold. Clause (ii) of Interpretation and Policy .08 would be deleted because it is an exception to the 10% Rule and would no longer be needed when the 10% Rule is abolished.

4. The Amendment

OCC understands that certain option traders may have integrated into their pricing models the probability of special dividends based on the OCC rules currently in effect and that eliminating the 10% Rule with respect to existing contracts may unfairly affect these options traders. To ensure that no options series that were opened before disclosure of the rule change are affected by elimination of the 10% Rule, OCC will delay eliminating the 10% Rule and replacing it with the fixed dollar threshold so that these changes will be implemented only for corporate events announced on or after February 1, 2009. OCC plans to provide ODD disclosure of this rule change before May 29, 2007 (after which date the

[9] OCC will notify the Commission and issue an Important Notice when the proposed adjustment methodology is implemented.

[10] OCC has been told that some traders form judgments as to the likelihood that certain issuers may declare special cash dividends and factor those judgments into their pricing models. However, that is clearly not the case with all traders or all issues.

[11] Symbols proliferate when adjustments are made because often the dividend amount must be added to the deliverable yielding a non-standard option. The exchanges then introduce standard options with the same strikes.

exchanges would normally begin introducing LEAPS expiring in 2010 making a 2009 implementation impracticable). The delay in implementation will ensure that all options series opened before the ODD disclosure is made available (other than certain ''flex'' options that will be grandfathered under the old rule) will have expired before the change is effected.[12] While delaying the implementation until 2009 postpones the benefit of making this needed change, it accommodates the many firms that find the operational hurdles and fairness issues associated with an earlier implementation onerous.

OCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[13] and the rules and regulations thereunder applicable to OCC because (1) it is intended to eliminate inequities that result from certain rounding practices currently required by OCC's By-Laws and thus protect investors and (2) it is intended to make more predictable when cash distributions by an issuer will result in an adjustment to an option contract and thus make the process for adjustments more equitable for all investors.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, 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–OCC–2006–01 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-OCC–2006–01. 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 Section, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *www.theocc.com*. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–OCC–2006–01 and should be submitted on or before December 12, 2006.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[14]

Nancy M. Morris,

Secretary.

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[12] OCC intends to take a ''snapshot'' of flex series expiring after January 31, 2009, that are outstanding at the time when ODD disclosure of the rule change is made. Those series will be assigned distinctive trading symbols and ''grandfathered'' under the old rule. Trading will continue normally in grandfathered series until their expiration, but the exchanges would be free to open otherwise identical non-grandfathered series, which would be identified by conventional flex trading symbols. If ODD disclosure is not made until after the December 2006 expiration, it may also be necessary to grandfather two classes of LEAPs with December expirations (SPY and S&P 100 i-Shares) because the exchanges would ordinarily introduce new series expiring in December 2009 after the December 2006 expiration.

[13] 15 U.S.C. 78q–1.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54749; File No. SR–Phlx–2006–73]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Definition of Core Session for XLE

November 14, 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 November 9, 2006, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Phlx. The Exchange filed the proposal as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] 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 Phlx proposes to modify the definition of ''Core Session'' in Phlx Rule 101, Supplementary Material .02(2), to state that the Core Session shall take place for each equity security from 9:30 a.m. until 4 p.m., except for specified exchange-traded funds (''ETFs'') in which case the Core Session shall continue until 4:15 p.m. The text of the proposed rule change is available

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

on Phlx's Web site, *http://www.phlx.com,* at Phlx'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 Phlx 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 Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to ensure that ETFs [5] that trade on the Exchange have the same primary or core trading hours as these securities have on their listing exchanges. When the Phlx begins trading using its new equity trading system, XLE,[6] the hours of operation will change from the current hours of operation used on the physical equity trading floor. Currently, for any given security, the Primary Trading Session hours on Phlx are identical to the hours of trading for that security on its primary market.[7] Many ETFs trade on their primary market until 4:15 p.m.

In adopting XLE, Phlx intended to modify its trading hours for equities, but did not intend to change the ''primary'' or ''core'' hours that securities are usually traded. Specifically, Phlx adopted its XLE Trading Hours with a Pre Market Session, a Core Session, and a Post Market Session. The Exchange intended the Core Session to be coextensive with existing primary sessions that are employed by other exchanges. Phlx defined the Core Session as taking place ''for each security during that security's 'regular trading hours' as that term is defined in Rule 600(b)(64) of Regulation NMS.'' However, by using the term ''regular trading hours'' as defined in Rule 600(b)(64) of Regulation NMS,[8] Phlx inadvertently failed to make its Core Session coextensive with existing primary sessions employed by other exchanges with respect to ETF trading. The Exchange notes that while other exchanges have adopted rules extending their primary trading session until 4:15 p.m. for certain securities (*i.e.*, ETFs), ''the Commission has not approved an [exchange] rule modifying the definition of regular trading hours [to some time other than 4 p.m] for purposes of Rule 600(b)(64).'' [9]

The Exchange now proposes to modify the definition of its Core Session for XLE to allow the Exchange to set the ending time of the Core Session to 4:15 p.m. for certain ETFs.[10] This will allow those ETFs that trade until 4:15 p.m. to trade until that time during XLE's Core Session. The Exchange believes that this proposed rule change should reduce confusion among market participants who enter orders on multiple exchanges in these products by allowing for the harmonization of trading times across Phlx and other exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [11] in general, and furthers the objectives of Section 6(b)(5) of the Act [12] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule does not (i) 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 from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14] As required under Rule 19b–4(f)(6)(iii) under the Act,[15] Phlx provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, prior to the date of the filing of the proposed rule change.

A proposed rule change filed under Rule 19b–4(f)(6) under the Act [16] normally may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) under the Act [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay, which would make the rule change effective and operative upon filing. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, because it allows the Exchange to implement this proposal without delay in order to accommodate the Exchange's plans to commence operations of XLE. The Commission notes that the Exchange has represented that its proposed rule change is based upon a similar rule of the Chicago Stock Exchange, Inc. (''CHX'').[18] For these reasons, the Commission designates the

[5] The Exchange represents that it will publish, via an Exchange circular, a list of the exchange-traded funds that will have a Core Session that ends at 4:15 p.m.

[6] XLE is the new equity trading system on Phlx for trading NMS Stocks. *See* Securities Exchange Act Release No. 54538 (September 28, 2006), 71 FR 59184 (October 6, 2006) (SR–Phlx–2006–43).

[7] *See* the pre-XLE version of Phlx Rule 101, Supplementary .02(i).

[8] 17 CFR 600(b)(64).

[9] *See* Division of Market Regulation: Response to Frequently Asked Questions Concerning Rule 611 and Rule 610 of Regulation NMS Question 7.02.

[10] *See supra* note 5 (noting that the Exchange will publish a circular listing the applicable ETFs).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See* Securities Exchange Act Release No. 54550 (September 29, 2006), 71 FR 59563 (October 10, 2006) (SR–CHX–2006–05) (approval order for CHX's new electronic trading system).

proposal to be effective and operative upon filing with the Commission.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[20]

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–Phlx–2006–73 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2006–73. 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 Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2006–73 and should be submitted on or before December 12, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[21]

Nancy M. Morris,

Secretary.

[FR Doc. E6–19623 Filed 11–20–06; 8:45 am]

BILLING CODE 8011–01–P

[19] For the purposess 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).

[20] *See* 15 U.S.C. 78s(b)(3)(C).

[21] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION
4910–22–P

Federal Highway Administration

[Docket No. FHWA–2006–26363]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under Supplementary Information. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 22, 2007.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FHWA–2006–26363 by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, 20590–0001.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, S.W., Washington, DC, 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room 401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, 20590, between 9 a.m. and 5p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Koontz, 202–366–2076, or Robert Kafalenos, 202–366–2079, Office of Natural and Human Environment, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC, 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Annual Reporting for the Congestion Mitigation and Air Quality Improvement (CMAQ) Program.

Background: Section 1808 of the Safe, Accountable, Flexible, Efficient Transportation Equity.

Act: A Legacy for Users of 2005 (SAFETEA–LU) calls for an Evaluation and Assessment of CMAQ Projects. The statute calls for the identification and analysis of a representative sample of CMAQ projects and the development and population of a database that describes the impacts of the program both on traffic congestion levels and air quality. To establish and maintain this database, the FHWA is requesting States to submit annual reports on their CMAQ investments that cover projected air quality benefits, financial information, a brief description of projects, and several other factors outlined in the Interim Program Guidance for the CMAQ program. States are requested to provide the end of year summary reports via the automated system provided through FHWA by the first day of February of each year, covering the prior Federal fiscal year.

Respondents: 51; each State DOT, and Washington DC.

Frequency: Annually.

Estimated Average Burden per Response: 6 hours per annual report.

Estimated Total Annual Burden Hours: 306 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or

include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: November 15, 2006.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. E6–19683 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Federal Agency Actions on Proposed Transportation Project in Ohio

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal Agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, U.S. Route 24, from U.S. Route 6 near the City of Napoleon in Henry County to just west of Interstate Route 475 near the City of Toledo in Lucas County in the State of Ohio. The Federal actions, taken as a result of an environmental review process under the National Environmental Policy Act, 42 U.S.C. 4321–4351 (NEPA), determined certain issues relating to the proposed project. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public that it has made decisions that are subject to 23 U.S.C. 139(l)(1) and are final within the meaning of that law. A claim seeking judicial review of the Federal agency decisions on the proposed highway project will be barred unless the claim is filed on or before May 21, 2007. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Mark L. Vonder Embse, P.E., Senior Transportation Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio, 43215; e-mail: *mark.vonderembse@fhwa.dot.gov*; telephone: (614) 280–6854; FHWA Ohio Division Office's normal business hours are 8 a.m. to 4:30 p.m. (eastern time). You also may contact Mr. W. Michael Ligibel, Ohio Department of Transportation, 317 East Poe Road, Bowling Green, Ohio 43402; telephone: (419) 353–8131.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has issued a Record of Decision (ROD) for the following highway project in the State of Ohio: U.S. Route 24, from U.S. Route 6 near the City of Napoleon in Henry County to west of Interstate Route 475 near the City of Toledo in Lucas County. The project will be a 21.8 mile long, four-lane divided limited access highway on new alignment. It will begin east of the existing Napoleon bypass. It will then proceed in an easterly and northeasterly direction passing to the south of the community of Liberty Center and staying north of the existing U.S. Route 24, and west and north of the Village of Waterville. The improvements will end at the existing 4-lane divided section of U.S. Route 24 southwest of the existing U.S. Route 24 and Stitt Road interchange. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Draft Environmental Impact Statement (DEIS) for the project, approved on September 8, 2004, in the Final Environmental Impact Statement (FEIS) for the project, approved on March 31, 2006, in the FHWA Record of Decision (ROD) issued on September 15, 2006, and in other documents in the FHWA administrative record. The DEIS, FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or the Ohio Department of Transportation at the addresses provided above. The FHWA DEIS, FEIS, and ROD can be viewed at the Toledo-Lucas County Public Library-Maumee Branch, Toledo-Lucas County Public Library-Main Branch, Liberty Center Public Library, Napoleon Public Library, Toledo-Lucas County Public Library, Toledo Metropolitan Area Council of Governments, Henry County Engineer's Office, Lucas County Engineer's Office, and the ODOT District Two Office.

This notice applies to all Federal agency decisions that are final within the meaning of 23 U.S.C. 139(l)(1) as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4351; Federal-Aid Highway Act, 23 U.S.C. 109 and 23 U.S.C. 128.

2. *Air:* Clean Air Act, 42 U.S.C. 7401–7671(q).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303 and 23 U.S.C. 138; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and 1536], Fish and Wildlife Coordination [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Wetlands and Water Resources:* Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)–300(j)(6); Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(f) *et seq.*; Archeological Resources Protection Act of 1977 [16 U.S.C. 470 (aa)–11]; Archeological and Historical Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

7. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority : 23 U.S.C. 139(l)(1).

Issued on: October 30, 2006.

Patrick A. Bauer,

Assistant Division Administrator, Columbus, Ohio.

[FR Doc. E6–19632 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Availability of Grant Program Funds for Commercial Driver's License Program Improvements

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice.

SUMMARY: The Federal Motor Carrier Safety Administration announces the availability of Commercial Driver's License Program Improvement (CDLPI) grant funding as authorized by Section 4124 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). The program is a discretionary grant program that provides funding for improving States' implementation of the Commercial Driver's License (CDL) program, including expenses for computer hardware and software, publications, testing, personnel, training, and quality control. Grants made under this program may not be used to rent, lease, or buy land or buildings. The agency in each State designated as the primary driver licensing agency responsible for the development, implementation, and maintenance of the CDL program is eligible to apply for grant funding. To apply for funding, applicants must register with the grants.gov Web site (*http://www.grants.gov/applicants/get_registered.jsp*) and submit an application in accordance with instructions provided. Applications for grant funding must be submitted electronically to the FMCSA through the grants.gov Web site.

DATES: FMCSA will initially consider funding for applications submitted by December 15, 2006, by qualified applicants. If additional funding remains available, applications submitted after December 15, 2006, will be considered on a case-by-case basis. Funds will not be available for allocation until fiscal year 2007 appropriations legislation is passed and signed into law.

FOR FURTHER INFORMATION: Visit *www.grants.gov.* Information on the grant, application process, and additional contact information is available at that Web site. General information about the CDLPI grant is available in The Catalog of Federal Domestic Assistance (CFDA) which can be found on the Internet at *http://www.cfda.gov.* The CFDA number for CDLPI is 20.232. You may also contact Mr. Lloyd Goldsmith, Federal Motor Carrier Safety Administration, Office of Safety Programs, Commercial Driver's License Division (MC–ESL), 202–366–2964, 400 Seventh Street, SW., Room 8310, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., ET, Monday through Friday, except Federal holidays.

Issued on: November 9, 2006.

John H. Hill,

Administrator.

[FR Doc. E6–19684 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG–2006–26009]

Calypso LNG LLC, Calypso Liquefied Natural Gas Deepwater Port License Application; Preparation of Environmental Impact Statement

AGENCY: Maritime Administration, DOT.

ACTION: Notice of intent; notice of public meeting; request for comments.

SUMMARY: The Coast Guard and the Maritime Administration (MARAD) announce that the Coast Guard intends to prepare an environmental impact statement (EIS) as part of the environmental review of this license application. The application describes a project that would be located in the Atlantic Ocean, approximately 9 miles northeast of Port Everglades, Florida. Publication of this notice begins a scoping process that will help identify and determine the scope of environmental issues to be addressed in the EIS. This notice requests public participation in the scoping process and provides information on how to participate.

DATES: The public meeting in Fort Lauderdale, FL will be held on December 6, 2006. The public meeting will be held from 6:30 p.m. to 8:30 p.m. and will be preceded by an open house from 5 p.m. to 6 p.m. The public meeting may end earlier or later than the stated time, depending on the number of persons wishing to speak. Material submitted in response to the request for comments must reach the Docket Management Facility by December 21, 2006.

ADDRESSES: The public meetings will be held at: Fort Lauderdale Marriott North, 6500 North Andrews Avenue, Fort Lauderdale, Florida 33309; 954–771–0440.

Address docket submissions for USCG–2006–26009 to: Docket Management Facility, U.S. Department of Transportation,400 Seventh Street SW., Washington, DC 20590–0001.

The Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying at this address, in room PL–401, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Facility's telephone is 202–366–9329, its fax is 202–493–2251, and its Web site for electronic submissions or for electronic access to docket contents is *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Mary K. Jager, U.S. Coast Guard, telephone: 202–372–1454, e-mail: *mary.k.jager@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone: 202–493–0402.

SUPPLEMENTARY INFORMATION:

Public Meeting and Open House

We invite you to learn about the proposed deepwater port at an informational open house, and to comment at a public meeting on environmental issues related to the proposed deepwater port. Your comments will help us identify and refine the scope of the environmental issues to be addressed in the EIS.

In order to allow everyone a chance to speak at the public meeting, we may limit speaker time, or extend the meeting hours, or both. You must identify yourself, and any organization you represent, by name. Your remarks will be recorded or transcribed for inclusion in the public docket.

You may submit written material at the public meeting, either in place of or in addition to speaking. Written material must include your name and address, and will be included in the public docket.

Public docket materials will be made available to the public on the Docket Management Facility's Docket Management System (DMS). See ''Request for Comments'' for information about DMS and your rights under the Privacy Act.

All of our public meeting locations are wheelchair-accessible. If you plan to attend the open house or public meeting, and need special assistance such as sign language interpretation or other reasonable accommodation, please notify the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) at least 3 business days in advance. Include your contact information as well as information about your specific needs.

Request for Comments

We request public comments or other relevant information on environmental issues related to the proposed deepwater port. The public meeting is not the only opportunity you have to comment. In addition to or in place of attending a meeting, you can submit comments to the Docket Management Facility during the public comment period (see **DATES**). We will consider all comments and material received during the comment period.

Submissions should include:

- Docket number USCG–2006–26009.
- Your name and address.
- Your reasons for making each comment or for bringing information to our attention.

Submit comments or material using only one of the following methods:

- Electronic submission to DMS, *http://dms.dot.gov.*
- Fax, mail, or hand delivery to the Docket Management Facility (see **ADDRESSES**). Faxed or hand delivered submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. If you mail your submission and want to know when it reaches the Facility, include a stamped, self-addressed postcard or envelope.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the DMS Web site (*http://dms.dot.gov*), and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available on the DMS Web site, or the Department of Transportation Privacy Act Statement that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477).

You may view docket submissions at the Docket Management Facility (see **ADDRESSES**), or electronically on the DMS Web site.

Background

Information about deepwater ports, the statutes and regulations governing their licensing, and the receipt of the current application for the proposed Calypso deepwater port appears at 71 FR 65031, November 6, 2006. The ''Summary of the Application'' from that publication is reprinted below for your convenience.

Consideration of a deepwater port license application includes review of the proposed deepwater port's natural and human environmental impacts. The Coast Guard is the lead agency for determining the scope of this review, and in this case the Coast Guard has determined that review must include preparation of an EIS. This notice of intent is required by 40 CFR 1501.7, and briefly describes the proposed action and possible alternatives and our proposed scoping process. You can address any questions about the proposed action, the scoping process, or the EIS to the Coast Guard contact person identified in **FOR FURTHER INFORMATION CONTACT**.

Proposed Action and Alternatives

The proposed action requiring environmental review is the Federal licensing of the proposed deepwater port described in ''Summary of the Application'' below. The alternatives to licensing the proposed port are: (1) Licensing with conditions (including conditions designed to mitigate environmental impact), and (2) denying the application, which for purposes of environmental review is the ''no-action'' alternative.

Scoping Process

Public scoping is an early and open process for identifying and determining the scope of issues to be addressed in the EIS. Scoping begins with this notice, continues through the public comment period (see DATES), and ends when the Coast Guard has completed the following actions:

- Invites the participation of Federal, State, and local agencies, any affected Indian tribe, the applicant, and other interested persons;
- Determines the actions, alternatives, and impacts described in 40 CFR 1508.25;
- Identifies and eliminates from detailed study those issues that are not significant or that have been covered elsewhere;
- Allocates responsibility for preparing EIS components;
- Indicates any related environmental assessments or environmental impact statements that are not part of the EIS;
- Identifies other relevant environmental review and consultation requirements;
- Indicates the relationship between timing of the environmental review and other aspects of the application process; and
- At its discretion, exercises the options provided in 40 CFR 1501.7 (b).

Once the scoping process is complete, the Coast Guard will prepare a draft EIS, and we will publish a **Federal Register** notice announcing its public availability. (If you want that notice to be sent to you, please contact the Coast Guard project manager identified in **FOR FURTHER INFORMATION CONTACT**.) You will have an opportunity to review and comment on the draft EIS. The Coast Guard will consider those comments and then prepare the final EIS. As with the draft EIS, we will announce the availability of the final EIS and once again give you an opportunity for review and comment.

Summary of the Application

Calypso LNG LLC, proposes to own, construct, and operate a deepwater port, named Calypso, in the Federal waters of the Outer Continental Shelf in the OCS NG 17–06 (Bahamas) lease area, approximately 9 miles off the east coast of Florida to the northeast of Port Everglades, in a water depth of approximately 800 to 950 feet. Calypso would consist of a permanently moored unloading buoy system with two (2) submersible buoys separated by a distance of approximately three (3) miles. Each unloading buoy would be permanently secured to eight or nine mooring lines, consisting of wire rope, chain, and buoyancy elements, each attached to anchor points on the seabed. Anchor points would consist of a combination of suction piles and gravity anchors.

The buoys would be designed to moor and unload two (2) types of LNG vessels: a transport and regasification vessel (TRV) of approximately 140,000 cubic meter capacity and a storage and regasification ship (SRS) of approximately 250,000 cubic meter capacity. Both vessels would be equipped to vaporize LNG cargo to natural gas through an onboard closed loop vaporization system, and to odorize and meter gas for send-out by means of the unloading buoy to conventional subsea pipelines. The TRVs would moor to the westernmost buoy, and the SRS to the easternmost buoy. The mooring buoys would be connected through the vessels' hulls to specially designed turrets that would enable the vessel to weathervane or rotate in response to prevailing wind, wave, and current directions. When the vessels are not present, the buoys would be submerged approximately 100 feet below the sea surface.

The unloading buoys would connect through flexible risers and two (2) approximately 2.5 mile long 30-inch flowlines located on the seabed that would connect directly to the Calypso pipeline, a Federal Energy Regulatory Commission (FERC) permitted pipeline.

Three types of vessels would be associated with the port: The TRV drawn from the existing and future global fleet of specialized LNG carriers compatible with Calypso's unloading buoy system; the SRS, a specialized, purpose-built modified LNG carrier,

designed to accept, regasify, odorize and meter LNG from conventional LNG carriers and deliver it to the pipeline through Calypso's unloading buoy system; and conventional LNG carriers. When empty the TRV would disconnect from the buoy and leave the port, followed by another full TRV that would arrive and connect to the buoy. The SRS would normally remain attached to its mooring buoy. To sustain continuous vaporization, the SRS' cargo tanks would be refilled approximately every two (2) to four (4) days by standard LNG carriers drawn from the global fleet. The SRS would be capable of detaching from the buoy if threatened by a severe storm, such as a hurricane, and move under its own power to safety; then return and reconnect to the buoy and continue operations once the storm danger passed.

Calypso would be capable of delivering natural gas in a continuous flow by having at least one TRV or SRS regasifying at all times. The system would be designed so that a TRV and SRS can be moored simultaneously for concurrent unloading of natural gas. Calypso would have an average throughput capacity of approximately 1.1 billion standard cubic feet per day and a peak delivery capacity of 1.9 Bcsfd.

No onshore pipelines or LNG storage facilities are associated with the proposed deepwater port application. A shore based facility would be used to facilitate movement of personnel, equipment, supplies, and disposable materials between the port and shore.

Construction of the deepwater port would be expected to take three (3) years; with startup of commercial operations following construction, should a license be issued. The deepwater port would be designed, constructed and operated in accordance with applicable codes and standards and would have an expected operating life of approximately 25 years.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

(Authority 49 CFR 1.66)

By order of the Maritime Administrator.

Dated: November 16, 2006.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. E6–19659 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Docket No. NHTSA–2006–26357

Notice of Receipt of Petition for Decision That Nonconforming 1999–2000 Hatty 45 Foot Double Axle Trailers Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1999–2000 Hatty 45 foot double axle trailers are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1999–2000 Hatty 45 foot double axle trailers that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is December 21, 2006.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.]. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–19478) or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. § 30141(a)(1)(B), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS, and that has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Barry Taylor Enterprises of Richmond, California (''BTE'')(Registered Importer 01–280) has petitioned NHTSA to decide whether 1999–2000 Hatty 45 foot double axle trailers that were not originally manufactured to conform to all applicable FMVSS are eligible for importation into the United States. BTE contends that these vehicles are eligible for importation under 49 U.S.C. § 30141(a)(1)(B) because they have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS. BTE submitted information with its petition intended to demonstrate that 1999–2000 Hatty 45 foot double axle trailers, as originally manufactured, comply with many applicable FMVSS and are capable of being modified to comply with all other applicable standards to which they were not originally manufactured to conform.

Specifically, the petitioner claims that 1999–2000 Hatty 45 foot double axle trailers have safety features that comply with Standard Nos. 106 *Brake Hoses*, 119 *New Pneumatic Tires for Vehicles Other than Passenger Cars*, 121 *Air Brake Systems*, 223 *Rear Impact Guards* and 224 *Rear Impact Protection*.

Petitioner also contends that the vehicles are capable of being altered to meet the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* installation of rear mounted identification lamps, front side-mounted amber clearance lamps, brake lamps, and rear turn signal lamps.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles Other than*

Passenger Cars: installation of a tire information placard.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: November 16, 2006.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. E6–19685 Filed 11–20–06; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

International Standards on the Transport of Dangerous Goods; Public Meeting

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that PHMSA will conduct a public meeting in preparation for the 30th session of the United Nation's Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE) to be held 4–12 (a.m.) December 2006 in Geneva, Switzerland.

DATES: Wednesday, November 29, 2006; 9:30 a.m.—3:30 p.m.

ADDRESSES: The meeting will be held at DOT Headquarters, Nassif Building, Room 8418, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Duane Pfund, Director, Office of International Standards, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590; (202) 366–0656.

SUPPLEMENTARY INFORMATION: The primary purpose of this meeting will be to prepare for the 30th session of the UNSCOE and to discuss draft U.S. positions on UNSCOE proposals. The 30th session of the UNSCOE is the final meeting in the current biennium cycle. The UNSCOE will consider proposals for the 15th Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations which will come into force in the international regulations from January 1, 2009. Topics to be covered during the public meeting include:

Transport of dangerous goods in excepted quantities, testing of intermediate bulk containers, transport of infectious substances, transport of chlorosilanes, provisions for fireworks, portable tank instructions for toxic by inhalation liquids, transport of compressed gases, requirements for fuel cell cartridges, harmonization with the IAEA Regulations for the safe transport of radioactive materials, guiding principles for the development of the Model Regulations, and various miscellaneous proposals related to listing, classifications, and hazard communication. In addition, we are soliciting comments on possible work items for inclusion in the UNSCOE's program of work for the upcoming 2007–2008 biennium.

Immediately following the portion of the public meeting designated for discussion on the 30th session of the UNSCOE, PHMSA will hold a discussion relative to the safe transport of lithium batteries. This discussion will feature an update from the Consumer Product Safety Commission on the status of lithium battery recalls, discussion of UN proposals relative to lithium batteries, industry best practice experience, and a structured discussion on developing a collaborative roadmap addressing regulatory, best practice and outreach initiatives to enhance lithium battery transport safety.

The public is invited to attend without prior notification. Due to the heightened security measures participants are encouraged to arrive early to allow time for security checks necessary to obtain access to the building. In lieu of conducting a public meeting after the 30th session of the UNSCOE to present the results of the session, PHMSA will place a copy of the Sub-Committee's report and an updated copy of the pre-meeting summary document on PHMSA's Hazardous Materials Safety Homepage at *http://hazmat.dot.gov/regs/intl/intstandards.htm.*

Documents

Copies of documents for the UNSCOE meeting and the meeting agenda may be obtained by downloading them from the United Nations Transport Division's Web site at: *http://www.unece.org/trans/main/dgdb/dgsubc/c32006.html.* This site may also be accessed through PHMSA's Hazardous Materials Safety Homepage at *http://hazmat.dot.gov/regs/intl/intstandards.htm.* PHMSA's site provides additional information regarding the UNSCOE and related matters such as a summary of decisions taken at previous sessions of the UNSCOE.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 06–9324 Filed 11–21–06; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–6 (Sub–No. 447X)]

BNSF Railway Company—Abandonment Exemption—in Kane County, IL

BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 0.04-mile line of railroad that extends between milepost 3.53 and milepost 3.57, at Nifa, in Kane County, IL, The line traverses United States Postal Service Zip Code 60542.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected

employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on December 21, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 1, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 11, 2006, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Sidney L. Strickland, Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

BNSF has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by November 24, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by November 21, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Dated: November 8, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–19541 Filed 11–20–06; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

Corrections

Federal Register
Vol. 71, No. 224
Tuesday, November 21, 2006

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2002–0061; FRL–8231–9]

RIN 2040–AA97

National Primary Drinking Water Regulations: Ground Water Rule

Correction

In rule document 06–8763 beginning on page 65574 in the issue of Wednesday, November 8, 2006, make the following correction:

§141.402 [Corrected]

On page 65655, in § 141.402(c)(2), the table is corrected to read as follows:

ANALYTICAL METHODS FOR SOURCE WATER MONITORING

Fecal indicator [1]	Methodology	Method citation
E. coli	Colilert [3]	9223 B.[2]
	Colisure [3]	9223 B.[2]
	Membrane Filter Method with MI Agar	EPA Method 1604.[4]
	m-ColiBlue24 Test [5]	
	E*Colite Test [6]	
	EC–MUG [7]	9221 F.[2]
	NA–MUG [7]	9222 G.[2]
Enterococci	Multiple-Tube Technique	9230B.[2]
	Membrane Filter Technique	9230C.[2]
	Membrane Filter Technique	EPA Method 1600.[8]
	Enterolert [9]	
Coliphage	Two-Step Enrichment Presence-Absence Procedure.	EPA Method 1601.[10]
	Single Agar Layer Procedure	EPA Method 1602.[11]

[FR Doc. C6–8763 Filed 11–20–06; 8:45 am]
BILLING CODE 1505–01–D

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