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Federal Register

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DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

7 CFR Parts 4279 and 4287

RIN 0570–AA34

Business and Industry Guaranteed Loan Program Annual Renewal Fee

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Final rule.

SUMMARY: In this final rule the Rural Business-Cooperative Service (the Agency) amends its regulation for the Business and Industry (B&I) Guaranteed Loan Program to provide the authority for the charging of an annual renewal fee on all loans obligated after the publication of the final rule. This annual renewal fee is in addition to the existing one-time guarantee fee. Changes to modify the program regulations were originally proposed on February 28, 2005. The intended effect of this rule is to reduce the subsidy rate for guaranteed loans allowing the budget authority dollar level to support a greater level of assistance to the public (*i.e.*, higher supportable loan level). A notice will be published in the **Federal Register** each fiscal year that will establish the guarantee fee rate and any annual renewal fee rate for loans obligated during that fiscal year.

DATES: This rule is effective October 3, 2005.

FOR FURTHER INFORMATION CONTACT: Rick Bonnet, Special Projects/Programs Oversight Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP 3221, 1400 Independence Avenue, SW., Washington, DC 20250–3221, telephone (202) 720–1804, or by e-mail to *rick.bonnet@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been determined to be non-significant and has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Programs Affected

The Catalog of Federal Domestic Assistance number for the program impacted by this action is 10.768, Business and Industry Loans.

Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with this rule, (1) all state and local laws and regulations that are in conflict with this rule will be preempted, (2) no retroactive effect will be given this rule, and (3) administrative proceedings of the National Appeals Division (7 CFR part 11) must be exhausted before bringing suit in court challenging action taken under this rule.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' The Agency has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, this is a categorical exclusion and therefore an Environmental Impact Statement is not required.

Government Paperwork Elimination Act (GPEA) Statement

The Agency is committed to compliance with GPEA, which requires Government agencies, in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirements contained in this regulation have been approved by OMB under control number 0570–0017.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pubic Law 104–4 establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, agencies generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of UMRA generally requires agencies to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective, or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, the Agency has determined that this action would not have a significant economic impact on a substantial number of small entities, because the action will not affect a significant number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). The Agency made this determination based on the fact that this regulation only impacts those who choose to participate in the program. Small entity applicants will not be impacted to a greater extent than large entity applicants.

Executive Order 13132

It has been determined that, under Executive Order 13132, Federalism, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on states or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, imposes requirements on USDA in the development of regulatory policies that have tribal implications or

preempt tribal law. USDA has determined that the proposed regulation does not have a substantial direct effect on one or more Indian tribes or on either the relationship or the distribution of powers and responsibilities between the Federal Government and the Indian Tribes. Thus, the proposed rule is not subject to the requirements of Executive Order 13175.

Background

The cost of the B&I Guaranteed Loan Program has gone up in recent years. This is due to higher defaults and lower interest rates. In the meantime, there is still an interest in funding this program in order to improve, develop, or finance business, industry, and employment and improve the economic and environmental climate in rural communities. To do that in a cost efficient manner for the taxpayer, the Agency is implementing its authority to impose an annual renewal fee. This will reduce the subsidy allowing the Agency, without additional costs to the taxpayer, to maintain the level of assistance that has been historically provided for this program to meet demand.

The annual renewal fee is based on similar fees charged in the Small Business Administration (SBA) programs. Additionally, this type of fee is consistent with the recently authorized Renewable Energy Systems and Energy Efficiency Improvements Guaranteed Loan Program within the Agency. The borrower pool for the B&I Guaranteed Loan Program is even more likely to be able to afford this type of fee compared to other programs mentioned because the amount of the fee is anticipated to be less.

The SBA 7(a) Loan Guarantee Program and the B&I program are similar in that they both require an initial one-time fee; and 7(a) loans have an annual fee similar to the one being implemented for the B&I program. In fiscal year (FY) 1996, SBA made major changes in its 7(a) program by lowering the maximum percentage of the loan which could be guaranteed and increasing both the initial fee and the annual fee, which made the program more expensive and less valuable for borrowers and lenders. We examined changes in loan volume and loss levels associated with these changes, and found no convincing evidence that the FY 1996 changes decreased demand for the 7(a) program.

Subsidy rates are established using historic loss data from the program and other assumptions. In recent years the subsidy rate has increased significantly, resulting in a reduction in the amount of loans that could be guaranteed with the same budget authority. In the absence of additional budgetary authority, the proposed annual fee is necessary to cover expected losses from the program. The effect of the fee on the loan demand and program activity over the long term will depend on the size of the fee and other factors not related to the fee, including interest rates and general economic growth. This change is prudent and cost efficient and will allow us to maintain the level of assistance going to rural America at a reasonable cost to the taxpayer.

The Agency is waiving the 30-day waiting period between publication of the rule and when it will take effect. The reason is to make all loans obligated in FY 2006 subject to the same fee structure. Having loans obligated with different fee structures in the same fiscal year could cause confusion and impose an additional administrative burden on lenders. Also, because lenders will not need to make the first renewal fee payments to the Agency until January of 2007, and because the Final Rule makes only minor changes to the Proposed Rule, program participants are not expected to be disadvantaged by this rule's earlier implementation. For these reasons, the Agency finds that good cause exists for this rule's immediate implementation.

Comments on the Proposed Rule and Responses

The following paragraphs summarize the comments received and the Agency responses. We received 11 responses of which 8 were from the lending community (3 from the same bank), 2 were from Agency employees, and one was from a national association. Generally, the comments were negative. The only positive comment was that the annual renewal fee was the best alternative to reduced funding levels in the short term.

Several changes were made to the final rule as a result of comments received. The most significant change was to give the Agency discretion in canceling the guarantee for nonpayment of the renewal fee and to charge lenders interest on any unpaid renewal fees.

Seven respondents felt an annual fee would be a financial burden/hardship on the borrowers, especially new businesses and those with more limited recourses. The Agency acknowledges that the fee will most likely represent an increased cost to the borrower. However, because the B&I Guaranteed Loan Program is intended only for credit-worthy businesses, the Agency feels the additional financing cost will not jeopardize the success of the businesses assisted. Agencies, in accordance with the Federal Credit Reform Act of 1990 and guidance provided in OMB Circular A–129, Appendix A(II)(4)(b)(1), are to establish fees structures at levels that minimize subsidy costs while supporting achievement of program objectives. The Agency is taking measures to improve the quality of its portfolio and reduce loan losses. Nevertheless, the Agency is required to further minimize subsidy costs. The Agency feels the renewal fee is the most equitable solution to increased costs without jeopardizing the achievement of program objectives.

Six respondents felt the renewal fee would make the B&I Guaranteed Loan Program more complicated and difficult to market. The uncertainty of the amount of the fee percentage rate would make it especially difficult to market, which would discourage lenders from marketing the program. USDA could lose its competitive advantage with SBA if additional SBA-like fees are imposed. One respondent commented that the fee rate could change if the initial application was received in a fiscal year, but not obligated until the next fiscal year, which would further hamper marketing activities. The Agency acknowledges the program complexity and marketing challenges the renewal fee will add, but a reduction in the subsidy cost is needed to maintain the level of assistance that has been historically provided for this program. As described in § 4279.107(b)(1) of the rule, the Agency will publish the fee percentage rate in a **Federal Register** notice each fiscal year. The Agency will publish the notice as soon as the fee percentage rate has been determined to provide as much advanced notice as possible. All loans obligated that fiscal year will be subject to that same fee percentage rate for the full term of the loan.

Four respondents felt the increased cost of the program would result in fewer loans and businesses being assisted, thereby hindering economic development and job creation. The Agency had a Regulatory Impact Analysis completed to determine the impact that a renewal fee would likely have on loan demand. As mentioned earlier in this document, in FY 1996, SBA made major changes in its 7(a) program by lowering the maximum percentage of the loan which could be guaranteed and increasing both the initial fee and the annual fee, which made the program more expensive and less valuable for borrowers and lenders. A review of the changes in loan volume and loss levels associated with these changes revealed no convincing evidence that the FY 1996 changes

decreased demand for the 7(a) program. Due to the similarities of the programs, the Agency believes the results will be similar.

One respondent felt the additional cost of the program would undermine worthwhile projects and discourage the more credit-worthy businesses from participating in the program. This could result in a decline in the quality of the overall portfolio over time, which would tend to increase costs to the government. The Regulatory Impact Analysis revealed that there was no convincing evidence that the changes in the SBA program resulted in a decrease in the quality of the SBA 7(a) loan portfolio. Due to the similarities of the programs, the Agency believes the impact on the B&I Guaranteed Loan Program will be similar.

Six respondents felt it would be a significant administrative burden for the lenders. The Agency appreciates the burden this change will impose. In an effort to keep the burden to a minimum, the Agency is combining the lender's existing semiannual reporting requirement with the renewal fee payment process. Currently, lenders are required to report the principal and interest balances, amount advanced, interest rate, loan status, and amount ahead or behind schedule on each guarantee loan, semiannually. The Agency is web-enabling this process where the lender will be required to enter a secure website, enter the currently required information, as of December 31 of each year, and the system will calculate the annual fee due on that loan. The fee will then be drawn from a specified account in the lender's bank on a specified date. This action will satisfy both the annual renewal fee payment and the semi-annual status report to the Agency. The due date of the renewal fee was also changed from March 1 to January 31 to correspond with the due date of the lender's semiannual status reporting requirement, but the date any unpaid fee was considered delinquent remained April 1.

One respondent suggested a change in the name of the form used to collect the renewal fee. The final rule is revised to remove the name of the form to provide maximum flexibility in the mechanism used to collect the fee.

One respondent thought the renewal fee should be paid monthly or quarterly to reduce the financial impact from one annual payment. The Agency acknowledges the language in the proposed rule suggested the borrower was expected to pay the renewal fee once a year. The Agency anticipates lenders will likely factor the renewal fee into their interest rate structure, and collect the renewal fee as a part of the regular borrower payments. The language is therefore revised to give the lender maximum flexibility in establishing a rate structure. The final rule does not stipulate who is responsible for the fee. The lender actually pays the fee, but may pass the fee on to the borrower.

One respondent felt the fee should be restricted to the guaranteed portion of the loan. The Agency agrees, and the fee will be charged only on the guaranteed portion of the loan.

One respondent felt the Agency should refund the ''unearned'' portion of the renewal fee when the borrower prepays its loan before the end of the year, after the renewal fee has been paid for the year. The Agency is not adopting this suggestion as the administrative burden on lenders and the Agency would be prohibitive. The amount of the fee on the average B&I loan is relatively small. With the proposed annual renewal fee rate of ⅛ of one percent for FY 2006, the amount of the fee on a $1 million B&I loan for a full year would be only $1,250. Depending on how a lender structures the loan payments, the borrower may not benefit from the return of ''unearned'' fees. Section 4279.107 states the guarantee fees are non-refundable, and this has been the policy in the B&I Guaranteed Loan Program for many years.

One respondent felt there could be significant servicing and legal issues for the Agency if a guarantee is cancelled for non-payment of the renewal fee. The Agency agrees and is changing the language to state that the Agency may, at its discretion, cancel the guarantee to the lender for nonpayment of the renewal fee. Language is also added where the Agency will charge the lender interest on any delinquent renewal fees and will deduct any unpaid renewal fees from any loss payment made to the lender.

One respondent suggested alternatives to the renewal fee, such as varying the amount of initial fee, based on the size of the loan. The Agency has statutory limitations on the maximum initial fee that may be charged and is charging the maximum initial fee allowed, with certain limited exceptions. The Agency feels the annual renewal fee approach is the most equitable alternative.

Two respondents felt the proposed rule change would be a violation of statute. The Farm Security and Rural Investment Act of 2002 (Farm Bill) gives the Secretary authority to assess a 1-time fee in an amount that does not exceed 2 percent of the guaranteed principal portion of the loan. One respondent indicated that the proposed rule eliminates the language concerning the cap, which could result in a perceived conflict with the terms of the Farm Bill. The Agency is replacing the language concerning the 2 percent cap. The other respondent suggested the renewal fee violates statute because the combined fees will very likely exceed 2 percent cap established in the statute. The Rural Development Manager's Report to the 2002 Farm Bill states that the 2 percent initial fee limit established by statute does not prevent the Secretary from imposing annual fees which may be needed to preserve an appropriation level.

One respondent stated that § 4279.107(b)(2) states the holder's rights will continue in effect as specified in the Loan Note Guarantee, and suggested the reference should be to the Assignment Guarantee Agreement instead. The final rule references both the Loan Note Guarantee and the Assignment Guarantee Agreement.

Several technical changes not made in the proposed rule were made in the final rule to help Agency employees and lenders administer the program. Language was also added to the B&I loan servicing regulation (7 CFR Part 4287, subpart B) to reference the annual renewal fee requirements described in § 4279.107.

Section 4279.107(a)(2)(i) of the proposed rule stated the rate of the fee is the rate in effect at the time of the original issuance of the Conditional Commitment for the loan and will remain in effect for the life of the loan. It is very unlikely, but possible, for the Conditional Commitment and loan obligation to occur in different fiscal years. Because the fee rate and obligation are tied to the fiscal year in the Agency's accounting system, the controlling event was changed to the date of obligation.

List of Subjects in 7 CFR Parts 4279 and 4287

Loan programs—Business and industry—Rural development assistance, Rural areas.

■ Therefore, chapter XLII, title 7, Code of Federal Regulations, is amended as follows:

PART 4279—GUARANTEED LOANMAKING

■ 1. The authority citation for part 4279 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989.

Subpart B—Business and Industry Loans

■ 2. Section 4279.107 is revised to read as follows:

§ 4279.107 Guarantee fees.

For all new loans there are two types of non-refundable guarantee fees to be paid by the lender. The fees may be passed on to the borrower. The fees may be forwarded to the Agency through an electronic funds transfer system or, at the Agency's discretion, by a check payable to USDA using a USDA-approved form.

(a) *Initial guarantee fee.* The initial fee is paid at the time the Loan Note Guarantee is issued. The fee may be included as an eligible loan purpose in the guaranteed loan. The fee will be the rate (a specified percentage not to exceed 2 percent) multiplied by the principal loan amount, multiplied by the percent of guarantee. Subject to specified annual limits set by the Agency, the initial guarantee fee may be reduced to 1 percent if the borrower's business supports value-added agriculture and results in farmers benefiting financially, or

(1) Is a high impact business development investment in accordance with § 4279.155(b)(5), and

(2) Is located in a rural community that:

(i) Is experiencing long-term population decline and job deterioration, or

(ii) Has remained persistently poor over the last 60 years, or

(iii) Is experiencing trauma as a result of natural disaster, or

(iv) Is experiencing fundamental structural changes in its economic base.

(b) *Annual renewal fee.* The annual renewal fee is paid once a year and is required to maintain the enforceability of the guarantee as to the lender.

(1) The rate of the annual renewal fee (a specified percentage) is established by Rural Development in an annual notice published in the **Federal Register**, multiplied by the outstanding principal loan balance as of December 31 of each year, multiplied by the percent of guarantee. The rate is the rate in effect at the time the loan is obligated, and will remain in effect for the life of the loan.

(2) Annual renewal fees are due on January 31. Payments not received by April 1 are considered delinquent and, at the Agency's discretion, may result in cancellation of the guarantee to the lender. Holders' rights will continue in effect as specified in the Loan Note Guarantee and Assignment Guarantee Agreement. Any delinquent annual renewal fees will bear interest at the note rate and will be deducted from any loss payment due the lender. For loans where the Loan Note Guarantee is issued between October 1 and December 31, the first annual renewal fee payment will be due January 31 of the second year following the date the Loan Note Guarantee was issued.

PART 4287—SERVICING

■ 3. The authority citation for part 4287 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989.

Subpart B—Servicing Business and Industry Guaranteed Loans

§ 4287.107 [Amended]

■ 4. Section 4287.107(a) is revised to read as follows:

* * * * *

(a) *Lender reports and annual renewal fee.* The lender must report the outstanding principal and interest balance on each guaranteed loan semiannually using a USDA-approved status report or other approved format. The lender will transmit the annual renewal fee to the Agency simultaneously with the December 31 semiannual status report in accordance with 7 CFR part 4279, subpart B, § 4279.107.

* * * * *

Dated: September 27, 2005.

Thomas C. Dorr,

Under Secretary, Rural Development.

[FR Doc. 05–19722 Filed 9–30–05; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 02–024–2]

Stall Reservations at Import Quarantine Facilities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the regulations regarding the importation of horses into the United States by requiring persons who cancel reservations for stall space at import quarantine facilities to notify us earlier and by increasing the fee for canceling reservations.

DATES: The interim rule became effective on December 9, 2002.

FOR FURTHER INFORMATION CONTACT: Dr. Freeda Isaac, Senior Staff Veterinarian, Technical Trade Services, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–8364.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on December 9, 2002 (67 FR 72827–72830, Docket No. 02–024–1), we amended the regulations in 9 CFR part 93 regarding the importation of horses into the United States by requiring persons who cancel reservations for stall space at import quarantine facilities to notify us earlier and by increasing the fee for canceling reservations. Under the new fee structure, persons who cancel a reservation 30 business days or more prior to the reservation date will be charged 25 percent of the reservation fee; persons who cancel a reservation 15 to 29 business days prior to the reservation date will be charged 50 percent of the reservation fee; and persons who cancel a reservation less than 15 business days prior to the reservation date will forfeit 100 percent of the reservation fee. We took that action to discourage importers from reserving space that they may not use and canceling when it is too late for others to use the space and to recover the fixed cost associated with operating quarantine facilities when stall space goes unused. This interim rule was intended to improve the occupancy rate of stall space, and, therefore, the efficiency of import quarantine facilities.

Comments on the interim rule were required to be received on or before February 7, 2003. We received three comments by that date. The comments were from a horse industry group, a transportation association, and a transport company. We have carefully considered all of the comments we received. They are discussed below.

Note: In the ''Background'' section of the interim rule, we stated that brokers are required to have certain diagnostic tests performed on their horses and that these tests must be processed at National Veterinary Services Laboratories (NVSL). Some commenters interpreted this statement to mean that we were requiring that horses be pretested for the diseases dourine, glanders, piroplasmosis, and infectious equine anemia and that this pretesting be performed at NVSL. That perception is incorrect. Pretesting is not a requirement but may be done at the discretion of the importer or agent. If pretesting is done, importers may utilize NVSL. the Animal and Plant Health

Inspection Service (APHIS) will conduct its own tests during quarantine.

Two commenters said that the new cancellation policy unnecessarily penalizes those who reserve stall space early and are then required to make legitimate alterations to their bookings. The commenters asked that we consider implementing a small administrative fee for changes made more than 30 days prior to the reservation date.

The purpose of the interim rule was to discourage horse brokers from making several reservations and simply forfeiting the $40 cancellation fees if a client is not found to fill those reserved spaces. This situation had led some brokers to complain that the potential loss of a $40 cancellation fee is not an effective deterrent to prevent brokers from reserving stall space before a client is found. Since the publication of our December 2002 interim rule, the problem of late cancellations has been eliminated. We believe that instituting the suggested small fee for canceled reservations would result in a situation similar to the one that existed prior to publication of the interim rule.

All three commenters stated that a policy should be enacted wherein stall space in a horse quarantine facility may be formally transferred from one party to another within 15 days of arrival.

Shipments arriving at quarantine facilities are comprised of horses from several different brokers. As such, the suggested formal transfer policy would require a continual monitoring policy, along with the accompanying paperwork. Such an approach potentially involves a great amount of time, personnel, and expense for all affected parties. As such, this method is not cost effective, nor would it eliminate the practice of speculative reservation.

Two commenters said that the grace period within which shipments may arrive without incurring cancellation fees should be extended from 24 to 48 hours.

Under the regulations in effect prior to the December 2002 interim rule, we required 5 business days' notice for cancellations in order for importers to avoid forfeiture of the total reservation fee. As a result of the interim rule, we, among other things, established a graduated fee schedule for cancellations. Importers or their agents are now required to present for entry, within 24 hours following the designated time of arrival, the horse for which the reservation was made. In our opinion, increasing the time period within which importers must present their horses would lead to a reintroduction of past speculative reservation practices. The regulations in § 93.304(a)(3)(iv) provide for the return of reservation fees to importers in certain cases when unforseen circumstances arise that prevent an importer from presenting a horse for entry within the required time period.

One commenter said that the forfeiture amounts as established in the graduated fee schedule set for cancellations are too high.

Prior to publication of the interim rule, we carefully considered a fee schedule that we thought to be appropriate and effective in eliminating the practice of speculative reservations. The USDA quarantine facilities in Florida and New York each lost approximately $300,000 to $470,000 yearly in forgone user fees. While we recognize that increasing cancellation fees and the time period required for cancellation affects both horse owners and brokers, the forfeiture amounts must necessarily be set at a level that will serve as a meaningful deterrent to speculative reservation-making and allow APHIS to recover the fixed cost associated with operating quarantine facilities when stall space goes unused.

Two commenters stated that there is a need to specifically create a set of circumstances under which a full refund of the reservation fee would be granted, suggesting that a refund would be appropriate in cases where an airline cancels a flight or a horse is injured during loading.

The regulations already describe the circumstances under which a full refund may be granted. As stated previously, under the regulations at § 93.304(a)(3)(iv), a reservation fee will not be forfeited if the Administrator determines that certain essential services were not available at the necessary time as a result of unforseen circumstances. These circumstances include, but are not limited to, the closing of an airport due to inclement weather or the unavailability of the reserved space due to the extension of another quarantine. We believe it is appropriate and necessary to limit refunds to the circumstances relating to services, other than those provided by carriers, necessary for the importation of the horses within the required period that are unavailable because of unforeseen circumstances as determined by the Administrator.

Likewise, the issuance of refunds, as may be necessary in the situations described above, is based somewhat on the Administrator's discretion. As such, we believe that any attempt to list all instances where a refund would be granted would unnecessarily limit the Administrator's ability to make determinations in a wide variety of circumstances. It is necessary to leave the exception as written in order to preserve the flexibility of the regulations.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Order 12988, and the Paperwork Reduction Act.

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

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 93 and that was published at 67 FR 72827–72830 on December 9, 2002.

Done in Washington, DC, this 27th day of September 2005.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 05–19689 Filed 9–30–05; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–22534; Directorate Identifier 2005–NE–27–AD; Amendment 39–14305; AD 2005–20–11]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation (RRC) (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) Models 250–C28, –C28B, and –C28C Turboshaft Engines

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Rolls-Royce Corporation (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) (RRC) Models 250–C28, –C28B, and –C28C turboshaft engines. This AD requires a onetime visual inspection of the seal joint in each passage between airfoils at the hub and shroud of third-stage turbine wheels, part number (P/N) 6899383. This AD results from reports of three failed third-stage turbine wheels and from the manufacturer's analysis of those failures. We are issuing this AD to prevent loss of power and uncommanded engine shutdown due to failure of the third-stage turbine wheel.

DATES: This AD becomes effective October 18, 2005.

We must receive any comments on this AD by December 2, 2005.

ADDRESSES: Use one of the following addresses to comment 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 20590–0001.
- Fax: (202) 493–2251.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Rolls-Royce Corporation, PO Box 420, Indianapolis, IN 46206–0420; telephone (317) 230–6400; fax (317) 230–4243 for the service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: John Tallarovic, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, IL 60018–4696; telephone (847) 294–8180; fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: In April 2005, we became aware of reports of three failed third-stage turbine wheels, P/N 6899383. The third-stage turbine wheels had partial loss of the blades and shroud. RRC conducted an analysis and found the failures were caused by compromised third-stage blade fillet radii, which led to increased stresses to the third-stage blades and shroud. RRC categorized this finding as a manufacturer's quality control problem. This condition, if not corrected, could result in loss of power and uncommanded engine shutdown due to failure of the third-stage turbine wheel.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other RRC Models 250–C28, –C28B, and –C28C turboshaft engines of the same type design. For that reason, we are issuing this AD to prevent loss of power and uncommanded engine shutdown due to failure of the third-stage turbine wheel. This AD requires a onetime visual inspection of the seal joint in each passage between airfoils at the hub and shroud of third-stage turbine wheels, P/N 6899383.

FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES.** Include ''AD Docket No. FAA–2005–22534; Directorate Identifier 2005–NE–27–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule 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 the Docket Management System (DMS) Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov.*

Examining the AD Docket

You may examine the docket that contains the AD, any comments received, and any final disposition in person at the Docket Management Facility Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES.** Comments will be available in the AD docket shortly after the DMS receives them.

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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Under the authority delegated to me by the Administrator, the Federal Aviation Administration 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 FAA amends § 39.13 by adding the following new airworthiness directive:

2005–20–11 Rolls-Royce Corporation (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison): Amendment 39–14305. Docket No. FAA–2005–22534; Directorate Identifier 2005–NE–27–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 18, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Rolls-Royce Corporation (RRC) (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) models 250–C28, –C28B, and –C28C turboshaft engines. These engines are installed on, but not limited to, Bell Helicopter Textron 206L–1; Eurocopter Deutschland BO 105 LS A–1; and Eurocopter Canada BO 105 LS A–3 helicopters.

Unsafe Condition

(d) This AD results from reports of three failed third-stage turbine wheels and from the manufacturer's analysis of those failures. We are issuing this AD to prevent loss of power and uncommanded engine shutdown due to failure of the third-stage turbine wheel.

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.

Onetime Visual Inspection

(f) For third-stage turbine wheels, part number (P/N) 6899383, with fewer than 3,000 hours time-since-new (TSN), inspect the next time the third-stage turbine wheel is directly available for removal, at the next turbine overhaul, or by April 30, 2007, whichever occurs sooner.

(g) For third-stage turbine wheels, P/N 6899383, with 3,000 hours or more TSN, inspect within 300 hours or by April 30, 2007, whichever occurs sooner.

(h) Remove the third-stage turbine wheel and perform a onetime visual inspection of the seal joint in each passage between airfoils at the hub and shroud. Seal joint evidence must not be present within blade fillet radii. See Figure 1 of this AD for reference.

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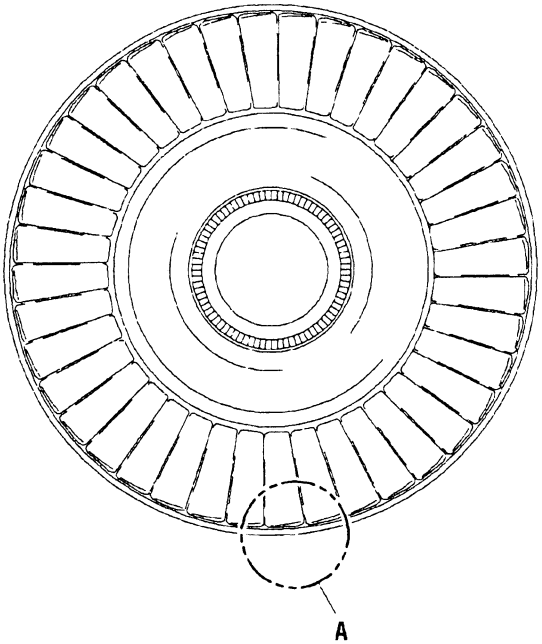

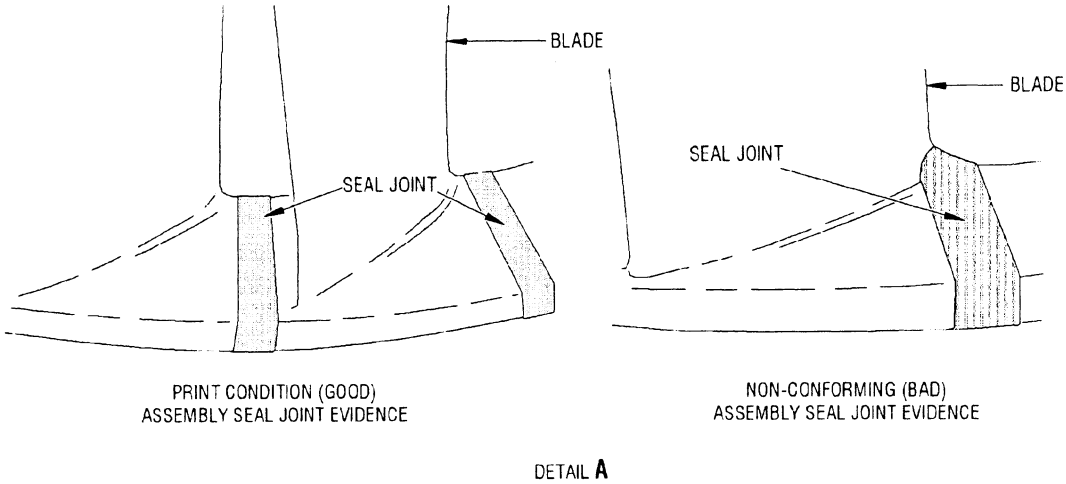

Figure 1.

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(i) Remove from service any turbine wheel that has seal joint evidence present within blade fillet radii.

Alternative Methods of Compliance

(j) The Manager, Chicago Aircraft Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(k) RRC Alert Service Bulletin No. CEB–A–72–2205, dated April 26, 2005, pertains to the subject of this AD.

Issued in Burlington, Massachusetts, on September 26, 2005.

Francis A. Favara,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 05–19693 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20881; Directorate Identifier 2004–NM–253–AD; Amendment 39–14302; AD 2003–17–07 R1]

RIN 2120–AA64

Airworthiness Directives; Various Transport Category Airplanes Manufactured by McDonnell Douglas

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

ACTION: Final rule.

SUMMARY: The FAA is revising an existing airworthiness directive (AD) that applies to various transport category airplanes manufactured by McDonnell Douglas. We issued that AD to require a one-time test of the fire extinguishers for the engine and auxiliary power unit (APU), as applicable, to determine the capability of the Firex electrical circuits to fire discharge cartridges, and troubleshooting actions if necessary. This new AD removes certain transport category airplanes from the applicability of the existing AD. This AD results from reports indicating that fire extinguishers for the engine and auxiliary power unit had failed to discharge when commanded. We are issuing this AD to prevent failure of the fire extinguishers to fire discharge cartridges, which could result in the inability to put out a fire in an engine or in the APU.

DATES: The effective date of this AD is September 24, 2003.

On September 24, 2003 (68 FR 50058, August 20, 2003), the Director of the Federal Register approved the incorporation by reference of certain service bulletins listed in the AD.

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

Contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024) for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5262; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

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 street address stated in the **ADDRESSES** section.

Discussion

The FAA proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with an airworthiness directive (AD) to revise AD 2003–17–07, amendment 39–13281 (68 FR 50058, August 20, 2003). The existing AD applies to various transport category airplanes manufactured by McDonnell Douglas. The proposed AD was published in the **Federal Register** on April 11, 2005 (70 FR 18324) to require a one-time test of the fire extinguishers for the engine and auxiliary power unit (APU), as applicable, to determine the capability of the Firex electrical circuits to fire discharge cartridges, and troubleshooting actions if necessary. That action also proposed to remove Model MD–10–10F and MD–10–30F airplanes from the applicability of the existing AD.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

No Objections to the NPRM

One commenter states that it has no objection to the NPRM.

Request To Give Credit for Previous Alternative Methods of Compliance (AMOCs)

This same commenter notes that it has received an AMOC with AD 2003–17–07. We infer that the commenter is requesting that credit be given for compliance with the AD in accordance with the AMOC.

We acknowledge that the AMOC the commenter received provides compliance with AD 2003–17–07. However, it is unnecessary to amend this revised AD to reflect credit for previous accomplishment of the one-time test of the fire extinguishers for the engine and auxiliary power unit (APU), as applicable. This revised AD merely reduces the applicability of the AD, and all of the previous requirements, conditions, and provisions remain in effect.

Request To Revise Note 1

One commenter requests that we revise a typographical error in Note 1 of the proposed AD, which referred to paragraph (c) as the AMOC paragraph. We agree with the commenter, and have revised Note 1 to refer to paragraph (h) of the AD for AMOCs.

Conclusion

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

Costs of Compliance

There are about 3,311 airplanes of the affected design in the worldwide fleet. This AD will affect about 1,520 airplanes of U.S. registry.

The actions that are required by AD 2003–17–07 and retained in this AD take between 4 work hours and 7 work hours per airplane, at an average labor rate of $65 per work hour. Based on these figures, the estimated cost of the currently required actions is estimated to be between $395,200, and $691,600, on U.S. operators, or between $260 and $455 per airplane.

This AD does not add any new actions to the existing actions required by AD 2003–17–07. Since this AD will remove certain airplanes from the applicability of the AD, the total estimated cost of compliance of the AD for U.S. operators is actually reduced

from the existing AD. However, the estimated cost of compliance per airplane remains the same.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–13281 (68 FR 50058, August 20, 2003) and adding the following new airworthiness directive (AD):

2003–17–07 R1: Amendment 39–14302. Docket No. FAA–2005–20881; Directorate Identifier 2004–NM–253–AD.

Effective Date

(a) The effective date of this AD is September 24, 2003.

Affected ADs

(b) This AD revises AD 2003–17–07 to remove reference to McDonnell Douglas Model MD–10–10F and MD–10–30F airplanes.

Applicability

(c) This AD applies to the airplanes listed in Table 1 of this AD, certificated in any category. Table 1 of this AD follows:

TABLE 1.—APPLICABILITY

McDonnell Douglas models	As listed in
Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 airplanes; DC–8–51, DC–8–52, DC–8–53, and DC–8–55 airplanes; DC–8F–54 and DC–8F–55 airplanes; DC–8–61, DC–8–62, and DC–8–63 airplanes; DC–8–61F, DC–8–62F, and DC–8–63F airplanes; DC–8–71, DC–8–72 and DC–8–73 airplanes; DC–8–71F, DC–8–72F, and DC–8–73F airplanes.	Boeing Alert Service Bulletin DC8–26A042, including Appendix A, dated January 31, 2002.
Model DC–9–11, DC–9–12, DC–9–13, DC–9–14, DC–9–15, and DC–9–15F airplanes; DC–9–21 airplanes; DC–9–31, DC–9–32, DC–9–32 (VC–9C), DC–9–32F, DC–9–33F, DC–9–34, DC–9–34F, and DC–9–32F (C–9A, C–9B) airplanes; DC–9–41 airplanes; DC–9–51 airplanes; DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and MD–88 airplanes.	McDonnell Douglas Alert Service Bulletin DC9-26A029, Revision 01, dated May 8, 2001.
Model DC–10–10 and DC–10–10F airplanes; DC–10–15 airplanes; DC–10–30 and DC–10–30F (KC–10A and KDC–10) airplanes; DC–10–40 and DC–10–40F airplanes;.	McDonnell Douglas Alert Service DC10–26A050, dated July 31, 2000.
Model MD–11 and MD–11F airplanes	McDonnell Douglas Alert Service Bulletin MD11–26A039, Revision 01, dated November 21, 2002.
Model MD–90–30 airplanes	McDonnell Douglas Alert Service Bulletin MD90–26A005, dated July 31, 2000.

Unsafe Condition

(d) This AD results from reports indicating that fire extinguishers for the engine and the auxiliary power unit (APU) had failed to discharge when commanded on a McDonnell Douglas Model DC–9–81 airplane and a Model DC–9–33F airplane. We are issuing this AD to prevent failure of the fire extinguishers to fire discharge cartridges, which could result in the inability to put out a fire in an engine or in the APU.

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.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (h) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Testing the Firex Electrical Circuits

(f) Within 18 months after the accumulation of 15,000 total flight hours, or within 18 months after September 24, 2003 (the effective date of AD 2003–17–07), whichever occurs later: Test the capability of the electrical circuits of the Firex fire extinguishers for the engine and the APU, as applicable, per the applicable alert service bulletin (ASB) listed in Table 1 of this AD.

(1) For any airplane equipped with an APU: If any electrical circuit of the Firex fire extinguishers for the APU does not pass the testing, before further flight, accomplish the troubleshooting procedures specified in the applicable ASB. Dispatch with an inoperative APU is permitted for the amount of time specified in the Minimum Equipment List. Dispatch after that time is not permitted until the circuits are repaired per the Boeing Standard Wiring Practices Manual (SWPM) D6–82481.

(2) For all airplanes: If any electrical circuit of the Firex fire extinguishers for the engine does not pass the testing, before further flight, accomplish the troubleshooting procedures specified in the applicable ASB, and repair per SWPM D6–82481. Dispatch is not permitted until the circuits have been repaired.

Actions Accomplished Per Previous Issue of Service Bulletins

(g) Tests and troubleshooting procedures accomplished before the effective date of this AD per McDonnell Douglas Alert Service Bulletin DC9–26A029, dated July 27, 2000; or MD11–26A039, dated July 31, 2000; are considered acceptable for compliance with the corresponding action specified in paragraph (f) of this AD.

Alternative Methods of Compliance

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(i) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Material Incorporated by Reference

(j) You must use the service bulletins listed in Table 2 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise.

TABLE 2.—APPLICABLE SERVICE BULLETINS

Service bulletin	Revision level	Date
Boeing Alert Service Bulletin DC8–26A042, including Appendix A	Original	January 31, 2002.
McDonnell Douglas Alert Service Bulletin DC9–26A029	Revision 01	May 8, 2001.
McDonnell Douglas Alert Service Bulletin DC10–26A050	Original	July 31, 2000.
McDonnell Douglas Alert Service Bulletin MD11–26A039	Revision 01	November 21, 2002.
McDonnell Douglas Alert Service Bulletin MD90–26A005	Original	July 31, 2000.

(1) On September 24, 2003 (68 FR 50058, August 20, 2003), the Director of the Federal Register approved the incorporation by reference of Boeing and McDonnell Douglas service bulletins listed in Table 2.

(2) Contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024), 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 September 20, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–19438 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–22485; Directorate Identifier 2001–NM–337–AD; Amendment 39–14293; AD 2005–19–28]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330–301, –321, –322, –341, and –342 Airplanes; and Model A340–200 and A340–300 Series Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Model A330–301, –321, –322, –341, and –342 airplanes; and Model A340–200 and A340–300 series airplanes. This AD requires repetitive inspections for cracks in the aft face of the rear spar at the area adjacent to the bolt holes and the end of the build slot, and repair if necessary. The AD also provides an optional terminating action for the repetitive inspections. This AD results from a report that, during fatigue tests of the wing, cracks were found in the vertical web of the rear spar between ribs 1 and 2 having initiated at the build slot. We are issuing this AD to detect and correct fatigue cracking in the vertical web of the wing rear spar, which could result in reduced structural integrity of the wing.

DATES: Effective October 18, 2005.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of October 18, 2005.

We must receive comments on this AD by December 2, 2005.

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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France,

for service information identified in this AD.

You may examine the contents of the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL–401, Washington, DC. This docket number is FAA–2005–22485; the directorate identifier for this docket is 2001–NM–337–AD.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, ANM–116, International Branch, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2797; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this is a final rule that was not preceded by notice and an opportunity for public comment, we invite you to submit any relevant written data, views, or arguments regarding this AD. Include ''Docket No. FAA–2005–22485; Directorate Identifier 2001–NM–337–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light of those comments.

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

Discussion

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition may exist on certain Airbus Model A330–301, –321, –322, –341, and –342 airplanes; and Model A340–200 and A340–300 series airplanes. The DGAC advises that, during fatigue tests of the wing, cracks were found in the vertical web of the rear spar between ribs 1 and 2. These fatigue cracks propagated from the build slot to the nearest adjacent bolt hole. This condition, if not corrected, could result in reduced structural integrity of the wing.

Relevant Service Information

Airbus has issued Service Bulletin A330–57–3059, Revision 01, dated September 13, 2001 (for Model A330–301, –321, –322, –341, and –342 airplanes); and Service Bulletin A340–57–4066, Revision 01, dated September 13, 2001 (for Model A340–200 and A340–300 series airplanes). The service bulletins describe procedures for doing repetitive high-frequency eddy current (HFEC) inspections for cracks in the aft face of the rear spar at the area adjacent to the bolt holes and the end of the build slot. If no cracks are found, the service bulletins give intervals for repeating the HFEC inspection until the terminating action, described below, is accomplished. If any crack is found the service bulletins give the following procedures for repair, depending on the extent of the crack.

- For any crack that has not reached the fastener holes ''B,'' and is still within a specified modification cut-out area, the service bulletins state that the airplane may continue operation at various reduced inspection intervals, depending on the length of the crack, until the terminating action is accomplished.
- For any crack that extends to fastener holes ''B,'' but not beyond, the service bulletin gives procedures for doing a temporary repair and then doing the terminating action, described below, at a specified interval following the temporary repair. The temporary repair includes the related investigative action of a leak test after the access panels are installed at the work area.
- If any crack is found that extends beyond the specified modification cut-out area, the service bulletin specifies that operators should contact Airbus for repair instructions.

Airbus has also issued Service Bulletin A330–57–3058, dated August 29, 2001 (for Model A330–301, –321, –322, –341, and –342 airplanes); and Service Bulletin A340–57–4065, dated August 29, 2001 (for Model A340–200 and A340–300 series airplanes). These service bulletins describe procedures for changing the profile of the end radius of the build slot to reduce the stress concentration in the area, which reduces the probability of fatigue cracking. The re-profiling involves first doing an HFEC inspection for cracks of the aft face of the rear spar at the area adjacent to the bolt holes. If cracks are found that will be removed by the re-profiling cut-out, the service bulletins specify that the re-profiling can proceed. If any crack is found that is outside the re-profiling cut-out, the service bulletins specify contacting Airbus for repair instructions before further flight. Doing this re-profiling eliminates the need for the repetitive inspection requirements of Airbus Service Bulletins A330–57–3059 and A340–57–4066.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DGAC mandated the service information and issued French airworthiness directives 2001–268(B) R1, dated July 25, 2001, and 2001–269(B), dated June 27, 2001, to ensure the continued airworthiness of these airplanes in France.

FAA's Determination and Requirements of This AD

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. We have examined the DGAC's findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Therefore, we are issuing this AD to detect and correct fatigue cracking in the vertical web of the wing rear spar, which could result in reduced structural integrity of the wing. This AD requires accomplishing the actions specified in the service information described previously.

Differences Between the AD and the French Airworthiness Directives

The applicability of the French airworthiness directives excludes airplanes on which Airbus Service Bulletins A330–57–3058 or A340–57–4065 was accomplished in service, as applicable. However, we have not

excluded those airplanes in the applicability of this AD; rather, this AD includes a requirement to accomplish the actions specified in the applicable service bulletin. This requirement would ensure that the actions specified in the service bulletin and required by this AD are accomplished on all affected airplanes. Operators must continue to operate the airplane in the configuration required by this AD unless an alternative method of compliance is approved.

Unlike the procedures described in the service bulletins that are mandated by the French airworthiness directives, this AD would not permit further flight if any crack is detected. For cracks that have not reached fastener holes ''B'' or that extend to fastener holes ''B,'' but not beyond, this AD requires doing the temporary repair in accordance with the service bulletin. In addition, unlike the procedures described in the service bulletins, this AD would not permit further flight if any crack has extended beyond the fastener holes ''B,'' and is still within a specified modification cut-out area. We have determined that, because of the safety implications and consequences associated with that cracking, any crack of this size must be permanently repaired (by using the re-profiling procedure) before further flight.

The service bulletins that are mandated by the French airworthiness directives specify that you may contact the manufacturer for instructions on how to repair certain conditions, but this AD would require you to repair those conditions using a method that we or the DGAC (or its delegated agent) approve. In light of the type of repair that would be required to address the unsafe condition, and consistent with existing bilateral airworthiness agreements, we have determined that, for this AD, a repair we or the DGAC approve would be acceptable for compliance with this AD.

These differences have been coordinated with the DGAC.

Costs of Compliance

None of the airplanes affected by this action are on the U.S. Register. All airplanes affected by this AD are currently operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, we consider this AD necessary to ensure that the unsafe condition is addressed if any affected airplane is imported and placed on the U.S. Register in the future.

The following table provides the estimated costs to comply with this AD for any affected airplane that might be imported and placed on the U.S. Register in the future.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts cost	Cost per airplane
HFEC Inspection, per inspection cycle	2	$65	None	$130, per inspection cycle.
Re-profiling (Optional Terminating Action)	70	$65	None	$4,550.

FAA's Determination of the Effective Date

No airplane affected by this AD is currently on the U.S. Register. Therefore, providing notice and opportunity for public comment is unnecessary before this AD is issued, and this AD may be made effective in less than 30 days after it is published in the **Federal Register**.

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 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 adding the following new airworthiness directive (AD):

2005–19–28 Airbus: Amendment 39–14293. Docket No. FAA–2005–22485; Directorate Identifier 2001–NM–337–AD.

Effective Date

(a) This AD becomes effective October 18, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A330–301, –321, –322, –341, and –342 airplanes; and Model A340–211, –212, –213, –311, –312, and –313 airplanes; certificated in any category; except airplanes on which Airbus Modification 41300 or 42547 has been accomplished, as applicable.

Unsafe Condition

(d) This AD results from a report that, during fatigue tests of the wing, cracks were found in the vertical web of the rear spar between ribs 1 and 2 having initiated at the build slot. The FAA is issuing this AD to detect and correct fatigue cracking in the vertical web of the wing rear spar, which could result in reduced structural integrity of the wing.

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.

Service Bulletin Reference

(f) Unless otherwise specified in this AD, the term ''service bulletin,'' as used in this AD, means the Accomplishment Instructions of the following service bulletins, as applicable:

(1) For Model A330–301, –321, –322, –341, and –342 airplanes: Airbus Service Bulletin A330–57–3059, Revision 01, dated September 13, 2001; and

(2) For Model A340–211, –212, –213, –311, –312, and –313 airplanes: Airbus Service Bulletin A340–57–4066, Revision 01, dated September 13, 2001.

Repetitive Inspections

(g) At the applicable threshold in Table 1 of this AD, do a high frequency eddy current inspection for cracks in the aft face of the rear spar at the area adjacent to the bolt holes and the end of the build slot; and repeat the inspection thereafter at the applicable repetitive interval in Table 1 of this AD, until the repair required by paragraph (k) of this AD is accomplished. Do all inspections in accordance with the applicable service bulletin.

TABLE 1.—INSPECTION THRESHOLDS AND INTERVALS

Model—	Threshold	Repetitive interval
	The later of—	The earlier of—
A330–301, –321, –322, –341, and –342 airplanes.	• Before the accumulation of 10,300 total flight cycles or 32,000 total flight hours, whichever occurs earlier; or • Within 6 months after the effective date of this AD.	• 8,300 flight cycles; and • 25,800 flight hours.
A340–211, –212, –213, –311, –312, and –313 airplanes.	• Before the accumulation of 9,800 total flight cycles or total 48,200 flight hours, whichever occurs earlier; or • Within 6 months after the effective date of this AD.	• 8,200 flight cycles; and • 40,100 flight hours.

Repair

(h) If any crack is found during any inspection required by paragraph (g) of this AD, and the crack has not reached the fastener holes ''B'' or extends to fastener holes ''B,'' but not beyond, before further flight: Do the temporary repair in accordance with the applicable service bulletin and repeat the inspection thereafter at the applicable interval in paragraph (g) of this AD until the permanent repair required by paragraph (k) of this AD is accomplished.

(i) If any crack is found during any inspection required by paragraph (g) of this AD, and the crack has extended beyond fastener holes ''B,'': Before further flight, do the permanent repair in paragraph (k) of this AD.

(j) Where the service bulletin specifies that operators may contact the manufacturer for instructions on how to repair cracks that extend beyond the modification cut-out area: Before further flight, repair according to a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent).

Optional Terminating Action—Permanent Repair (Re-Profiling)

(k) Doing the permanent repair in accordance with the applicable service bulletin in paragraph (k)(1) or (k)(2) of this AD terminates the repetitive inspection requirements of this AD. Where the service bulletins in paragraph (k)(1) and (k)(2) of this AD specify that operators may contact the manufacturer for instructions on how to repair certain conditions: Before further flight, repair according to a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the DGAC (or its delegated agent).

(1) For Model A330–301, –321, –322, –341, and –342 airplanes: Airbus Service Bulletin A330–57–3058, dated August 29, 2001.

(2) For Model A340–211, –212, –213, –311, –312, and –313 airplanes: Airbus Service Bulletin A340–57–4065, dated August 29, 2001.

Actions Done in Accordance With Previous Issues of Service Bulletins

(l) Actions done before the effective date of this AD in accordance with the service bulletins identified in Table 2 of this AD, are acceptable for compliance with the corresponding action required by this AD.

TABLE 2.—PREVIOUS ISSUES OF SERVICE BULLETINS

Airbus Service Bulletins	Date
A330–57–3059	March 16, 2001.
A340–57–4066	March 16, 2001.

Alternative Methods of Compliance (AMOCs)

(m)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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.

Related Information

(n) French airworthiness directives 2001–268(B) R1, dated July 25, 2001, and 2001–269(B), dated June 27, 2001, also address the subject of this AD.

Material Incorporated by Reference

(o) You must use the Airbus service bulletins identified in Table 3 of this AD to perform the actions that are required by this AD, as applicable, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, 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.*

TABLE 3.—MATERIAL INCORPORATED BY REFERENCE

Airbus Service Bulletins	Revision level	Date
A330–57–3058	Original	August 29, 2001.
A330–57–3059	01	September 13, 2001.
A340–57–4065	Original	August 29, 2001.
A340–57–4066	01	September 13, 2001.

Issued in Renton, Washington, on September 15, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–19045 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–22006; Airspace Docket No. 05–ACE–30]

Modification of Class E Airspace; Sheldon Municipal Airport, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action modifies the size of the Class E5 airspace area beginning at 700 feet above the surface at Sheldon, IA to contain Instrument Flight Rule (IFR) operations in controlled airspace. The radius of the airspace area is expanded from within a 6.4-mile radius to within a 6.9-mile radius of the airport. This action brings the Class E5 airspace area into compliance with FAA directives.

DATES: This direct final rule is effective on 0901 UTC, December 22, 2005. Comments for inclusion in the Rules Docket must be received on or before October 28, 2005.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2005–22006/Airspace Docket No. 05–ACE–30, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

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

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 modifies the Class E airspace beginning at 700 feet above the surface at Sheldon Municipal Airport, IA to contain Instrument Flight Rule (IFR) operations in controlled airspace. The area will be depicted on appropriate aeronautical charts. Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, 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 Direct Final Rule Procedure

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

Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2005–22006/Airspace Docket No. 05–ACE–30.'' The postcard will be date/time stamped and returned to the commenter.

Agency Findings

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

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

This rulemaking is promulgated under the authority described in

Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing instrument approach procedures to Sheldon Municipal Airport.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows;

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 29 FR 9565, 3 CFR, 2959–2963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9N, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet Or More Above The Surface Of The Earth.

* * * * *

ACE IA E5 Sheldon, IA

Sheldon Municipal Airport, IA
(Lat. 43°12′30″ N., long. 95°50′00″ W.)
Sheldon NDB
(Lat. 43°12′51″ N., long. 95°50′02″ W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Sheldon Municipal Airport and within 2.6 miles each side of the 160° bearing from the Sheldon NDB extending from the 6.9-mile radius to 7.4 miles southeast of the airport.

* * * * *

Issued in Kansas City, MO, on September 20, 2005.

Elizabeth S. Wallis,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 05–19741 Filed 9–30–05; 8:45am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–22005; Airspace Docket No. 05–ACE–29]

Modification of Class E Airspace; Wellington Municipal Airport, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: An examination of the controlled airspace for Wellington Municipal Airport, KS has revealed a discrepancy in the Airport Reference Point (ARP) and the size of the Class E airspace area. This action corrects the ARP and modifies the size of the Class E5 airspace area beginning at 700 feet above the surface. The radius of the airspace area is expanded from within a 6.3-mile radius to within a 6.4 mile radius of the airport. This action brings the Class E5 airspace area into compliance with FAA directives.

DATES: This direct final rule is effective on 0901 UTC, December 22, 2005. Comments for inclusion in the Rules Docket must be received on or before October 28, 2005.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2005–22005/ Airspace Docket No. 05–ACE–29, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2929.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 modifies the Class E airspace beginning at 700 feet above the surface at Wellington Municipal Airport, KS to contain Instrument Flight Rule (IFR) operations in controlled airspace. The area will be depicted on appropriate aeronautical charts. Class E airspace areas are published in Paragraph 6605 of FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, 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 Direct Final Rule Procedure

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

Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2005–22005/Airspace Docket No. 05–ACE–29.'' The postcard will be date/time stamped and returned to the commenter.

Agency Findings

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

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

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing instrument approach procedures to Wellington Municipal Airport.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 29 FR 9565, 3 CFR, 2959–2963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation be reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9N, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

Paragraph 6005—Class E Airspace Areas Extending Upward From 70 Feet or More Above the Surface of the Earth.

* * * * *

ACE KS E5 Wellington, KS

Wellington Municipal Airport, KS
(Lat. 37°19′25″ N., long. 97°23′18″ W.)
Wellington NDB
(Lat. 37°19′26″ N., long. 97°23′22″ W.)
Wichita VORTAC
(Lat. 37°44′43″ N., long. 97°35′02″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Wellington Municipal Airport and within 2.6 miles each side of the 007° bearing from Wellington NDB extending from the 6.4-mile radius of the airport to 7.4 miles north of the airport and within 4.4 miles each side of the 159° radial of the Wichita VORTAC extending from the 6.4-mile radius to 10.5 miles northwest of the airport.

* * * * *

Issued in Kansas City, MO, on September 20, 2005.

Elizabeth S. Wallis,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 05–19742 Filed 9–30–05; 8:45am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30459; Amdt. No. 457]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATES: 0901 UTC, October 27, 2005.

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

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

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

economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on September 28, 2005.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, October 27, 2005.

PART 95—[AMENDED]

■ 1. The authority citation for part 95 continues to read as follows:

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

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS

[Amendment 457 effective date, October 27, 2005]

From	To	MEA
§ 95.1001 Direct Routes—U.S. Color Routes		
§ 95.60 Blue Federal Airway B2 is amended to read in part		
Tin City, AK NDB/DME *5900–MOCA *6000–GNSS MEA	Fort Davis, AK NDB	*7000
§ 95.6 Blue Federal Airway B37 is amended to read in part		
Elephant, AK NDB *5000–MOCA *5000–GNSS MEA	Sparl, AK FIX	*6000
§ 95.1001 Direct Routes—U.S. Atlantic Routes—A761 is amended to delete		
Hanri, OA FIX	Torry, FL FIX	31000
Atlantic Routes—AR1 is amended to delete		
Virginia Key, FL VOR/DME	Blufi, FL FIX	5000
Blufi, FL FIX	Tarpo, FL FIX	14000
Hobee, FL FIX	Wilmington, NC VORTAC	25000
	MAA–45000	
Atlantic Routes—AR7 is amended to delete		
Vally, FL FIX	Zappa, BS FIX	2000
Zappa, BS FIX	Benzi, BS FIX	3000
Benzi, BS FIX	Permt, FL FIX	6000
Permt, FL FIX	Adoor, FL FIX	25000
Adoor, FL FIX *18000–MRA	*Miloe, OA FIX MAA–45000	25000
*Miloe, OA FIX *18000–MRA.	**Panal, OA FIX	2500
**18000–MRA	MAA–45000	
*Panal, OA FIX *18000–MRA	Dixon, NC NDB/DME MAA–45000	2500
Atlantic Routes—AR12 is amended to delete		
Satellite, FL NDB	Lotus, FL FIX	18000
	MAA–45000	
Atlantic Routes—AR14 is amended to delete		
*Metta, SC FIX *18000–MRA	Dixon, NC NDB/DME MAA–45000	18000
§ 95.6001 Victor Routes—U.S.		
§ 95.6009 VOR Federal Airway V9 is amended to read in part		
St Louis, MO VORTAC *2100–MOCA	Spinner, IL VORTAC	*2700
Spinner, IL VORTAC	Pontiac, IL VOR/DME	*3000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—Continued

[Amendment 457 effective date, October 27, 2005]

From	To	MEA
*2300–MOCA		
§ 95.6050 VOR Federal Airway V50 is amended to read in part		
Quincy, IL VORTAC	Spinner, IL VORTAC	*3000
*2100–MOCA		
Spinner, IL VORTAC	Decatur, IL VORTAC	3000
§ 95.6067 VOR Federal Airway V67 is amended to read in part		
Vandalia, IL VORTAC	Spinner, IL VORTAC	2500
Spinner, IL VORTAC	Burlington, IA VORTAC	2500
§ 95.6069 VOR Federal Airway V69 is amended to read in part		
Troy, IL VORTAC	Spinner, IL VORTAC	2500
Spinner, IL VORTAC	Pontiac, IL VOR/DME	*3000
*2300–MOCA		
§ 95.6129 VOR Federal Airway V129 is amended to read in part		
Spinner, IL VORTAC	Peoria, IL VORTAC	2500
*2000–MOCA		
§ 95.6173 VOR Federal Airway V173 is amended to read in part		
Spinner, IL VORTAC	Peotone, IL VORTAC	4500
*2300–MOCA		
§ 95.6233 VOR Federal Airway V233 is amended to read in part		
Spinner, IL VORTAC	Roberts, IL VOR/DME	2600
§ 95.6263 VOR Federal Airway V263 is amended by adding		
Encia, NM FIX	Albuquerque, NM VORTAC	8000
§ 95.6492 VOR Federal Airway V492 is amended to read in part		
Palm Beach, FL VORTAC	Stoop, FL FIX	*3000
*2000–MOCA		
Stoop, FL FIX	Melbourne, FL VOR/DME	3000
§ 95.6536 VOR Federal Airway V536 is amended by adding		
Great Falls, MT VORTAC	Swedd, MT FIX	*12000
*9700–MOCA		
Swedd, MT FIX	Menar, MT FIX	*9700
*9100–MOCA		
Menar, MT FIX	Bozeman, MT VOR/DME	8500
§ 95.6537 VOR Federal Airway V537 is amended by adding		
Palm Beach, FL VORTAC	Stoop, FL FIX	*3000
*2000–MOCA		
Stoop, FL FIX	Vero Beach, FL VORTAC	*2000
*1500–MOCA		
§ 95.6328 Alaska VOR Federal Airway V328 is amended to read in part		
Brous, AK FIX	Acate, AK FIX	*9000
*5500–MOCA		
*6000–GNSS MEA		
§ 95.6334 Alaska VOR Federal Airway V334 is amended to read in part		
Augey, AK FIX	Clams, AK FIX	*7000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—Continued

[Amendment 457 effective date, October 27, 2005]

From	To	MEA
*2000–MOCA *2000–GNSS MEA		
§ 95.6357 Alaska VOR Federal Airway V357 is amended to read in part		
Mocho, AK FIX	Gerks, AK FIX	*7500
*2300–MOCA *7000–GNSS MEA		
Gerks, AK FIX	Saner, AK FIX	*9000
*3700–MOCA *7000–GNSS MEA		
§ 95.6385 Alaska VOR Federal Airway V385 is amended to read in part		
Emmonak, AK VOR/DME	Unalakleet, AK VOR/DME	*3500
*2800–MOCA *3000–GNSS MEA		
§ 95.6427 Alaska VOR Federal Airway V427 is amended to read in part		
Ringo, AK FIX	Nonda, AK FIX	*14000
*9000–MOCA *9000–GNSS MEA		
Tommy, AK FIX	Ringo, AK FIX	*7000
*5300–MOCA *6000–GNSS MEA		
§ 95.6436 Alaska VOR Federal Airway V436 is amended to read in part		
Pipet, AK FIX	Bixer, AK FIX	*5000
*3700–MOCA *4000–GNSS MEA		
Artic, AK FIX	Pipet, AK FIX	*6000
*4500–MOCA *5000–GNSS MEA		
§ 95.6440 Alaska VOR Federal Airway V440 is amended to read in part		
Ganes, AK FIX	Yucon, AK FIX	*8000
*5600–MOCA *7000–GNSS MEA		
Migan, AK FIX	*Winor, AK FIX	**10000
*8600–MCA WINOR, AK FIX, E BND **8900–MOCA **9000–GNSS MEA		
§ 95.6441 Alaska VOR Federal Airway V441 is amended to read in part		
Broil, AK FIX	Chick, AK FIX	*9000
*6800–MOCA *9000–GNSS MEA		
§ 95.6456 Alaska VOR Federal Airway V456 is amended to read in part		
Bitop, AK FIX	*Nosky, AK FIX	**9000
*12000–MCA NOSKY, AK FIX , NE BND **5400–MOCA **7000–GNSS MEA, NE BND **6000–Opposite GNSS MEA, SW BND		
Tanie, AK FIX	King Salmon, AK VORTAC	#*3000
*1300–MOCA *2000–GNSS MEA #14000 SW When DLG FSS Shut Down		
Nosky, AK FIX	Tucks, AK FIX	*13000
*12000–MOCA *12000–GNSS MEA		
Binal, AK FIX	Tanie, AK FIX	#*14000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—Continued

[Amendment 457 effective date, October 27, 2005]

From	To	MEA
*3400–MOCA *8000–GNSS MEA #MEA is established with a gap in navigation signal coverage		
§ 95.6506 Alaska VOR Federal Airway V506 is amended to read in part		
*Johni, AK FIX *9500–MRA **3200–MOCA **4000–GNSS MEA	Dacia, AK FIX	**8000
Marsi, AK FIX *9500–MRA **3200–MOCA **4000–GNSS MEA #MEA is established with a gap in navigation signal coverage	*Johni, AK FIX	#**8000
Baily, AK FIX *7000–MCA BREMI, AK FIX, E BND **9700–MOCA **10000–GNSS MEA	*Bremi, AK FIX	**12000
Baime, AK FIX *5700–MOCA *6000–GNSS MEA	Setup, AK FIX	*7000
Shokk, AK FIX *7000–MOCA *8000–GNSS MEA	Meade, AK FIX	*10000
Kowok, AK FIX *7000–MOCA *7000–GNSS MEA	Cayon, AK FIX	*8000
Hotham, AK NDB *5000–MOCA *5000–GNSS MEA	Shokk, AK FIX	*6000
§ 95.6507 Alaska VOR Federal Airway V507 is amended to read in part		
Photo, AK FIX *6000–MOCA *6000–GNSS MEA	Eskar, AK FIX	*13000
§ 95.6508 Alaska VOR Federal Airway V508 is amended to read in part		
*Sewar, AK FIX *9500–MRA **5800–MCA SKILA, AK FIX, E BND **7500–MOCA **8000–GNSS MEA	**Skila, AK FIX	***9000
§ 95.6510 Alaska VOR Federal Airway V510 is amended to read in part		
Migan, AK FIX *8800–MOCA *9000–GNSS MEA	Klart, AK FIX	*10000

From	To	MEA	MAA
§ 95.7001 Jet Routes			
§ 95.7035 Jet Route J35 is amended to read in part			
St Louis, MO VORTAC	Spinner, IL VORTAC	18000	45000
Spinner, IL VORTAC	Pontiac, IL VOR/DME	18000	31000
§ 95.7080 Jet Route J80 is amended to read in part			
Kansas City, MO VORTAC	Spinner, IL VORTAC	18000	45000
Spinner, IL VORTAC	Brickyard, IN VORTAC	18000	45000
§ 95.7101 Jet Route J101 is amended to read in part			
St Louis, MO VORTAC	Spinner, IL VORTAC	18000	45000
Spinner, IL VORTAC	Pontiac, IL VOR/DME	18000	31000

From	To	MEA	MAA
§ 95.7137 Jet Route J137 is amended to read in part			
Spinner, IL VORTAC	Farmington, MO VORTAC	18000	45000

[FR Doc. 05–19744 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30457; Amdt. No. 3134]

Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective October 3, 2005. The compliance date for each SIAP and/or Weather Takeoff Minimums is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 3, 2005.

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

For Examination—-

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

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

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

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

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

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

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

The Rule

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97:

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

Issued in Washington, DC on September 23, 2005.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

** * * Effective 27 October 2005*

Searcy, AR, Searcy Muni, ILS OR LOC RWY 1, Orig
Searcy, AR, Searcy Muni, LOC RWY 1, Orig, CANCELLED
Stuttgart, AR, Stuttgart Muni, ILS OR LOC RWY 36, Orig
San Francisco, CA, San Francisco Intl, RNAV (RNP) Y RWY 28R, Orig
Washington, DC, Ronald Reagan Washington National, RNAV (RNP) RWY 19, Orig-A
St. Petersburg-Clearwater, FL, St. Petersburg-Clearwater Intl, RNAV (GPS)–A, Orig
Tampa, FL, Tampa Intl, ILS OR LOC RWY 18L, Amdt 39, ILS RWY 18L (CAT II), Amdt 39
Covington, KY, Cincinnati/Northern Kentucky Intl, Takeoff Minimums and Textual DP, Orig
Tallulah, LA, Vicksburg Tallulah Rgnl, LOC RWY 36, Amdt 2
Minneapolis, MN, Minneapolis-St. Paul Intl/Wold-Chamberlain, ILS PRM RWY 30L, Amdt 5A, (SIMULTANEOUS CLOSE PARALLEL)
Minneapolis, MN, Minneapolis-St. Paul Intl/Wold-Chamberlain, ILS PRM RWY 30R, Amdt 6A, (SIMULTANEOUS CLOSE PARALLEL)
Minneapolis, MN, Minneapolis-St. Paul Intl/Wold-Chamberlain, ILS OR LOC RWY 30L, ILS RWY 30L, (CAT II), Amdt 44A
Minneapolis, MN, Minneapolis-St. Paul Intl/Wold-Chamberlain, ILS OR LOC RWY 30R, Amdt 11A
Tupelo, MS, Tupelo Regional, ILS OR LOC RWY 36, Amdt 8
Santa Teresa, NM, Dona Ana County at Santa Teresa, RNAV (GPS) RWY 10, Orig
Santa Teresa, NM, Dona Ana County at Santa Teresa, Takeoff Minimums and Textual DP, Orig
Statesville, NC, Statesville Regional, ILS OR LOC/DME RWY 28, Orig
Statesville, NC, Statesville Regional, LOC/DME RWY 28, Amdt 1, CANCELLED
Conway, SC, Conway-Horry County, RNAV (GPS) RWY 4, Orig
Conway, SC, Conway-Horry County, NDB RWY 4, Orig
Conway, SC, Conway-Horry County, NDB RWY 4, Amdt 2, CANCELLED
Conway, SC, Conway-Horry County, NDB OR GPS–A, Amdt 2, CANCELLED
Conway, SC, Conway-Horry County, GPS RWY 4, Orig, CANCELLED
Conway, SC, Conway-Horry County, Takeoff Minimums and Textual DP, Amdt 1
Dallas-Fort Worth, TX, Dallas-Fort Worth International, CONVERGING ILS RWY 17C, Amdt 5
Dallas-Fort Worth, TX, Dallas-Fort Worth International, CONVERGING ILS RWY 35C, Orig
Dallas-Fort Worth, TX, Dallas-Fort Worth International, ILS OR LOC RWY 17C, ILS RWY 17C (CAT II), ILS RWY 17C (CAT III), Amdt 8
Dallas-Fort Worth, TX, Dallas-Fort Worth International, ILS OR LOC RWY 35C, ILS RWY 35C (CAT II), ILS RWY 35C (CAT III), Orig
Dallas-Fort Worth, TX, Dallas-Fort Worth International, ILS OR LOC RWY 35C, Orig, CANCELLED
Dallas-Fort Worth, TX, Dallas-Fort Worth International, CONVERGING ILS RWY 35C, Orig, CANCELLED
Dallas-Fort Worth, TX, Dallas-Fort Worth International, GPS RWY 17C, Orig, CANCELLED
Houston, TX, Sugar Land Rgnl, NDB RWY 17, Orig
Kerrville, TX, Kerrville Muni/Louis Schreiner Field, RNAV (GPS) RWY 12, Orig
Kerrville, TX, Kerrville Muni/Louis Schreiner Field, RNAV (GPS) RWY 30, Orig
Kerrville, TX, Kerrville Muni/Louis Schreiner Field, LOC RWY 30, Amdt 4
Kerrville, TX, Kerrville Muni/Louis Schreiner Field, NDB RWY 30, Amdt 4
Kerrville, TX, Kerrville Muni/Louis Schreiner Field, VOR–A, Amdt 3
Kerrville, TX, Kerrville Muni/Louis Schreiner Field, VOR/DME RNAV RWY 12, Amdt 3
Kerrville, TX, Kerrville Muni/Louis Schreiner Field, Takeoff Minimums and Textual DP, Amdt 1

** * * Effective 22 December 2005*

Golovin, AK, Golovin, RNAV (GPS)–A, Orig
Golovin, AK, Golovin, RNAV (GPS) RWY 2, Orig
Golovin, AK, Golovin, Takeoff Minimums and Textual DP, Orig
Middleton, WI, Middleton Muni-Morey Field, RNAV (GPS) RWY 10, Orig
Middleton, WI, Middleton Muni-Morey Field, RNAV (GPS) RWY 28, Orig
Middleton, WI, Middleton Muni-Morey Field, VOR RWY 10, Orig
Middleton, WI, Middleton Muni-Morey Field, VOR RWY 28, Orig
Middleton, WI, Middleton Muni-Morey Field, VOR/DME RNAV RWY 12, Orig, CANCELLED
Middleton, WI, Middleton Muni-Morey Field, VOR–A, Orig, CANCELLED
Middleton, WI, Middleton Muni-Morey Field, VOR–B, Orig, CANCELLED
Middleton, WI, Middleton Muni-Morey Field, RNAV (GPS) RWY 12, Orig, CANCELLED
Middleton, WI, Middleton Muni-Morey Field, RNAV (GPS) RWY 30, Orig, CANCELLED
Middleton, WI, Middleton Muni-Morey Field, Takeoff Minimums and Textual DP, Amdt 1

[FR Doc. 05–19746 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1 and 20

[Docket No. 2002N–0276] (formerly Docket No. 02N–0276)

RIN 0910-AC40

Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final regulation that confirms the interim final rule entitled ''Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' (68 FR 58894, October 10, 2003 (interim final rule) as corrected by a technical amendment (69 FR 29428, May 24, 2004), and responds to comments submitted in response to the request for

comments in the interim final rule. This final rule affirms the interim final rule's requirement that domestic and foreign facilities that manufacture/process, pack, or hold food for human or animal consumption in the United States be registered with FDA by December 12, 2003. The interim final rule implemented the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act), which requires domestic and foreign facilities to be registered with FDA by December 12, 2003. This final rule does not make any changes to the regulatory requirements established by the interim final rule.

DATES: The interim final rule published at 68 FR 58894 was effective on December 12, 2003. The technical amendment to the interim final rule published at 69 FR 29428 was effective May 24, 2004. This final rule, which adopts as final the interim rule as amended, is effective October 3, 2005.

FOR FURTHER INFORMATION CONTACT: Catherine L. Copp, Center for Food Safety and Applied Nutrition (HFS–004), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1589.

SUPPLEMENTARY INFORMATION:

I. Background and Legal Authority

Section 305 of the Bioterrorism Act, which was enacted on June 12, 2002, amended the Federal Food, Drug, and Cosmetic Act (the act) to require the Secretary to establish regulations requiring domestic and foreign facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States to be registered with the Secretary (section 415 of the act (21 U.S.C. 350d)). Facilities were required to be registered by December 12, 2003. Failure to register a facility in accordance with section 415 of the act is a prohibited act (section 301(dd) of the act (21 U.S.C. 331(dd))). Section 305 of the Bioterrorism Act amended the act to prohibit the importation of food from a foreign facility that is required to register, but has not done so (section 801(l) of the act (21 U.S.C. 381(l))).

The Department of Health and Human Services (DHHS) and the Department of Treasury (Treasury) jointly published the proposed registration regulation in the **Federal Register** on February 3, 2003 (68 FR 5378), for comment (proposed rule). On October 10, 2003, DHHS and the Department of Homeland Security (DHS) jointly issued the interim final rule[1]. The interim final rule implemented section 305 of the Bioterrorism Act, and required domestic and foreign facilities to be registered with FDA by December 12, 2003. The interim final rule responded to comments from the public on the proposed rule, and established a 75-day comment period on a limited set of issues identified in the interim final rule and also set out below. In order to ensure that those commenting on the interim final rule had the benefit of FDA's outreach and educational efforts and had experience with the systems, timeframes, and data elements of the registration system, FDA reopened the comment period on the same limited set of issues for 30 days on April 14, 2004 (69 FR 19766). FDA requested comment only on the following issues:

1. The cost to foreign facilities of hiring and retaining a U.S. agent. Specifically, FDA invited comment, and the submission of data or other information, on the following:

- The costs to a foreign facility of hiring a U.S. agent;
- The number of foreign facilities that have hired a U.S. agent or negotiated additional duties from someone with whom they have an existing relationship in response to the interim final rule, instead of relying on an existing relationship with a person who qualifies as a U.S. agent;
- The number of foreign facilities that have ceased exporting to the United States because they have decided not to hire/retain a U.S. agent for registration purposes.
- The distribution of costs between submitting registrations and other services offered by the U.S. agent.
- The assumptions underlying FDA's estimates of the costs of hiring and retaining a U.S. agent.

2. The effects on domestic small businesses, if any, if some foreign facilities cease exporting to the United States due to the U.S. agent requirement for registration. Specifically, FDA invited comment, and the submission of data or other information, on the following:

- The number of domestic small businesses that have been adversely affected by trading partners that have ceased exporting to the United States due to the U.S. agent requirement for foreign facility registration; and
- The costs incurred by these domestic small businesses due to the loss of these trading partners.

In addition to the provisions of the act amended by section 305 of the Bioterrorism Act, FDA is relying on section 701(a) and (b) of the act (21 U.S.C. 371(a) and (b)) in issuing this final rule. Section 701(a) authorizes the agency to issue regulations for the efficient enforcement of the act, while section 701(b) of the act authorizes FDA and Treasury jointly to prescribe regulations for the efficient enforcement of section 801 of the act.

To the extent that 5 U.S.C. 553 applies to this action, the agency's implementation of this action with an immediate effective date comes within the good cause exception in 5 U.S.C. 553(d)(3) (21 CFR 10.40(c)(4)(ii)). As this final rule imposes no new regulatory requirements, a delayed effective date is unnecessary.

II. Comments on the Interim Final Rule

FDA received approximately 200 timely submissions in response to the interim final rule. Approximately three-quarters of the comments FDA received addressed issues outside the scope of the interim final rule's request for comments. FDA did not consider nonresponsive comments in developing this final rule, and this final rule does not address comments that are beyond the scope of the issues on which FDA requested comment. Relevant comments did not cause FDA to significantly revise its economic analysis of the requirement that each foreign facility designate a U.S. agent. Because FDA's responses to the comments below do not result in any changes to the regulatory requirements published in the interim final rule, the governing regulation continues to be set out in §§ 1.225 through 1.243 and 20.100.

All of the issues on which FDA requested comment were related to the assumptions in the economic analysis section of the interim final rule. Accordingly, FDA is responding to all comments in section III of this document.

III. Analysis of Economic Impacts Benefit-Cost Analysis

We have examined the economic implications of this final rule as required by Executive Order 12866. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including having an annual effect on the

[1]The authorities of Treasury under section 701(b) of the act to prescribe regulations for the efficient enforcement of section 801 of the act were transferred to DHS when it was created by an act of Congress in 2002.

economy of $100 million, adversely affecting a sector of the economy in a material way, adversely affecting competition, or adversely affecting jobs. Executive Order 12866 also considers a rule as a significant regulatory action if it raises novel legal or policy issues. In the interim final rule, FDA determined that the rule was a significant regulatory action as defined by Executive Order 12866. We have determined that this final rule is not a significant regulatory action as defined by Executive Order 12866, because it is not imposing any new requirement on any entity beyond the requirements of the interim final rule.

The scope of the analysis of economic impacts for this final rule is limited to the costs associated with the U.S. agent requirement. For a full discussion of all costs and benefits associated with the registration requirement, see the proposed and interim final rules.

Summary of U.S. Agent Costs

Section 415(a)(1)(B) of the act, as established by the Bioterrorism Act, requires that the owner, operator, or agent in charge of a foreign facility submit in the facility's registration the name of the U.S. agent for the facility. Section 1.232(d) requires that all foreign facility registrations include information about the facility's U.S. agent and implements the statutory requirement. Section 1.227(b)(13) requires that the U.S. agent be a person residing or maintaining a place of business in the United States, who is designated by the owner, operator, or agent in charge of a foreign facility as the facility's agent. FDA recognizes only one U.S. agent per foreign facility for purposes of registration. (See 68 FR 58894 at 58915.) The U.S. agent acts as a communications link between FDA and the facility, and FDA considers providing information to the U.S. agent the same as providing information directly to the foreign facility (§ 1.227(b)(13)(ii)). A U.S. agent may submit a facility's registration to FDA if the owner, operator, or agent in charge of the foreign facility authorizes the U.S. agent (if an individual) to register on behalf of the owner, operator, or agent in charge of the facility (§ 1.225(c)).

In the economic analyses of the proposed and interim final rules, FDA estimated that more than 90 percent of foreign facilities did not currently have a U.S. agent and that foreign facilities currently without a U.S. agent would require 5 to 15 hours to find an agent and would pay an annual fee of $1,000 (68 FR 5378 at 5396 and 68 FR 58894 at 58943). The $1,000 fee estimated in the proposed rule was an estimate of an average fee for a U.S. agent under FDA regulations for drugs, biologics, and devices (21 CFR parts 207, 607, and 807, respectively), based on fees quoted over the phone and in Internet advertisements. During the period from the publication of the proposed rule to publication of the interim final rule, a number of companies began advertising their services as a U.S. agent for foreign food facilities on the Internet. These companies specified a range of costs, some with discounts for multiple facilities under the same ownership, fees that are a function of the number of shipments each year, or additional fees for registration updates. Based on the requirements in the proposed rule, the lowest fee quoted was $399 for representation by a U.S. agent for 1 year; other U.S. agents charged initial fees between $599 and $1,400. Many of the U.S. agents charged fees for additional registration-related services, such as registration updates or cancellations. Based on these estimates of fees, FDA concluded that $1,000 represented a reasonable estimate of a U.S. agent fee, including registering the foreign facility (68 FR 58894 at 58945). The total first year cost for foreign facilities was estimated to be $306 million, and annual costs were estimated to be $229 million with a U.S. agent fee of $1,000. However, because there was a wide range of fees charged by U.S. agents, FDA also presented in the interim final rule an estimate of the cost of the rule with a U.S. agent fee of $700. Assuming this $700 fee, FDA estimated that the total first year cost for foreign facilities would be $247.6 million and annual costs would be $164.5 million (68 FR 58894 at 58945).

To improve the analysis involving the costs of hiring and retaining a U.S. agent, FDA requested comments on a number of specific components of the cost calculations, as summarized below.

A. The Costs to a Foreign Facility of Hiring and Retaining a U.S. Agent

(Comment 1) FDA received a number of comments about the costs of hiring and retaining a U.S. agent. FDA received estimates of U.S. agent fees ranging from $95 to $1400. Many comments mentioned a very wide range of fees, with differences as large as $800 between the lowest and highest fees cited in a single comment. None of the comments stated whether there were differences in services between the low and high fee agents, other than lower fees for ''farm'' registrations. (The comments did not elaborate on the meaning of ''farm'' registrations.) The majority of the comments that estimated U.S. agent fees mentioned $700 or $750 or included $700 in the range of fees. Some comments also noted that U.S. agents charged an hourly fee for any additional, but unspecified, services provided to the foreign facility. Some comments did not provide a dollar estimate of the U.S. agent fee, but asserted that FDA had underestimated the cost of a U.S. agent, while others claimed that FDA had overestimated the cost of hiring and retaining a U.S. agent.

(Response) In the interim final rule, FDA estimated total costs using average U.S. agent fees of $700 and $1,000. Given the wide range of fees reported in the comments, we now conclude that the average fee for a U.S. agent is probably closer to $700, giving a total first year cost for foreign facilities of $247.6 million and annual costs of $164.5 million. Table 1 presents the revised present value and annualized total costs of the interim final rule for a U.S. agent fee of $700.

TABLE 1.—PRESENT VALUE AND ANNUALIZED COSTS OVER 20 YEARS FOR A U.S. AGENT FEE OF $700 (IN MILLIONS)

Discount Rate	Present Value	Annualized
7%	$2,144.1	$107.2
3%	$2,861.5	$143.1

B. The Number of Foreign Facilities That Have Hired a U.S. Agent or Negotiated Additional Duties From Someone With Whom They Have an Existing Relationship in Response to the Interim Final Rule, Instead of Relying on an Existing Relationship With a Person Who Qualifies as a U.S. Agent

(Comment 2) FDA did not receive any comments estimating the number of facilities that have hired a U.S. agent or have negotiated additional duties from someone with whom they have an existing relationship. However, we did receive individual comments from facilities and industry representatives reporting that some facilities have hired a new U.S. agent. FDA also received comments reporting that some facilities have used U.S. business partners, U.S. customers, or U.S. brokers as U.S. agents.

(Response) From the comments we received it is clear that foreign facilities are complying with the U.S. agent requirement both by hiring new U.S. agents and by negotiating new duties with someone with whom they have an existing relationship. However, it was not possible to extrapolate from the comments how many facilities were hiring new U.S. agents or utilizing existing relationships. Therefore, FDA has not altered its analysis on this point. (See 68 FR 58894 at 58945.)

C. The Number of Foreign Facilities That Have Ceased Exporting to the United States Because They Have Decided Not to Hire or Retain a U.S. Agent for Registration Purposes

(Comment 3) FDA did not receive any estimates of the number of foreign facilities that have ceased exporting to the United States due to the U.S. agent requirement. FDA did receive comments from governmental agencies and industry groups reporting that some exporters of small value shipments may stop exporting or have stopped exporting to the United States as a result of the cost of hiring a U.S. agent. Other comments stated that they were unaware of any facilities that had stopped exporting to the United States in response to the cost of hiring a U.S. agent.

(Response) Although some comments confirmed the assumption of the interim final rule economic analysis that some facilities would stop exporting to the United States due to costs associated with hiring a U.S. agent, the comments did not provide any information to estimate how many facilities would stop exporting. Therefore, FDA has not altered this portion of its analysis. (See 68 FR 58894 at 58943.)

D. The Distribution of Costs Between Submitting Registrations and Other Services Offered by the U.S. Agent

(Comment 4) FDA received some comments separating the fee paid to a U.S. agent for registration services from fees paid for ongoing services. One comment assumed that the U.S. agent fees would be in addition to any existing fee for services the agent may be providing for the facility. Another comment stated that the fee to register a facility was $350 with an additional charge of $199 per year for acting as a facility's U.S. agent, for a total fee of $549. Most comments that provided a U.S. agent fee did not specify what services were provided for the fee.

(Response) FDA was unable to estimate based on the information in the comments the distribution of costs between submitting registrations and other services offered by the U.S. agent. Therefore, FDA has not altered this portion of its analysis. (See 68 FR 58894 at 58945.)

E. The Assumptions Underlying FDA's Estimates of the Costs of Hiring and Retaining a U.S. Agent

(Comment 5) FDA received comments questioning whether FDA had included all costs associated with hiring a U.S. agent. One comment stated that a firm had spent $1,800 per facility to register its foreign affiliates.

(Response) The comment that provided specific costs of registration included many activities that FDA considered in other parts of its analysis, such as reading and understanding the rule and understanding the implications of the requirements for their business. If only activities related to the U.S. agent were considered, the comment's cost estimates were consistent with FDA's cost estimates for a U.S. agent. (See 68 FR 58894 at 58945.)

(Comment 6) Other comments that mentioned costs stated that FDA had failed to include costs associated with entering into a legal agreement with the U.S. agent.

(Response) FDA did include an estimate of costs to find and hire a U.S. agent in the interim final rule, which would include the costs of establishing an agreement between the U.S. agent and the facility. Accordingly, FDA has not altered its assumptions about costs associated with entering into an agreement with the U.S. agent. (See 68 FR 58894 at 58945.)

F. The Effects on Domestic Small Businesses, if Any, if Some Foreign Facilities Cease Exporting to the United States Due to the U.S. Agent Requirement for Registration

Specifically, FDA invited comment, and the submission of data or other information, on the following: The number of domestic small businesses that have been adversely affected by trading partners that have ceased exporting to the United States due to the U.S. agent requirement for foreign facility registration.

FDA received no comments on the number of U.S. small businesses adversely affected by the loss of their trading partners, and thus, has not altered this portion of its analysis. (See 68 FR 58894 at 58954 to 58955.)

G. The Effects on Domestic Small Businesses, if Any, if Some Foreign Facilities Cease Exporting to the United States Due to the U.S. Agent Requirement for Registration

Specifically, FDA invited comment, and the submission of data or other information, on the following: The costs incurred by these domestic small businesses due to the loss of these trading partners.

(Comment 7) Some comments agreed that there was a potential for some foreign facilities to stop exporting to the United States as a result of the U.S. agent requirement. One comment listed the following several possible consequences for U.S. small businesses if foreign facilities stopped exporting: (1) Need to find new suppliers; (2) inability to supply existing customer base; (3) increase in cost of goods; and (4) increase in cost of goods that may be passed on to U.S. consumers. However, no comments provided any estimate of the costs of these effects.

(Response) In the economic analysis of the interim final rule, FDA considered the impacts on small businesses. Because no comment provided an estimate of the costs to domestic small businesses if some foreign facilities cease exporting to the United States due to the U.S. agent requirement, FDA has not altered its estimate of the number of facilities that will stop exporting to the United States or its expectations of possible consequences for U.S. facilities. (See 68 FR 58894 at 58954 to 58955.)

IV. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires agencies to analyze regulatory options that would lessen the economic effect of the rule on small entities. Because this final rule

does not make any changes to existing requirements, and thus, does not impose any new costs on facilities, the agency certifies that this final rule will not have a significant impact on a substantial number of small entities. Full analysis of the effect of the registration requirement on small entities is provided in the analysis of economic impacts set out in the preceding analysis of economic impacts and in the preamble to the interim final rule at 68 FR 58894 at 58954.

V. Unfunded Mandates

Section 202 of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $115 million, using the most current (2003) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this final rule to result in any one-year expenditure that would meet or exceed this amount.

VI. Federalism Analysis

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the final rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency concludes that the final rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

VII. The Paperwork Reduction Act of 1995

This final rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection provisions and an estimate of the annual reporting burden were provided in the interim final rule issued October 10, 2003 (68 FR 58894). Included in the estimate was the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information. The final rule requires no new information collection. Individuals and organizations may submit comments on the burden estimates or on any other aspect of these information collection provisions, including suggestions for reducing the burden, and should direct them to the contact person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. The information collection provisions in this final rule have been approved under OMB control number 0910–0502. This approval expires October 31, 2006. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

VIII. Analysis of Environmental Impact

The agency has determined under 21 CFR 25.30(h) 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.

List of Subjects

21 CFR Part 1

Cosmetics, Drugs, Exports, Food labeling, Imports, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 20

Confidential business information, Courts, Freedom of information, Government employees.

PART 1—GENERAL ENFORCEMENT REGULATIONS

PART 20—PUBLIC INFORMATION

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, the interim rule amending 21 CFR parts 1 and 20, which was published at 68 FR 58894 (October 10, 2003) and amended at 69 FR 29428 (May 24, 2004), is adopted as a final rule without change.

Dated: August 28, 2005.

Michael Chertoff,

Secretary of Homeland Security.

Dated: September 20, 2005.

Michael O. Leavitt,

Secretary of Health and Human Services.

[FR Doc. 05–19730 Filed 9–28–05; 1:53 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9226]

RIN 1545–BD27

Stock Held by Foreign Insurance Companies

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the determination of income of foreign insurance companies that is effectively connected with the conduct of a trade or business within the United States. The regulations provide that the exception to the asset-use test for stock shall not apply in determining whether the income, gain, or loss from portfolio stock held by foreign insurance companies constitutes effectively connected income.

DATES: *Effective Date:* These regulations are effective on October 3, 2005.

FOR FURTHER INFORMATION CONTACT: Sheila Ramaswamy, (202) 622–3870 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On June 25, 2004, a notice of proposed rulemaking (REG–117307–04) was published in the **Federal Register** (69 FR 35543). No requests for a public hearing were received, and no public hearing was held. The IRS received one written comment in response to the notice of proposed rulemaking. After consideration of the comment, the proposed regulation is adopted without change.

Explanation of Provisions and Summary of Comments

This Treasury decision adopts the language of the proposed regulation without change.

The IRS received one comment in response to the proposed regulation. The commentator requested further clarification regarding what constitutes

an insurance company for federal income tax purposes. The IRS believes the issue of what constitutes an insurance company is outside the scope of this regulation, which solely relates to the application of the asset-use test to stock held by foreign insurance companies.

The commentator also expressed concern about the interaction of the proposed regulation with § 1.864–5(a), which provides, generally, that foreign source income, such as a foreign-source dividend or gain, cannot constitute U.S. effectively connected income in circumstances in which a U.S.-source dividend or gain would not constitute U.S. effectively connected income. Accordingly, the commentator is concerned that the rule in the regulations will also expand the category of foreign-source dividends or gains that may constitute effectively connected income. That is true and the Treasury Department and the IRS believe this is the appropriate result.

The IRS invited comments whether the 10 percent threshold provided in the proposed regulation was an appropriate standard for determining whether stock is a portfolio investment. The commentator stated that it was possible for insurance companies to make a strategic investment in a corporation at a level below 10 percent of the vote or value of the corporation, such as by purchasing a special class of shares that conveyed the power to elect directors. The commentator recommended creating a rebuttable presumption of portfolio status.

We do not believe that treating the 10 percent threshold as a rebuttable presumption is appropriate. The 10 percent threshold provides a reasonable method for identifying portfolio stock held by a branch of a foreign life insurance company.

Special Analyses

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

Drafting Information

The principal author of this regulation is Sheila Ramaswamy, Office of Associate Chief Counsel (International). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendment to the Regulations

■ Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** In § 1.864–4, paragraph (c)(2)(iii)*(b)* is revised to read as follows:

§ 1.864–4 U.S. source income effectively connected with U.S. business.

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(b) Stock held by foreign insurance companies. This paragraph (c)(2)(iii) shall not apply to stock of a corporation (whether domestic or foreign) held by a foreign insurance company unless the foreign insurance company owns 10 percent or more of the total voting power or value of all classes of stock of such corporation. For purposes of this section, section 318(a) shall be applied in determining ownership, except that in applying section 318(a)(2)(C), the phrase ''10 percent'' is used instead of the phrase ''50 percent.''

* * * * *

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Approved: August 9, 2005.

Eric Solomon,

Acting Deputy Assistant Secretary for Tax Policy.

[FR Doc. 05–19622 Filed 9–30–05; 8:45 am]

BILLING CODE 4830–01–U

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1610

RIN 3046–AA75

Freedom of Information Act Fee Schedule

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission (EEOC or the Commission) is adopting revisions to its Freedom of Information Act (FOIA) fee schedule. The updated schedule of fees reflects increases in the direct costs incurred by the Commission in responding to requests for records.

DATES: October 3, 2005.

FOR FURTHER INFORMATION CONTACT: Thomas J. Schlageter, Assistant Legal Counsel, or Michelle Zinman, Senior General Attorney at (202) 663–4640 (voice) or (202) 663–7026 (TTY). This notice of final rule is also available in the following formats: large print, Braille, audiotape and electronic file on computer disk. Requests for this notice of final rule in an alternative format should be made to EEOC's Publication Center at 1–800–669–3362.

SUPPLEMENTARY INFORMATION: On July 1, 2005, at 70 FR 38060–01, the EEOC published a notice of proposed rulemaking proposing to amend the sections of 29 CFR part 1610 that concern the fees assessed to persons who seek agency records under the FOIA. The changes comply with the Office of Management and Budget's Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 FR 10012 (1987). Comments from the public were due on or before August 31, 2005. No comments were received. Therefore, EEOC is adopting the proposed revisions, without change, as its final rule.

Regulatory Procedures

Executive Order 12866

Pursuant to Executive Order 12866, EEOC has determined that the regulation will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State or local tribal governments or communities. Therefore, a detailed cost-benefit assessment of the regulation is not required.

Paperwork Reduction Act

This rule contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Regulatory Flexibility Act

The Commission, in accordance with the Regulatory Flexibility Act (5 U.S.C. 606(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

List of Subjects in 29 CFR Part 1610

Freedom of Information.

For the Commission.

Cari M. Dominguez,

Chair.

■ Accordingly, for the reasons set forth in the preamble, EEOC amends 29 CFR part 1610 as follows:

PART 1610—AVAILABILITY OF RECORDS

■ 1. The authority citation for part 1610 continues to read as follows:

Authority: 42 U.S.C. 2000e–12(a), 5 U.S.C. 552 as amended by Pub. L. 93–502, Pub. L. 99–570, and Pub. L. 105–231; for § 1610.15, non-search or copy portions are issued under 31 U.S.C. 9701.

■ 2. Section 1610.1 is amended by adding paragraphs (e) through (i) as follows:

§ 1610.1 Definitions.

* * * * *

(e) *Direct costs* refers to those expenses that EEOC actually incurs in searching for and duplicating (and, in the case of commercial requesters, reviewing) records to respond to a request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space and heating or lighting of the facility in which the records are stored.

(f) *Search* refers to the time spent looking for and retrieving material that is responsive to a request. It includes page-by-page or line-by-line identification of information within documents and also includes reasonable efforts to locate and retrieve information from records maintained in electronic formats. EEOC employees should ensure that searching for materials is done in the most efficient and least expensive manner reasonably possible. For example, employees shall not search line-by-line when merely duplicating a document would be quicker and less expensive.

(g) *Duplication* refers to the process of making a copy of a record or document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, electronic formats (for example magnetic tape or disk), among others. Employees shall honor a requester's specified preference of format of disclosure if the record is readily reproducible with reasonable efforts in the requested format by the office responding to the request.

(h) *Attestation* refers to the authentication of copies of Commission documents by an affidavit or unsworn declaration from the records custodian without the Commission Seal.

(i) *Certification* refers to the authentication of copies of Commission documents by an affidavit or unsworn declaration from the records custodian under the Commission Seal.

■ 3. Section 1610.15(c) is revised to read as follows:

§ 1610.15 Schedule of fees and method of payment for services rendered.

* * * * *

(c) Except as otherwise provided, the following specific fees for direct costs shall be applicable with respect to services rendered to members of the public under this subpart:

(1) For manual search and review time:

(i) By clerical personnel—at the rate of $5.00 per quarter hour.

(ii) By paralegals—at the rate of $9.00 per quarter hour.

(iii) By professional personnel—at the rate of $10.00 per quarter hour.

(iv) By managers—at the rate of $17.50 per quarter hour.

(v) By SES employees—at the rate of $20.00 per quarter hour.

(2) For computer searches of records, requesters will be charged at the actual direct cost of providing the service. This includes the operator/programmer salary apportionable to the search based on the rates listed in paragraph (c)(1) of this section.

(3) For copies made by photocopy—$0.15 per page (maximum of 10 copies). For copies prepared by computer, such as tapes or printouts, EEOC will charge the direct cost incurred by the agency, including operator time. For other forms of duplication, EEOC will charge the actual costs of that duplication.

(4) For attestation of documents—$25.00 per authenticating affidavit or declaration. Additionally, there may be search and review charges assessed in accordance with the rates listed in paragraph (c)(1) of this section.

(5) For certification of document—$50.00 per authenticating affidavit or declaration. Additionally, there may be search and review charges assessed in accordance with the rates listed in paragraph (c)(1) of this section.

(6) For each signed statement of negative result of search for record—$10.00. Additionally, there may be search charges assessed in accordance with the rates listed in paragraph (c)(1) of this section.

(7) For retrieval of records from a Federal Records Center—the amount charged to EEOC for retrieval of such records.

(8) All other direct costs of search, review, duplication or delivery (other than normal mail), shall be charged to the requester as appropriate in the same amount as incurred by the agency.

* * * * *

[FR Doc. 05–19649 Filed 9–30–05; 8:45 am]

BILLING CODE 6570–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. R02–OAR–2005–NY–0003, FRL–7971–5]

Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is approving a revision to the New York State Implementation Plan (SIP) concerning New York's permitting program. The SIP revision consists of amendments to Title 6 of the New York Code, Rules and Regulations, Part 201, ''Permits and Certificates.'' The intended effect of this approval is to incorporate administrative changes to New York's permitting program into the SIP.

DATES: This rule will be effective November 2, 2005.

ADDRESSES: A copy of the New York submittal is available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866.

New York State Department of Environmental Conservation, Division of Air Resources, 625 Broadway, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3381 or *Wieber.Kirk@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. What Was Included in New York's Submittal?

On June 16, 1996, David Sterman, then Deputy Commissioner, New York State Department of Environmental Conservation (NYSDEC), submitted to EPA a revision to the State Implementation Plan (SIP) which included revisions to Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 201, ''Permits and Certificates.'' The revisions to Part 201 were submitted by New York in support of its Title V Operating Permit Program under the Clean Air Act (Act), and became State effective on July 7, 1996. New York requested at that time that Subparts 201–1, 201–2, 201–3, 201–4, 201–5, 201–7, 201–8 and Appendix B be incorporated into the federally approved SIP, replacing the existing federally approved version of Part 201. EPA has deferred taking action on those revisions to Part 201 due to unresolved concerns raised by the EPA and NYSDEC regarding specific Subparts. However, on May 27, 2005, Carl Johnson, Deputy Commissioner, NYSDEC, submitted a SIP revision requesting EPA's approval of only Subparts 201–7.1, ''General'' and 201–7.2, ''Emission Capping Using Synthetic Minor Permits,'' as were State effective on July 7, 1996, and the removal of Subpart 201.5(e) of the existing federally approved version of Part 201. On July 21, 2005 (70 FR 42021), EPA proposed to approve revised Subparts 201–7.1 and 201–7.2 into the federally approved New York SIP and remove existing Subpart 201.5(e) from the federally approved New York SIP. For a detailed discussion on the content and requirements of the revisions to New York's regulations, the reader is referred to EPA's proposed rulemaking action.

II. What Comments Did EPA Receive in Response to Its Proposal?

In response to EPA's July 21, 2005 proposed rulemaking action, EPA received no adverse comments.

III. What Is EPA's Conclusion?

EPA has evaluated New York's submittal for consistency with the Act, EPA regulations, and EPA policy. EPA has determined that the revisions made to Part 201–7, ''Federally Enforceable Emission Caps,'' specifically the inclusion of Subparts 201–7.1, ''General'' and 201–7.2, ''Emission Capping Using Synthetic Minor Permits'' meet the SIP revision requirements of the Act. In addition, EPA has determined that existing Subpart 201.5(e) should no longer be included in the federally approved SIP. Therefore, EPA is approving revised Subparts 201–7.1 and 201–7.2 into the federally approved New York SIP and removing existing Subpart 201.5(e) from the federally approved New York SIP.

IV. Statutory and Executive Order Reviews

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

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the 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 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 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 2, 2005. 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, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 12, 2005.

Alan J. Steinberg,

Regional Administrator, Region 2.

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

PART 52—[AMENDED]

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

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

Subpart HH—New York

■ 2. Section 52.1670 is amended by adding new paragraph (c)(109) to read as follows:

§ 52.1670 Identification of plans.

* * * * *

(c) * * *

* * * * *

(109) Revisions to the State Implementation Plan submitted on June 16, 1996 and May 27, 2005, by the New York State Department of Environmental Conservation, which consist of administrative changes to Title 6 of the New York Code, Rules and Regulations, Part 201, ''Permits and Certificates.''

(i) Incorporation by reference:

(A) Regulations Subparts 201–7.1, ''General'' and 201–7.2, ''Emission Capping Using Synthetic Minor Permits'' of Part 201–7, ''Federally Enforceable Emission Caps'' of Title 6 of the New York Code of Rules and Regulations (NYCRR), filed on June 7, 1996, and effective on July 7, 1996.

■ 3. In 52.1679, the table is amended by revising the entry under Title 6 for Part 201 and adding new entries under Title 6 for Subparts 201–7.1 and 201–7.2, in numerical order to read as follows:

§ 52.1679 EPA—approved New York State regulations.

New York State regulation	State effective date	Latest EPA approval date	Comments
Title 6:			
* * *	*	*	* *
Part 201, ''Permits and Certificates''	4/4/93	10/3/05 [Insert FR page citation]	This action removes subpart 201.5(e) from the State's federally approved SIP.
Subpart 201–7.1, ''General''	7/7/96	10/3/05 [Insert FR page citation]	
Subpart 201–7.2, ''Emission Capping Using Synthetic Minor Permits''.	7/7/96	10/3/05 [Insert FR page citation]	
* * *	*	*	* *

[FR Doc. 05–19712 Filed 9–30–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[OAR–2002–0084; FRL–7978–4]

RIN 2060–AN38

National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; amendments.

SUMMARY: On March 23, 2000, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for secondary aluminum production under section 112 of the Clean Air Act (CAA), and on December 30, 2002, we published final amendments to the standards based on two separate settlement agreements. This amendment corrects a punctuation error in the definition of ''clean charge'' previously promulgated in the December 30, 2002 amendments and a typographical error in the operating temperature of a scrap dryer/delacquering kiln/decoating kiln afterburner. We are making the amendment by direct final rule, without prior proposal, because we view the revision as noncontroversial and anticipate no adverse comments. However, in the Proposed Rules section of this **Federal Register**, we are publishing a separate document that will serve as the proposal to amend the national emission standards for secondary aluminum production, if adverse comments are filed.

If we receive any adverse comments on the direct final rule, we will publish a timely withdrawal in the **Federal Register** informing the public that the amendments are being withdrawn due to adverse comment. We will address all public comments in a subsequent final rule based on the proposed rule. If we do not receive adverse comment on the direct final rule, it will become effective on the date set out below. We will not institute a second comment period on the direct final rule. Any parties interested in commenting must do so at this time.

DATES: The direct final rule will be effective on December 2, 2005 without further notice, unless EPA receives adverse written comments by November 2, 2005 or by November 17, 2005 if a public hearing is requested. If EPA receives such comments, it will publish a timely withdrawal in the **Federal Register** indicating that the rule is being withdrawn due to adverse comment.

ADDRESSES: Submit your comments, identified by Docket ID No. OAR–2002–0084, by one of the following methods:

Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Agency Web site: *http://www.epa.gov/edocket.* EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

• E-mail: *a-and-r-docket@epa.gov* and *colyer.rick@epa.gov.*

• Fax: (202) 566–1741 and (919) 541–5600.

• Mail: U.S. Postal Service, EPA Docket Center, Environmental Protection Agency, Mailcode: 6102T, Attention Docket ID No. OAR–2002–0084, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include a duplicate copy, if possible.

• Hand Delivery: In person or by courier, deliver comments to: EPA Docket Center (6102T), Attention Docket ID No. OAR–2002–0084, 1301 Constitution Avenue, NW., Room B–108, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies, if possible.

We request that a separate copy of each comment also be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

Instructions: Direct your comments to Docket ID No. OAR–2002–0084. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.epa.gov/edocket,* 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 EDOCKET, regulations.gov, or e-mail. Send or deliver information identified as CBI only to the following address: Mr. Roberto Morales, OAQPS Document Control Officer, EPA (C404–02), Attention Docket ID No. OAR–2002–0084, Research Triangle Park, NC 27711. Clearly mark the part or all of the information that you claim to be CBI. The EPA EDOCKET and the Federal regulations.gov websites are ''anonymous access'' systems, 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 EDOCKET or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit EDOCKET on-line or see the **Federal Register** of May 31, 2002 (67 FR 38102).

Docket: All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket.* Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the EPA Docket Center, Docket ID No. OAR–2002–0084, EPA West Building, Room B–102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Colyer, EPA Office of Air Quality Planning and Standards, Emission Standards Division, Minerals and Inorganic Chemicals Group (C504–05), Research Triangle Park, NC 27711; telephone number (919) 541–5262; fax number (919) 541–5600; e-mail address: *colyer.rick@epa.gov.*

SUPPLEMENTARY INFORMATION: *Regulated Entities.* Categories and entities potentially regulated by this action include:

TABLE 1.—REGULATED CATEGORIES AND ENTITIES

Category	NAICS [1]	Examples of regulated entities
Industry	331314	Secondary smelting and alloying of aluminum facilities.
		Secondary aluminum production facility affected sources that are collocated at:
	331312	Primary aluminum production facilities.
	331315	Aluminum sheet, plate, and foil manufacturing facilities.
	331316	Aluminum extruded product manufacturing facilities.
	331319	Other aluminum rolling and drawing facilities.
	331521	Aluminum die casting facilities.
	331524	Aluminum foundry facilities.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 63.1500 of the secondary aluminum production NESHAP. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copies of today's action will be posted on the Technology Transfer Network's (TTN) policy and guidance information page *http://www.epa.gov/ttn/caaa.* The TTN provides information and technology exchange in various areas of air pollution control.

Judicial Review. Under section 307(b)(1) of the CAA, judicial review of the direct final rule amendments is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by December 2, 2005. Under section 307(d)(7)(B) of the CAA, only an objection to the direct final rule amendments that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements established by the direct final rule amendments may not be challenged separately in any civil or criminal

proceeding brought by EPA to enforce these requirements.

Outline. The information presented in this preamble is organized as follows:

I. Background and Technical Corrections
II. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer Advancement Act
J. Congressional Review Act

I. Background and Technical Corrections

On March 23, 2000 (63 FR 15690), we promulgated the NESHAP for secondary aluminum production (40 CFR part 63, subpart RRR). The standards were established under the authority of section 112(d) of the CAA to reduce emissions of hazardous air pollutants from major and area sources.

On December 30, 2002 (67 FR 79808), we promulgated amendments to the NESHAP in response to two petitions for judicial review. Among other things, the amendments revised the definition of ''clean charge.''

The final rule promulgated in 2000 defined ''clean charge'' as ''* * * furnace charge materials including molten aluminum; T-bar; sow; ingot; billet; pig; alloying elements; uncoated/unpainted thermally dried aluminum chips; aluminum scrap dried at 343 °C (650 °F) or higher; aluminum scrap delacquered/decoated at 482 °C (900 °F) or higher; other oil- and lubricant-free unpainted/uncoated gates and risers; oil- and lubricant-free unpainted/uncoated aluminum scrap, shapes, or products (e.g., pistons) that have not undergone any process (e.g., machining, coating, painting, etc.) that would cause contamination of the aluminum (with oils, lubricants, coatings, or paints); and internal runaround.''

The June 14, 2002 proposed amendments (67 FR 41132) revised the definition of ''clean charge'' to ''* * * furnace charge materials including molten aluminum; T-bar; sow; ingot; billet; pig; alloying elements; aluminum scrap known by the owner or operator to be entirely free of paints, coatings, and lubricants; uncoated/unpainted aluminum chips that have been thermally dried or treated by a centrifugal cleaner; aluminum scrap dried at 343 °C (650 °F) or higher; aluminum scrap delacquered/decoated at 482 °C (900 °F) or higher, and runaround scrap.''

The December 30, 2002 final amendments (67 FR 79815) promulgated the June 14, 2002 proposed definition of ''clean charge'' as ''* * * furnace charge materials including molten aluminum, T-bar, sow, ingot, billet, pig, alloying elements, aluminum scrap known by the owner or operator to be entirely free of paints, coatings, and lubricants; uncoated/unpainted aluminum chips that have been thermally dried or treated by a centrifugal cleaner; aluminum scrap dried at 343 °C (650 °F) or higher; aluminum scrap delacquered/decoated at 482 °C (900 °F) or higher, and runaround scrap.''

While the basic substance of the definition of ''clean charge'' did not change between the 2002 proposal and promulgation, the punctuation did. The replacement of certain semicolons with commas had an inadvertent effect on the interpretation of parts of the definition. These typographical errors unintentionally applied the phrase ''entirely free of paints, coatings, and lubricants'' to molten aluminum, T-bar, sow, ingot, billet, pig, and alloying elements. The definition of ''clean charge'' in the June 14, 2002 proposed amendments separated the list of charge materials with semicolons indicating that the phrase ''entirely free of paints, coatings, and lubricants'' was intended to apply only to ''aluminum scrap.'' This issue came to our attention when questions arose regarding paint and ink markings on aluminum ingots, T-bars, sows, etc. The die casting industry routinely marks aluminum ingots, sows, etc., with paint, ink, and grease pen marking to identify specific alloys and batch numbers. It is our intent that T-bar, sow, ingot, billet, pig, and alloying elements be considered ''clean charge,'' notwithstanding ink, grease, or paint markings.

To clarify our intent and to correct this typographical error, we are revising the definition of ''clean charge'' to match that previously proposed on June 14, 2002 (67 FR 41132).

We are also correcting a typographical error in 40 CFR 63.1505(e). The operating temperature of the scrap dryer/delacquering kiln/decoating kiln afterburner should be 760 °C (1400 °F) instead of 750 °C (1400 °F).

II. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether this regulatory action is ''significant,'' and, therefore, subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Executive Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that the direct final amendments do not constitute a ''significant regulatory action'' because they do not meet any of the above criteria. Consequently, this action was not submitted to OMB for review under Executive Order 12866.

B. Paperwork Reduction Act

The information collection requirements in the final rule (65 FR 15690, March 23, 2000) were submitted to and approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq*, and assigned OMB control number 2060–0433. An Information Collection Request (ICR) document was prepared by EPA (ICR No. 1894.01) and a copy may be obtained from Susan Auby by mail at Office of Environmental Information Collection Strategies Division (MD–2822T), 1200 Pennsylvania Avenue, NW., Washington DC 20460, by e-mail at *auby.susan@epa.gov*, or by calling (202) 566–1672. A copy may also be downloaded from the internet at *http://www.epa.gov/icr*.

Today's action makes clarifying changes to the final rule and imposes no new information collection requirements on the industry. Because there is no additional burden on the industry as a result of the direct final

rule amendments, the ICR has not been revised.

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 purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR part 63 are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with today's action.

For purposes of assessing the impacts of today's direct final rule amendments on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administrations' regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's direct final rule amendments on small entities, EPA has concluded that this action will not have a significant economic impact on a substantial number of small entities. This action will not impose any requirements on small entities. Today's direct final would only correct definitional and typographical errors.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that the direct final rule amendments do not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, or tribal governments, in the aggregate, or to the private sector in any 1 year. Thus, today's direct final rule amendments are not subject to sections 202 and 205 of the UMRA. The EPA has also determined that the direct final rule amendments contain no regulatory requirements that might significantly or uniquely affect small governments. Thus, today's direct final rule amendments are not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132 (64 FR 43255, August 10, 1999) requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

The direct final rule amendments do not have federalism implications and will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. None of the affected facilities are owned or operated by State governments. Thus, Executive Order 13132 does not apply to the direct final rule amendments.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 (65 FR 67249, November 9, 2000) requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' The direct final rule amendments do not have tribal implications, as specified in Executive Order 13175. They will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to the direct final rule amendments.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant,'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of

the Executive Order has the potential to influence the regulation. The direct final rule amendments are not subject to Executive Order 13045 because they are not ''economically significant'' and are based on technology performance and not on health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

The direct final rule amendments are not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because they are not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995, Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The VCS are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by VCS bodies. The NTTAA directs EPA to provide Congress, through the OMB, explanations when the Agency decides not to use available and applicable VCS.

The direct final rule amendments do not involve technical standards. Therefore, EPA did not consider the use of any VCS.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing the direct final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the direct final rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. The direct final rule amendments are not a ''major rule'' as defined by 5 U.S.C. 804(2). The direct final rule amendments are effective on December 2, 2005.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: September 27, 2005.

Stephen L. Johnson,

Administrator.

■ For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart RRR—[Amended]

■ 2. Section 63.1503 is amended by revising the definition of ''Clean charge'' to read as follows:

§ 63.1503 Definitions.

* * * * *

Clean charge means furnace charge materials, including molten aluminum; T-bar; sow; ingot; billet; pig; alloying elements; aluminum scrap known by the owner or operator to be entirely free of paints, coatings, and lubricants; uncoated/unpainted aluminum chips that have been thermally dried or treated by a centrifugal cleaner; aluminum scrap dried at 343 °C (650 °F) or higher; aluminum scrap delacquered/decoated at 482 °C (900 °F) or higher, and runaround scrap.

* * * * *

■ 3. Section 63.1505 is being amended by revising the first sentence of paragraph (e) introductory text to read as follows:

§ 63.1505 Emission standards for affected sources and emission units.

* * * * *

(e) *Scrap dryer/delacquering kiln/decoating kiln: alternative limits.* The owner or operator of a scrap dryer/delacquering kiln/decoating kiln may choose to comply with the emission limits in this paragraph (e) as an alternative to the limits in paragraph (d) of this section if the scrap dryer/delacquering kiln/decoating kiln is equipped with an afterburner having a design residence time of at least 1 second and the afterburner is operated at a temperature of at least 760 °C (1400 °F) at all times. * * *

* * * * *

[FR Doc. 05–19713 Filed 9–30–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 050613158–5237–02; I.D. 090105A]

RIN 0648–AT48

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning

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

ACTION: Temporary rule; emergency action; extension of effective period.

SUMMARY: The regulations contained in the temporary rule, emergency action, published on September 9, 2005, at the request of the U.S. Food and Drug Administration (FDA), continue through December 31, 2005. In that action NMFS reopened a portion of Federal waters of the Gulf of Maine, Georges Bank, and southern New England that it had previously closed from June 14, 2005, through September 30, 2005, to the harvest for human consumption of certain bivalve molluscan shellfish due to the presence in those waters of the toxin that causes Paralytic Shellfish Poisoning (PSP). The FDA has determined that there is insufficient analytical data to support the scheduled reopening of the entire area to all bivalve molluscan shellfish fishing on October 1, 2005.

DATES: The temporary emergency action published September 9, 2005 (70 FR 53580), is effective from September 9, 2005, through December 31, 2005.

ADDRESSES: Copies of the small entity compliance guide prepared for the September 9, 2005, emergency action are available from Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. The small entity compliance guide/permit holder letter is also accessible via the Internet at *http://www.nero.noaa.gov*. Copies of the September 9, 2005, emergency action are available from Patricia A. Kurkul, at the mailing address specified above.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, Fishery Policy Analyst, (978) 281–9272.

SUPPLEMENTARY INFORMATION:

Background

Toxic algal blooms are responsible for the marine toxin that causes PSP in persons consuming affected shellfish. People have become seriously ill and some have died from consuming affected shellfish under similar circumstances.

On June 10, 2005, the FDA requested that NMFS issue an emergency rule to close an area of Federal waters to the harvesting of bivalve molluscan shellfish intended for human consumption because of toxic algal blooms off the coasts of New Hampshire and Massachusetts. This closure prohibited harvests of shellfish such as Atlantic surfclams and ocean quahogs, as well as scallop viscera. The emergency rule for the action, published in the **Federal Register** on June 16, 2005 (70 FR 35047), stated it would be in effect from June 14 through September 30, 2005, unless extended. The emergency rule was modified on July 7, 2005 (70 FR 39192) to allow for the collection of biological samples by commercial fishing vessels issued a Letter of Authorization signed by the Regional Administrator.

The action temporarily closed all Federal waters of the Exclusive Economic Zone of the northeastern United States to any bivalve molluscan shellfish harvesting, except for Atlantic sea scallops shucked at sea for their adductor muscles, in the area bound by the following coordinates in the order stated: (1) 43°00′ N. lat., 71°00′ W. long.; (2) 43°00′ N. lat., 69° 00′ W. long.; (3) 40°00′ N. lat., 69°00′ W. long.; (4) 40°00′ N. lat., 71°00′ W. long., and then ending at the first point. The scallop adductor muscle, or ''meat,'' is unaffected by the toxin. Further details of the original closure may be found in the June 16, 2005, and the July 7, 2005, **Federal Register** rules, and are not repeated here.

As a result of tests conducted by the FDA in cooperation with NMFS and the fishing industry, it was determined that toxin levels in a portion of the closure area (described below) were well below those known to cause human illness. With the exception of whole and roe-on scallops, the FDA determined that harvesting of bivalve molluscan shellfish for human consumption from the area described was once again safe.

At the FDA's request, on September 9, 2005, NMFS reopened those waters south of 41°39′ N. lat., west of 69°00′ W. long., north of 40°00′ N. lat., and east of 71°00′ W. long. (70 FR 53580). Because scallop viscera and roe are capable of retaining PSP toxins longer than other species of molluscan shellfish, scallop harvesting was only permitted in the reopened area for the purpose of shucking of the adductor muscle.

In the absence of further notice from the FDA, the entire temporary closure would have expired on October 1, 2005. At this time, however, the FDA has insufficient analytical data to support the scheduled reopening of the entire area to all bivalve molluscan shellfish on October 1, 2005, and has requested that NMFS continue the regulations through December 31, 2005.

Classification

This action is issued pursuant to section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1855(c).

The original emergency closure was in response to a public health emergency. Pursuant to section 305(c)(3)(C) of the Act, the closure to the harvest of shellfish, as modified on September 9, 2005, may remain in effect until the circumstances that created the emergency no longer exist, provided that the public has an opportunity to comment after the regulation is published, and, in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Commerce Secretary's action. The public had opportunities to comment on the published regulations and one comment was received. The commenter expressed her reluctance to agree with reopening a portion of the closure without seeing the results of the FDA's tests. While NMFS is the agency with authority to promulgate the emergency regulations, it modified the regulations on September 9, 2005, at the behest of the FDA after the FDA had determined that the results of its tests warranted such action. Accordingly, the Secretary of Health and Human Services and the Secretary of Commerce concur that the emergency regulations, as modified, should continue through December 31, 2005. Subsequently, if warranted, the regulations may be terminated at an earlier date, pursuant to section 305(c)(3)(D), by publication in the **Federal Register** of a notice of termination.

The September 9, 2005, rule was determined to be not significant under Executive Order 12866.

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

Dated: September 27, 2005.

James W. Balsiger,

Acting Deputy Administrator for Regulatory Programs,National Marine Fisheries Service.

[FR Doc. 05–19718 Filed 9–28–05; 2:54 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126332–5039–02; I.D. 092805A]

Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific ocean perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to allow the Pacific ocean perch fishery in the Western Aleutian District of the BSAI to resume.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 28, 2005, through 2400 hrs, A.l.t., December 31, 2005.

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

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

NMFS closed directed fishing for Pacific ocean perch in the Western Aleutian District of the BSAI under § 679.20(d)(1)(i) on July 18, 2005 (70 FR 42280, July 22, 2005).

NMFS has determined that as of September 26, 2005, approximately 1,422 metric tons of Pacific ocean perch remain in the 2005 Pacific ocean perch total allowable catch (TAC) in the Western Aleutian District of the BSAI. Therefore, in accordance with §§ 679.25(a)(2)(i)(C) and (a)(2)(iii)(D), and to allow the Pacific ocean perch fishery to resume, NMFS is terminating the previous closure and is reopening directed fishing for Pacific ocean perch in the Western Aleutian District of the BSAI.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the delay the opening of the fishery, not allow the full utilization of the Pacific ocean perch TAC in the Western Aleutian District of the BSAI, and therefore reduce the public's ability to use and enjoy the fishery resource.

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

This action is required by § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: September 28, 2005.

Alan D. Risenhoover,

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

[FR Doc. 05–19719 Filed 9–28–05; 2:54 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 70, No. 190
Monday, October 3, 2005

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

Commodity Credit Corporation

7 CFR Part 1437

RIN 0560 AH19

Noninsured Crop Disaster Assistance Program—Tropical Regions

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the handling of claims for specified ''tropical'' regions for the Noninsured Crop Disaster Assistance Program (NAP). The specified area includes Hawaii, Puerto Rico and specified additional areas. The proposed changes are intended to reduce the burden on program participants and ease program administration in the affected areas.

DATES: Comments on the proposed rule, or alternatives to this proposal, must be received on or before November 2, 2005 to be assured of consideration. Comments received after this date may be considered to the extent practicable. Comments on the information collections in this rule must be received on or before December 2, 2005 to be assured of consideration. Comments received after this date will be considered to the extent practicable.

- *Electronic Mail:* Send comments to *John.Newcomer@usda.gov.*
- *Fax:* Submit comments by facsimile transmission to (202) 690–3646.
- *Mail:* Send comments to John Newcomer, Program Specialist, Noninsured Crop Disaster Assistance Program, Farm Service Agency, United States Department of Agriculture (USDA), STOP 0517, Room 3638–S, 1400 Independence Avenue, SW., Washington, DC 20250–0517.
- *Hand Delivery or Courier:* Deliver comments to the above address.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Comments may be inspected in the Office of the Branch Chief, Noninsured Assistance Program Branch, Room 3638-S, 1400 Independence Avenue, SW., Washington, DC 20250–0517. All comments will become a matter of public record, including the name, mailing address, and e-mail address of the commenting party.

FOR FURTHER INFORMATION CONTACT: John Newcomer, phone: (202) 720–6157. Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Background

Current NAP regulation requires that when annual crops are planted multiple times in a crop year, individual planting periods must be used to determine planted acres, production and requisite loss. When multiple planting periods are used, producers pay multiple NAP service fees for that crop year. Because of the unique climate in tropical regions, planting periods there tend to be continuous. This proposed rule would make changes to reflect that difference and to provide special loss compensation provisions to address the special conditions in those areas. Also for tropical regions, as defined in the rule, the proposed rule provides for covered crops that ''prevented planting'' credit will not be allowed except in exceptional cases. Usually, plantings can still be made after the disaster condition has passed. Further, the rule provides that payable losses on covered crops will generally be limited to tropical storms and related types of events. This is because of general conditions in the region and the lack of resources in some tropical areas to assess other kinds of losses.

The tropical region is identified in the rule to include Hawaii and Puerto Rico, Guam, the former Trust Territory of the Pacific Islands, the U.S. Virgin Islands, and American Samoa. Outside of Hawaii and Puerto Rico, the extension of NAP to these areas is discretionary under the authority of Title 48 of the United States Code, Chapter 10, Section 1469d(c). The extension of the program to those areas is, under the statute, subject to such additional limits on eligibility as are determined to be appropriate.

The proposed rules would apply beginning with 2006 crops in the tropical region, as that region as defined in the rule, except for ''value-loss'' crops as they are otherwise defined in subpart D of the existing program regulations. The ''value-loss'' crops are crops which do not lend themselves to calculations based on loss yields and include, as defined in subpart D, among others, crops like ornamental nursery crops and mushrooms. Essentially, under the proposed rule, for perennial crops all of the production for the crops in the ground at the time of the disaster event would be counted against the loss for that production so long as the production, whether before or after the disaster, takes place in the same calendar year. For other covered crops, all production for the plants which were in the ground at the time of the disaster, damaged or not, would be counted, whether that production was before or after the disaster, and irrespective of whether it was in the same crop year. That is, such production for those crops covers the full life of the plants that are in place when the disaster occurs (even if that production carries over into the next calendar year). For all covered crops, perennial and non-perennial, producers would be required to harvest all such countable production, report it accurately, and have it count in the calculation of whether there was, or was not, sufficient damage to allow for a payment. Irrespective of whether there is not a loss, producers with coverage would be required to keep records at all times of their acreage and production and file yearly reports. The rule provides that person failing to file proper reports may be ineligible for benefits and may be treated as having lower yields for future calculations of eligibility. For covered crops, the crop year would be the calendar year and coverage would be for all plants existing during the calendar year. Accordingly, since the rule proposes that the new provisions would begin with the ''2006 crops,'' the coverage of the rule would begin with those covered crops in the ground on or after January 1, 2006. The rule would allow the agency to modify rules, to the extent otherwise permitted by law, if needed to provide for a reasonable transition to the new requirements.

Public Comments

A 30 day comment period is allowed. Because this rule is expected to reduce paperwork for farmers, it has been determined to delay the effective date of the rule to allow for a longer comment period is unnecessary and contrary to the public interest. At the end of the comment period it will be determined whether the provisions should be made final.

Executive Order 12866

This rule is issued in conformance with Executive Order 12866, was determined to be not significant, and was not reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because CCC is not required to publish a notice of proposed rulemaking for the subject matter of this rule.

Environmental Assessment

The environmental impacts of this rule have been considered consistent with the provisions of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and the FSA regulations for compliance with NEPA, 7 CFR part 799. FSA has initiated the completion of an environmental assessment (EA) to determine the potential impacts of this action upon the human and natural environments. A copy of the draft EA will be made available to the public upon its completion.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. This rule preempts State and other local laws that are inconsistent with it. Before any legal action may be brought regarding a determination under this rule, the administrative appeal provisions set forth at 7 CFR parts 11 and 780 must be exhausted.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. ''States'' for this purpose included the 50 States and other areas addressed in the rule. See the notice related to 7 CFR part 3014, subpart V, published at 48 FR 29115 (June 24, 1983).

Unfunded Mandates Reform Act of 1995

The rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Paperwork Reduction Act of 1995

In accordance with the Paperwork Reduction Act of 1995, FSA intends to request approval by OMB of a revision to the information collection made by this proposed rule. Copies of the information collection may be obtained from Linda Turner, the Agency Information Collection Coordinator, by calling (202) 690–1855.

Title: Noninsured Crop Disaster Assistance Program.

OMB Control Number: 0560–0175.

Type of Request: Revision of a Currently Approved Information Collection.

Abstract: 7 U.S.C. 7333 specifies that the Secretary (of Agriculture) shall operate a noninsured crop disaster assistance program to provide coverage equivalent to the catastrophic risk protection otherwise available under 7 U.S.C. 1508(b). Producers must submit an application, pay a service fee, and provide annual records of crop acreage, yields, and production for each crop by the designated acreage reporting date for the crop and location, to be eligible for assistance.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 55 minutes per response.

Respondents: Producers of crops and agricultural commodities (except livestock).

Estimated Number of Respondents: 291,500.

Estimated Number of Responses per Respondent: 6.

Estimated Total Annual Burden on Respondents: 2,140,000.

Proposed topics for comment include: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information collected; or (d) ways to minimize the burden of the collection of the 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. Comments should be sent to John Newcomer, Farm Service Agency, United States Department of Agriculture (USDA), STOP 0517, Room 3638–S, 1400 Independence Avenue, SW., Washington, DC 20250–0517.

Executive Order 12612

This rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. This rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government. ''States'' for this purpose included the 50 States and other areas addressed in the rule.

Government Paperwork Elimination Act

FSA is committed to compliance with the Government Paperwork Elimination Act (GPEA) and the Freedom To E-File Act, which require Government agencies in general and FSA in particular to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. The forms and other information collection activities required for participation in the program are available electronically for downloading or electronic submission through the USDA eForms Web site at *http://forms.sc.egov.usda.gov/eforms*.

Federal Assistance Programs

The title and number of the Federal assistance program found in the Catalog of Federal Domestic Assistance to which this final rule applies is Noninsured Assistance, 10–451.

List of Subjects in 7 CFR Part 1437

Agricultural commodities, Disaster assistance, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, it is proposed that 7 CFR part 1437 be amended to read as follows:

PART 1437—NONINSURED CROP DISASTER ASSISTANCE PROGRAM

1. The authority citation is revised to read as follows:

Authority: 7 U.S.C. 7333; 15 U.S.C. 714 *et seq.*; and 48 U.S.C. 1469.

2. Add Subpart F to read as follows:

Subpart F—Determining Coverage in the Tropical Region

Sec.

1437.501 Applicability; definition of ''tropical region'' and other additional definitions.
1437.502 Coverage periods and fees for the tropical region.
1437.503 Covered losses and recordkeeping requirements for the tropical region.
1437.504 Notice of loss for covered tropical crops.
1437.505 Application for payment for the tropical region.

Subpart F—Determining Coverage in the Tropical Region

§ 1437.501 Applicability; definition of ''tropical region'' and additional definitions.

(a) This subpart shall only apply to covered tropical crops in the tropical region for the 2006 and subsequent crops years, as those terms are defined in this subpart, and benefits under this part may be extended to those crops only to the extent that they are otherwise eligible for assistance under this part. Covered crops shall not apply to ''value loss'' crops, as defined elsewhere in this part. For those crops that are covered by this subpart, loss determinations for the program covered in this part shall be determined by the rules that otherwise apply to the program subject to the modifications provided by this subpart.

(b) For purposes of this subpart:

(1) *Tropical region* includes, as may be further limited by the Deputy Administrator: Hawaii, American Samoa, Guam, the U.S. Virgin Islands, Puerto Rico, and the former Trust Territory of the Pacific Islands (the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau).

(2) *2006 and subsequent crops* means those crops in the ground on or after January 1, 2006.

(3) *Covered tropical crops* means those crops and commodities in the tropical region that are governed by this subpart those being all crops and commodities in the tropical region that are otherwise eligible for generating a benefit claim under this part, except for value-loss crops as defined elsewhere in this part.

(c) To the extent determined necessary by the Deputy Administrator, the Deputy Administrator may adjust requirements for assistance so as to provide a fair transition from previous rules for crop covered by this subpart to those provisions which are provided for in this subpart.

§ 1437.502 Coverage periods and fees for the covered tropical crops.

(a) The crop year for all covered tropical crops is the calendar year (January 1 through December 31).

(b) The application closing date for all covered tropical crops is December 1 of the calendar year before the applicable crop year.

(c) For covered tropical crops, per crop year, a maximum service fee of $100.00 is required for coverage of:

(1) For annual and biennial crops, all plantings of the same crop planted during the crop year, as determined by CCC.

(2) For perennial crops, all acreage of the crop existing during the crop year, as determined by CCC.

(d)(1) Multiple planting periods and final planting dates are not applicable for covered tropical crops. However, nothing in this section shall prohibit assigning different production expectations to different fields.

(2) The coverage period for perennial and other crops covered by this subpart begins on January 1 of the relevant crop year and ends on December 31 of that year.

§ 1437.503 Covered losses and recordkeeping requirements for covered tropical crops.

(a) Prevented planting coverage is not available for covered tropical crops, other than in Hawaii and Puerto Rico, except as approved by the Deputy Administrator in special cases.

(b) Except in Hawaii and Puerto Rico, or as otherwise approved by the Deputy Administrator in individual cases, eligible causes of loss for covered tropical crops will only include hurricanes, typhoons, and named tropical storms.

(c) Producers who have applied for coverage for covered tropical crops must maintain for the full coverage period contemporaneous records. Contemporaneous records are those created at the time of planting and harvesting of the crop for which the application for coverage is filed and for such period of time as may follow the coverage period to the extent production during that additional period would count against a loss in the event that there was or could have been such a loss.

(1) Producers may be selected on a random or targeted basis to check for compliance with this requirement and any other requirements that may apply to this program.

(2) A failure to maintain acceptable contemporaneous records throughout the crop year may be treated by the Commodity Credit Corporation as grounds for ineligibility for benefits under this part.

§ 1437.504 Notice of loss for covered tropical crops.

(a) The provisions of § 1437.10(c) regarding late filed notice of loss do not apply to covered tropical crops.

(b) Where a notice of loss for covered tropical crops is provided according to § 1437.10, producers must provide records, as maintained according to § 1437.503(c) required by this subpart, of the:

(1) Number of acres or other basis of measurement, as applicable, of the crop from which production could be achieved existing on the day the eligible natural disaster occurred or, for prolonged natural disasters, such as a drought and similar damage where applicable, existing on the day the notice of loss is filed.

(2) Amount, including zero, as applicable, of production harvested, before or after the disaster, from those crop plantings (damaged or undamaged) which were in existence on the farm at the time of the disaster including production from the covered plantings (in existence at the time of the loss event) that may occur after the loss event even when, to the extent provided for in paragraph (c) of this section, the harvest occurs after the end of the crop year. Crop acreage of the covered crop that is in existence at the time of the loss event that can be harvested after the eligible natural disaster must be harvested, or continue to be harvested, and the harvested acres and production reported to FSA according to this subpart, except that for perennial crops the requirement ends with the end of the crop year. For non-perennial crops the obligation to harvest ends with the end of the life-cycle for the plantings that were in existence at the time of the loss event.

(i) Except as otherwise determined by the Farm Service Agency, such production, before or after the loss event, will be taken into account in computing eligibilities.

(ii) Production that must be reported under paragraph (b)(2)(i) of this section includes, except in the case of perennial plants, all production irrespective of whether the production occurs in the same crop year.

(iii) For perennial plants, only production in the same crop year must be reported.

(iv) All production that must be reported for covered tropical crops will, except as specified by the Deputy Administrator, be taken into account in the loss determinations made under this part. The producer is obligated to maximize that production. That is, harvesting and other production activities for the plants in the ground at

the time of the disaster must be undertaken or continue to be undertaken, to the maximum extent possible, for the full reporting period, that being the period for which production could count against a loss as indicated in this subpart.

(3) Failure to keep sufficient records to allow the computations provided for in this subpart is grounds for denial of the claim.

(c) Producers with coverage of a covered tropical crop for a crop year must, by the earlier of 90 calendar days after the crop year ends or the date a notice of loss is filed, file a certified report setting out the:

(1) Collective acres of the crop acreage planted or in the ground during the crop year.

(2) Total production harvested from the crop acreage for the full crop year in the case of a perennial plant and for the full life of the plants for other crops.

(d) With respect to the report required in paragraph (c) of this section:

(1) If a report is filed before the end of the crop year, an updated crop report must be filed within 90 days of the end of the crop year to supplement the original report;

(2) If the report is for any annual or biennial crops where production continued or could have continued beyond the period covered in the reports otherwise filed under this section, an additional report of production must be filed within 30 days of the end of the last countable production for the covered crop or 30 days after the last date on which such production could have been obtained, whichever is later.

(3) A failure to file an adequate report where a report is required by this section may result in the producer being treated as having a zero yield capability for the crop year involved for purposes of constructing a crop history. Alternatively, the Deputy Administrator may assign another sanction for that failure. In addition to other sanctions as may apply, a failure to file such reports may be grounds for denial of a claim. The Deputy Administrator may adjust crop histories as determined appropriate to create, to the extent practicable, a fair crop history for loss computation purposes.

(4) Such reports as are provided for in this subsection must be filed for every crop year for which there is coverage, irrespective of whether a claim is filed for that year.

(e) Unless otherwise specified by the Deputy Administrator, appraisals are not required of crop acreage for covered tropical crops on Guam, Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(f) All crop acreage for covered tropical crops for which a notice of loss is filed must not be replanted or otherwise destroyed until authorized by CCC.

§ 1437.505 Application for payment for the tropical region.

(a) For producers of covered tropical crops in Guam, Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, an application for payment must be filed at the same time as the filing of the notice of loss required under §§ 1437.10 and 1437.504.

(b) For producers in Puerto Rico and Hawaii, an application for payment for such crops must be filed by the later of:

(1) The date on which the notice of loss is filed in accordance with §§ 1437.10 and 1437.502(i), and

(2) The date of the completion of the countable harvest of the specific crop acreage that existed at the time of loss for which the notice of loss was filed.

Signed in Washington, DC, September 14, 2005.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 05–19671 Filed 9–30–05; 8:45 am]

BILLING CODE 3410–05–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–108524–00]

RIN 1545–BD80

Section 1446 Regulations; Withholding on Effectively-Connected Taxable Income Allocable to Foreign Partners; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Change of date of public hearing.

SUMMARY: This document changes the date of a public hearing on proposed regulations relating to the circumstances under which a partnership may take partner-level deductions and losses into account in computing its withholding tax obligation with respect to a foreign partner's allocable share of effectively connected taxable income.

DATES: The public hearing originally scheduled for Monday, October 3, 2005, at 10 a.m. is rescheduled for Wednesday, November 16, 2005, at 10 a.m. Outlines of topics to be discussed at the public hearing were due by September 12, 2005.

ADDRESSES: The public hearing is being held in the IRS auditorium, 1111 Constitution Avenue NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance.

FOR FURTHER INFORMATION CONTACT: Richard A. Hurst, (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing appearing in the **Federal Register** on Wednesday, May 18, 2005 (70 FR 28743), announced that a public hearing on proposed regulations relating to circumstances under which a partnership may take partner-level deductions and losses into account in computing its withholding tax obligation with respect to a foreign partner's allocable share of effectively connected taxable income would be held on Monday, October 3, 2005, beginning at 10 a.m. in the IRS auditorium, 1111 Constitution Avenue NW., Washington, DC.

The date of the hearing has changed. The hearing is scheduled for Wednesday, November 16, 2005, beginning at 10 a.m. in the IRS auditorium, 1111 Constitution Avenue NW., Washington, DC. Because of the controlled access restrictions, attendants will not be admitted beyond the lobby area of the Internal Revenue Building until 9:30 a.m. The IRS will prepare an agenda showing the scheduling of the speakers after the outlines are received from the persons testifying and make copies available free of charge at the hearing.

Cynthia Grigsby,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration).

[FR Doc. 05–19623 Filed 9–30–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD05–05–102]

RIN 1625–AA09

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AICW), Cape Fear River, and Northeast Cape Fear River, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the drawbridge operation regulations of three North Carolina Department of Transportation (NCDOT) bridges: the S.R. 74 Bridge, across the AICW mile 283.1 at Wrightsville Beach; the Cape Fear River Memorial Bridge, mile 26.8, at Wilmington; and the Isabel S. Holmes (US 117) Bridge, at mile 1.0, across Northeast Cape Fear River at Wilmington, North Carolina. This proposal will allow the bridges to remain in the closed position at particular dates and times to accommodate road races, marathons and triathlons. Vessels that can pass under the bridges without a bridge opening may do so at all times.

DATES: Comments and related material must reach the Coast Guard on or before November 17, 2005.

ADDRESSES: You may mail comments and related material to Commander (obr), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704–5004. The Fifth Coast Guard District 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 Commander (obr), Fifth Coast Guard District between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Gary Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6629.

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 CGD05–05–102, 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 a return receipt, please enclose a stamped, self-addressed postcard or envelope. We will consider all submittals 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 Commander (obr), Fifth Coast Guard District 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 behalf of the Young Men's Christian Association (YMCA), NCDOT requested changes to the operating drawbridge regulations to accommodate the Tri-Span Run, Battleship Half Marathon, and Triathlon Run. The races are annual events sponsored by the YMCA, attracting spectators and participants from the surrounding cities and states.

In accordance with 33 CFR 117.37(a) for reasons of public safety or for public functions, the District Commander may authorize the opening and closing of a drawbridge for a specified period of time.

NCDOT who owns and operates the S.R. 74 Bridge across the AICW mile 283.1 at Wrightsville Beach; the Cape Fear River Memorial Bridge mile 26.8 across the Cape Fear River, at Wilmington, North Carolina; and the Isabel S. Holmes Bridge mile 1.0 (US 117, across Northeast Cape Fear River at Wilmington, North Carolina, requested the following drawbridge changes:

Atlantic Intracoastal Waterway

The S.R. 74 Bridge, at AICW mile 283.1 at Wrightsville Beach, has a vertical clearance of 20 feet at mean high water and 24 feet at mean low water in the closed position to vessels. The existing operating regulations are set out in 33 CFR 117.821(a)(5).

The Triathlon race is held on the third Saturday in September of every year with the fourth Saturday used as the alternate day. To facilitate the race, the proposal will maintain the bridge in the closed-to-navigation position from 7 a.m. to 11 a.m. on the third and fourth Saturday in September of every year.

Cape Fear River

The Cape Fear Memorial Bridge mile 26.8, in Wilmington, has a vertical clearance of 65 feet at mean high water and 68 feet at mean low water in the closed position to vessels. The existing regulation is listed at 33 CFR 117.5, which requires the bridge to open on signal.

Both the Tri-Span run and the Battlefield Half Marathon, cross the Cape Fear River Memorial Bridge in Wilmington. The Tri-Span run is held on the second Saturday of July. To facilitate the race, the proposal will maintain the bridge in the closed-to-navigation position from 8 a.m. to 10 a.m. on the second Saturday of July of every year.

The Battleship Half Marathon is held on the second Sunday of November. To facilitate the marathon, the proposal will maintain the bridge in the closed-to-navigation position from 7 a.m. to 11 a.m. on the second Sunday of November of every year.

Northeast Cape Fear River

The Isabel S. Holmes Bridge, U.S. 17, SR 133 at mile 1.0, in Wilmington has a vertical clearance of 26 feet at mean high water and 30 feet at mean low water in the closed position to vessels. The existing regulation is listed at 33 CFR 117.829.

Both the Tri-Span run and the Battlefield Half Marathon, cross the Isabel S. Holmes Memorial Bridge in Wilmington. The Tri-Span run is held on the second Saturday of July. To facilitate the race, the proposal will maintain the bridge in the closed-to-navigation position from 8 a.m. to 10 a.m. on the second Saturday of July of every year.

The Battleship Half Marathon is held on the second Sunday of November of every year. To facilitate the marathon, the proposal will maintain the bridge in the closed-to-navigation position from 7 a.m. to 11 a.m. on the second Sunday of November of every year.

The Coast Guard believes that the proposed changes are reasonable due to the short duration that the drawbridges will be maintained in the closed position to vessels, because these events have been observed in past years with little or no impact to marine or vehicular traffic. It is also a necessary measure to facilitate public safety that allows for the orderly movement of participants and vehicular traffic before, during and after the races.

Discussion of Proposed Rule

Atlantic Intracoastal Waterway

This proposed rule amends 33 CFR 117.821 by revising paragraph (a)(5), which details the operating regulations for the S.R. 74 Bridge.

Paragraph § 117.821 (a)(5) will be amended to allow the S.R. 74 Bridge to remain in the closed position from 7 a.m. to 11 a.m. on the third and fourth Saturday in September of every year.

Neuse River

Section 117.823 Neuse River will be redesignated as § 117.824 to allow alphabetical placement and codification of Cape Fear River at § 117.823.

Cape Fear River

Cape Fear River will be added at new new § 117.823, detailing the operating regulations and allowing the Cape Fear Memorial Bridge to remain in the closed-to-navigation position from 8 a.m. to 10 a.m. on the second Saturday of July of every year, and from 7 a.m. to 11 a.m. on the second Sunday of November of every year. The current operating regulations set out in 33 CFR 117.5 require the drawbridge to open on signal when a request to open is given.

Northeast Cape Fear River

This proposed rule amends 33 CFR 117.829 by revising paragraph (a), which details the operating regulations for the Isabel S. Holmes Bridge.

A new paragraph will be added to 117.829, which allows the Isabel S. Holmes Bridge to remain in the closed position from 8 a.m. to 10 a.m. on the second Saturday of July of every year, and from 7 a.m. to 11 a.m. on the second Sunday of November of every year.

Regulatory Evaluation

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

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. We reached this conclusion based on the fact that the proposed changes have only a minimal impact on maritime traffic transiting the bridge. Mariners can plan their trips in accordance with the scheduled bridge openings to minimize delays.

Small Entities

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

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

This proposed rule would not have a significant economic impact on a substantial number of small entities because the rule only adds minimal restrictions to the movement of navigation, and mariners who plan their transits in accordance with the scheduled bridge openings can minimize delay.

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 Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, (757) 398–6222. 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 will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

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, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this proposed 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 proposes to amend 33 CFR part 117 as follows:

PART 117 DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.821 is amended by revising paragraph (a)(5) to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.

(a) * * *

(5) S.R. 74 Bridge, mile 283.1, at Wrightsville Beach, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour; except that from 7 a.m. to 11 a.m. on the third and fourth Saturday in September of every year, the draw need not open for vessels due to the Triathlon run.

* * * * *

§ 117.823 [Redesignated]

3. Redesignate § 117.823 as § 117.824.

4. Add new § 117.823 to read as follows:

§ 117.823 Cape Fear River.

The draw or the Cape Fear Memorial Bridge, mile 26.8, at Wilmington need not open for the passage of vessel from 8 a.m. to 10 a.m. on the second Saturday of July of every year, and from 7 a.m. to 11 a.m. on the second Sunday of November of every year.

5. Section 117.829 is amended by adding a new paragraph (a)(4) to read as follows:

§ 117.829 Northeast Cape Fear River

(a) * * *

(4) From 8 a.m. to 10 a.m. on the second Saturday of July of every year, and from 7 a.m. to 11 a.m. on the second Sunday of November of every year, the draw need not open for vessels.

* * * * *

Dated: September 20, 2005.

S.H. Ratti,

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

[FR Doc. 05–19664 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–15–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2005–11]

Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: The Copyright Office of the Library of Congress is preparing to conduct proceedings in accordance with section 1201(a)(1) of the Copyright Act, which was added by the Digital Millennium Copyright Act and which provides that the Librarian of Congress may exempt certain classes of works from the prohibition against circumvention of technological measures that control access to copyrighted works. The purpose of this rulemaking proceeding is to determine whether there are particular classes of works as to which users are, or are likely to be, adversely affected in their ability to make noninfringing uses due to the prohibition on circumvention. This notice requests written comments from all interested parties, including representatives of copyright owners, educational institutions, libraries and archives, scholars, researchers and members of the public, in order to elicit evidence on whether noninfringing uses of certain classes of works are, or are likely to be, adversely affected by this prohibition on the circumvention of measures that control access to copyrighted works.

DATES: Written comments are due by December 1, 2005. Reply comments are due by February 2, 2006.

ADDRESSES: Electronic submissions must be made through the Copyright Office website: http://www.copyright.gov/1201/comment_forms; see section 3 of the SUPPLEMENTARY INFORMATION section for file formats and other information about electronic and non–electronic filing requirements. Addresses for nonelectronic submissions are as follows: If hand delivered by a private party, deliver to Room LM–401 of the James Madison Memorial Building between 8:30 a.m. and 5 p.m. and the envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room LM–401, 101 Independence

Avenue, SE., Washington, DC 20559–6000. If hand delivered by a commercial courier, any comment must be delivered to the Congressional Courier Acceptance Site located at Second and D Streets, NE., Washington, DC, between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Copyright Office General Counsel, Room LM–403, James Madison Memorial Building, 101 Independence Avenue, SE., Washington DC. If delivered by means of the United States Postal Service (see section 3 of the SUPPLEMENTARY INFORMATION about mail screening and possible delays), address to David O. Carson, General Counsel, Copyright GC/I&R, PO Box 70400, Washington, DC 20024–0400. See SUPPLEMENTARY INFORMATION section for information about requirements and formats of submissions. Comments may not be delivered by means of overnight delivery services such as Federal Express, United Parcel Service, etc., due to delays in processing receipt of such deliveries.

FOR FURTHER INFORMATION CONTACT: Rob Kasunic, Principal Legal Advisor, Office of the General Counsel, Copyright GC/I&R, PO Box 70400, Washington, DC 20024–0400. Telephone (202) 707–8380; telefax (202) 707–8366.

SUPPLEMENTARY INFORMATION:

1. Mandate for Rulemaking Proceeding

The Digital Millennium Copyright Act, Pub. L. 105–304 (1998), amended title 17 of the United States Code to add a new Chapter 12, which among other things prohibits circumvention of access control technologies employed by or on behalf of copyright owners to protect their works. Specifically, subsection 1201(a)(1)(A) provides, inter alia, that ''No person shall circumvent a technological measure that effectively controls access to a work protected under this title.''

Subparagraph (B) limits this prohibition. It provides that prohibition against circumvention ''shall not apply to persons who are users of a copyrighted work which is in a particular class of works, if such persons are, or are likely to be in the succeeding 3–year period, adversely affected by virtue of such prohibition in their ability to make noninfringing uses of that particular class of works under this title'' as determined in this rulemaking. This prohibition on circumvention became effective two years after the date of enactment, on October 28, 2000.

At the end of the 2–year period between the enactment and effective date of the provision, the Librarian of Congress made an initial determination as to classes of works to be exempted from the prohibition for the first triennial period. Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies, 65 FR 64556, 64564 (2000) (hereinafter Final Reg. 2000). The exemptions promulgated by the Librarian in the first rulemaking remained in effect through October 27, 2003. On October 28, 2003, the Librarian of Congress announced the second determination as to classes of works to be exempted from the prohibition. Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies, 68 FR 62011, 62013 (2003) (hereinafter Final Reg. 2003). The four exemptions created in the second anticircumvention rulemaking will be in effect through October 27, 2006 and any exemptions promulgated as a result of the third anticircumvention rulemaking will take effect the next day for a 3–year period lasting through October 27, 2009. Both determinations by the Librarian of Congress were made upon the recommendation of the Register of Copyrights following extensive rulemaking proceedings. This notice announces the initiation of the third section 1201 rulemaking required under 17 U.S.C. 1201(a)(1)(C).

2. Background

Title I of the Digital Millennium Copyright Act was, inter alia, the congressional fulfillment of obligations of the United States under the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. For additional information on the historical background and the legislative history of Title I, see Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies, 64 FR 66139, 66140 (1999) [http://www.loc.gov/copyright/fedreg/1999/64fr66139.html].

Section 1201 of title 17 of the United States Code prohibits two general types of activity: (1) the conduct of ''circumvention'' of technological protection measures that control access to copyrighted works and (2) trafficking in any technology, product, service, device, component, or part thereof that protects either ''access'' to a copyrighted work or that protects the ''rights of the copyright owner,'' if that device or service meets one of three conditions. The first type of activity, the conduct of circumvention, is prohibited in section 1201(a)(1). The latter activities, trafficking in devices or services that circumvent ''access'' or ''the rights of the copyright owner'' are contained in sections 1201(a)(2) and 1201(b), respectively. In addition to these prohibitions, section 1201 also includes a series of section–specific limitations and exemptions to the prohibitions of section 1201.

The Anticircumvention Provision At Issue

Subsection 1201(a)(1) applies when a person who is not authorized by the copyright owner to gain access to a work does so by circumventing a technological measure put in place with the authority of the copyright owner to control access to the work. See the Report of the House Committee on Commerce on the Digital Millennium Copyright Act of 1998, H.R. Rep. No. 105–551, pt. 2, at 36 (1998) (hereinafter Commerce Comm. Report).

That section provides that ''No person shall circumvent a technological measure that effectively controls access to a work protected under this title.'' 17 U.S.C. 1201(a)(1)(A) (1998).

The relevant terms are defined:

(3) As used in this subsection–

(A) to ''circumvent a technological measure'' means to descramble a scrambled work, to decrypt an encrypted work, or otherwise to avoid, bypass, remove, deactivate, or impair a technological measure, without the authority of the copyright owner; and

(B) a technological measure ''effectively controls access to a work'' if the measure, in the ordinary course of its operation, requires the application of information, or a process or a treatment, with the authority of the copyright owner, to gain access to the work.

17 U.S.C. 1201(a)(3).

Scope of the Rulemaking

The statutory focus of this rulemaking is limited to one subsection of section 1201: the prohibition on the conduct of circumvention of technological measures that control access to copyrighted works. 17 U.S.C. 1201(a)(1)(C) [http://www.copyright.gov/title17/92chap12.html‹1201]. The Librarian of Congress has no authority to limit either of the anti–trafficking provisions contained in subsections 1201(a)(2) or 1201(b). 17 U.S.C. 1201(a)(1)(E). Moreover, for a proposed exemption to be considered in this rulemaking, there must be a causal connection between the prohibition in 1201(a)(1) and the adverse effect on noninfringing uses.

This rulemaking addresses only the prohibition on the conduct of circumventing measures that control ''access'' to copyrighted works, *e.g.*, prohibiting unauthorized decryption of an encrypted work or bypassing

passwords used to restrict access to copyrighted works. The structure of section 1201 is such that there exists no comparable prohibition on the conduct of circumventing technological measures that protect the ''rights of the copyright owner'' in 1201(b), *e.g.,* the section 106 rights to reproduce, adapt, distribute, publicly perform, or publicly display a work. Circumventing a technological measure that protects these section 106 rights of the copyright owner is governed not by section 1201, but rather by the traditional copyright rights and the applicable limitations in the Copyright Act. For example, if a person circumvents a measure that prohibits printing or saving an electronic copy of an article, there is no provision in section 1201 that precludes this activity. Instead, it would be actionable as copyright infringement of the section 106 right of reproduction unless an applicable limitation applied, *e.g.,* fair use. Since section 1201 contains no prohibition on the circumvention of technological measures that protect the ''rights of the copyright owner,'' sometimes referred to as ''use'' or ''copy'' control measures, any effect these measures may have on noninfringing uses would not be attributable to a section 1201 prohibition.

On the other hand, because there is a prohibition on the act of circumventing a technological measure that controls access to a work, and since traditional Copyright Act limitations are not defenses to the act of circumventing a technological measure that controls access, Congress chose to create the current rulemaking proceeding as a ''fail–safe mechanism'' to monitor the effect of the anticircumvention provision in 1201(a)(1)(A). Commerce Comm. Report, at 36. This anticircumvention rulemaking is authorized to monitor the effect of the prohibition on ''access'' circumvention on noninfringing uses of copyrighted works. In this triennial rulemaking proceeding, effects on noninfringing uses that are unrelated to section 1201(a)(1)(A) may not be considered. 17 U.S.C. 1201(a)(1)(C).

Burden of Proof

In the first rulemaking, the Register concluded from the language of the statute and the legislative history that a determination to exempt a class of works from the prohibition on circumvention must be based on a showing that the prohibition has or is likely to have a substantial adverse effect on noninfringing uses of a particular class of works. It was determined that proponents of an exemption bear the burden of proof that an exemption is warranted for a particular class of works and that the prohibition is presumed to apply to all classes of works unless an adverse impact has been shown. See Commerce Comm. Report, at 37 and see also, Final Reg. 2000, at 64558.

Some have objected to the Register's use of a standard that requires a showing of a ''substantial'' adverse effect on noninfringing uses, and have asserted that the Register has increased the evidentiary standard higher than the statutory requirement. In the most recent rulemaking in 2003, the Register addressed this criticism and found it to be misplaced, noting that

> Use of the term ''substantial'' does not impose a ''heightened'' requirement; it imposes the requirement found throughout the legislative history, which is variously stated as ''substantial adverse impact,'' ''distinct, verifiable, and measurable impacts,'' and more than ''de minimis impacts.'' As is apparent from the dictionary definition of ''substantial,'' and the Supreme Court's treatment of the term (*e.g.,* in its articulation of the substantial evidence rule), requiring that one's proof be ''substantial'' simply means that it must have substance.

Final Reg. 2003, at 62013.

Whatever label one uses, proponents of an exemption bear the burden of providing sufficient evidence under the foregoing standards to support an exemption. How much evidence is sufficient will vary with the factual context of the alleged harm. Further, proof of harm is never the only consideration in the rulemaking process, and therefore the sufficiency of the harm will always be relative to other considerations, such as, the availability of the affected works for use, the availability of the works for nonprofit archival, preservation, and educational purposes, the impact that the prohibition has on criticism, comment, news reporting, teaching, scholarship, or research, the effect of circumvention on the market for or value of copyrighted works, and any other relevant factors.

In order to meet the burden of proof, proponents of an exemption must provide evidence either that actual harm exists or that it is ''likely'' to occur in the ensuing 3–year period. Actual instances of verifiable problems occurring in the marketplace are generally necessary in order to prove actual harm. The most compelling cases of actual harm will be based on first–hand knowledge of such problems. Circumstantial evidence may also support a claim of present or likely harm, but such evidence must also reasonably demonstrate that a measure protecting access was the cause of the harm and that the adversely affected use was, in fact, noninfringing. ''Likely'' adverse effects may also support an exemption. This standard of ''likelihood'' requires proof that adverse effects are more likely than not to occur. Claims based on ''likely'' adverse effects cannot be supported by speculation alone. The House Manager's Report stated that an exemption based on ''likely'' future adverse impacts during the applicable period should only be made ''in extraordinary circumstances in which the evidence of likelihood is highly specific, strong and persuasive.'' Staff of House Committee on the Judiciary, 105th Cong., Section–By–Section Analysis of H.R. 2281 as Passed by the United States House of Representatives on August 4, 1998, (hereinafter House Manager's Report), at 6. This statement could be interpreted as raising the burden beyond a standard of a preponderance of the evidence. The statutory language enacted, however, – ''whether persons who are users of a copyrighted work are, or are likely to be in the succeeding 3–year period, adversely affected by the prohibition'' – does not specify a standard beyond mere likelihood and thus the preponderance standard will be applied by the Register. Nevertheless, as the Register's final recommendation of 2000 explained, the expectation of ''distinct, verifiable and measurable impacts'' in the legislative history as to actual harm suggests that conjecture alone would be insufficient to support a finding of ''likely'' adverse effect. Final Reg. 2000, at 64559. Although a showing of ''likely'' adverse impact will necessarily involve prediction, the burden of proving that the expected adverse effect is more likely than other possible outcomes rests firmly on the proponent of the exemption.

The identification of existing or likely problems is not, however, the end of the analysis. In order for an exemption of a particular class of works to be warranted, a proponent must show that such problems warrant an exemption in light of all of the relevant facts. The identification of isolated or anecdotal problems will be generally insufficient to warrant an exemption of a class of works. Similarly, the mere fact that the digital format would be more convenient to use for noninfringing purposes is generally insufficient factual support for an exemption. Further, purely theoretical critiques of Section 1201 will never satisfy the requisite showing. House Manager's Report, at 6. Proponents of exemptions must show sufficient harm to warrant an exemption

from the default rule established by Congress – the prohibition in circumvention.

There is a presumption that the § 1201 prohibition will apply to any and all classes of works, including previously exempted classes, unless a new showing is made that an exemption is warranted. Final Reg. 2000, at 64558. Exemptions are reviewed de novo and prior exemptions will expire unless sufficient new evidence is presented in each rulemaking that the prohibition has or is likely to have an adverse effect on noninfringing uses. The facts and argument that supported an exemption during any given 3–year period may be insufficient within the context of the marketplace in a different 3–year period. Similarly, proposals that were not found to warrant an exemption in any particular rulemaking could find factual support in the context of another rulemaking.

Availability of Works in Unprotected Formats

Other statutory considerations must also be balanced with evidence of adverse effects attributable to the prohibition. In making her recommendation to the Librarian, the Register is instructed to consider the availability for use of copyrighted works. 17 U.S.C. 1201(a)(1)(C)(i). This inquiry demands that the Register consider whether ''works'' protected by technological measures that control access are also available in the marketplace in formats that are unprotected. The fact that a ''work'' (in contrast to a particular ''copy'' of a work) is available in a format without technological protection measures may be significant because the unprotected formats might allow the public to make noninfringing uses of the work even though other formats of the work would not. For example, in the first rulemaking, many users claimed that the technological measures on motion pictures contained on Digital Versatile Disks (DVDs) restricted noninfringing uses of the motion pictures. A balancing consideration was that the record revealed that at that time, the vast majority of these works were also available in analog format on VHS tapes. Final Reg. 2000, at 64568. Thus, the full range of availability of a work for use is necessary to consider in assessing the need for an exemption to the prohibition on circumvention.

Another consideration relating to the availability for use of copyrighted works is whether the measure supports a distribution model that benefits the public generally. For example, while a measure may limit the length of time that a work may be accessed (time–limited) or may limit the scope of access (scope–limited), *e.g.*, access to only a portion of work, those limitations may benefit the public by providing ''use–facilitating'' models that allow users to obtain access to works at a lower cost than they would otherwise be able to obtain were such restrictions not in place. If there is sufficient evidence that particular classes of works would not be offered at all without the protection afforded by technological protection measures that control access, this evidence must be considered. House Manager's Report, at 6. Accord, Final Reg. 2000, at 64559. Thus, the Register's inquiry must assess any benefits to the public resulting from the prohibition as well as the adverse effects that may be established.

The Scope of the Term ''Class of Works''

Section 1201 does not define a critical term for the rulemaking process: ''class of works.'' In the first rulemaking, the Register elicited views on the scope and meaning of this term. After review of the statutory language, the legislative history and the extensive record in the proceeding [see Final Reg. 2000, at 64557 for a description of the record in the 2000 rulemaking proceeding], the Register reached certain conclusions on the scope of this term and requested further congressional guidance. [For a more detailed discussion, see Final Reg. 2000, at 64559.]

The Register found that the statutory language required that the Librarian identify ''classes of works'' based upon attributes of the works themselves, and not by reference to some external criteria such as the intended use or users of the works. The phrase ''class of works'' connotes that the shared, common attributes of the ''class'' relate to the nature of authorship in the ''works.'' Thus, a ''class of works'' was intended to be a ''narrow and focused subset of the broad categories of works of authorship * * * identified in section 102.'' Commerce Comm. Report, at 38. The starting point for a proposed exemption of a particular class of works must be the section 102 categories of authorship: literary works; musical works; dramatic works; pantomimes and choreographic works; pictorial, graphic and sculptural works; motion pictures and other audiovisual works; sound recordings; and architectural works.

This determination is supported by the House Manager's Report, which discussed the importance of appropriately defining the proper scope of the exemption. House Manager's Report, at 7. The legislative history stated that it would be highly unlikely for all literary works to be adversely affected by the prohibition and therefore, determining an appropriate subcategory of the works in this category would be the goal of the rulemaking. *Id.*

The Register concluded that the starting point for identifying a particular ''class of works'' to be exempted must be one of the section 102 categories. Final Reg. 2000, at 64559–64561. From that starting point, it is likely that the scope or boundaries of a particular class would need to be further limited to remedy the particular harm to noninfringing uses identified in the rulemaking.

As a result of the Register's recommendation in 2003,the Librarian of Congress decided that four classes of works should be exempted:

(1) Compilations consisting of lists of Internet locations blocked by commercially marketed filtering software applications that are intended to prevent access to domains, websites or portions of websites, but not including lists of Internet locations blocked by software applications that operate exclusively to protect against damage to a computer or a computer network or lists of Internet locations blocked by software applications that operate exclusively to prevent receipt of email.

(2) Computer programs protected by dongles that prevent access due to malfunction or damage and which are obsolete.

(3) Computer programs and video games distributed in formats that have become obsolete and which require the original media or hardware as a condition of access. A format shall be considered obsolete if the machine or system necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace.

(4) Literary works distributed in ebook format when all existing ebook editions of the work (including digital text editions made available by authorized entities) contain access controls that prevent the enabling of the ebook's read–aloud function and that prevent the enabling of screen readers to render the text into a specialized format.

Commenters should familiarize themselves with the Register's recommendation in the prior rulemaking proceedings, since many of the issues addressed may provide guidance for current showings either for or against an exemption.

This notice requests written comments from all interested parties. In addition to the necessary showing discussed above, in order to make a prima facie case for a proposed exemption, at least three critical points should be established.

First, a proponent must attempt to identify the specific technological measure that is the causal source of the

alleged problem, and show why that technological measure ''effectively controls access to a [copyrighted] work.''

Second, a proponent must specifically explain what noninfringing activity the prohibition is adversely affecting.

Third, a proponent must establish that the prevented activity is, in fact, a noninfringing use under current law.

The nature of the Librarian's inquiry is further delineated by the statutory areas to be examined:

(i) the availability for use of copyrighted works;
(ii) the availability for use of works for nonprofit archival, preservation, and educational purposes;
(iii) the impact that the prohibition on the circumvention of technological measures applied to copyrighted works has on criticism, comment, news reporting, teaching, scholarship, or research;
(iv) the effect of circumvention of technological measures on the market for or value of copyrighted works; and
(v) such other factors as the Librarian considers appropriate.

17 U.S.C. 1201(a)(1)(C).

These statutory considerations require examination and careful balancing. The harm identified by a proponent of an exemption must be balanced against the harm that would result from an exemption. In certain circumstances, an exemption could have a greater adverse effect on the public than would the adverse effects on noninfringing uses identified. The ultimate determination of the Librarian must take all of these factors into consideration. Therefore, a commenter's analysis should also address these considerations.

For the entire record of the two previous anticircumvention rulemakings, including all comments, testimony and notices published, see the Copyright Office's website at: http://www.loc.gov/copyright/1201/.

3. Written Comments

In the first rulemaking, the Register determined that the burden of proof is on the proponent of an exemption to come forward with evidence supporting an exemption for a particular class of works. In this third triennial rulemaking, the Register shall continue with the procedure adopted in the second rulemaking: Comments submitted in the initial comment period should be confined to proposals for exempted classes. They should specifically identify particular classes of works adversely affected by the prohibition and provide evidentiary support for the need for the proposed exemptions.

For each particular class of works that a commenter proposes for exemption, the commenter should first identify that class, followed by a summary of the argument in favor of exempting that proposed class. The commenter should then specify the facts and evidence providing a basis for this exemption. Finally, the commenter should state any legal arguments in support of the exemption. This format of class/summary/facts/argument should be sequentially followed for each class of work proposed as necessary.

As discussed above, the best evidence in support of an exemption would consist of concrete examples or specific instances in which the prohibition on circumvention of technological measures protecting access has had or is likely to have an adverse effect on noninfringing uses. It would also be useful for the commenter to quantify the adverse effects in order to explain the scope of the present or likely problem.

In the reply comments, persons who oppose or support any exemptions proposed in the initial comments will have the opportunity to respond to the proposals made in the initial comments and to provide factual information and legal argument addressing whether or not a proposed exemption should be adopted. Since the reply comments are intended to be responsive to the initial comments, reply commenters must identify which proposal(s) they are responding to, whether in opposition, support, amplification or correction. As with initial comments, reply comments should first identify the proposed class to which the reply is responsive, provide a summary of the argument, and then provide the factual and/or legal support for their argument. This format of class/summary/facts and/or legal argument should be repeated for each reply to a particular class of work proposed.

The Copyright Office intends to place the comments and reply comments that are submitted in this proceeding on its public website (http://www.copyright.gov/1201).[1] Regardless of the mode of submission, all comments must, at a minimum, contain the legal name of the submitter and the entity, if any, on whose behalf the comment was submitted. If persons do not wish to have their address, telephone number, or email address publicly displayed on the Office's website, comments should not include such information on the document itself but should only include the legal name of the commenter. The Office prefers that comments and reply comments be submitted in electronic form. However, the Office recognizes that persons may be unable to submit their comments through the Office's website or to deliver their comments in person. Therefore, comments may also be delivered through the United States Postal Service, addressed to the General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024–0400. Due to mail screening on Capitol Hill and possible delays in delivery, submission by means of the United States Postal Service is discouraged and there is a risk that the comment will not be received at the Copyright Office in time to be considered. Electronic filing or hand–delivery will help insure timely receipt of comments by the Office. Electronic comments successfully submitted through the Office's website will generate a confirmation receipt to the submitter and submitters hand–delivering comments may request a date stamp on an extra copy provided by the submitter.

Submission of Comments

Comments may be submitted in the following ways: *If submitted through the Copyright Office's website:* The Copyright Office's website will contain a submission page at: http://www.copyright.gov/1201/comment__forms. Approximately thirty days prior to each applicable deadline (see DATES), the form page will be activated on the Copyright Office website allowing information to be entered into the required fields, including the name of the person making the submission, mailing address, telephone number, and email address. There will also be non–required fields for, *e.g.*, the commenter's title, the organization that the commenter is representing, whether the commenter is likely to request to testify at public hearings and if so, whether the commenter is likely to prefer to testify in Washington, DC or a location in California. For initial comments, there will be two additional fields required: 1) the proposed class or classes of copyrighted work(s) to be exempted, and 2) a brief summary of the argument(s). For reply comments, there will be two similar required fields: 1) the class or classes to which the reply is responsive, including the initial comment numbers, and 2) a brief summary of the argument.

The comment or reply comment itself must be sent as an attachment, and must be in a single file in either Adobe Portable Document File (PDF) format (preferred), Microsoft Word Version

[1] If a comment includes attached material that appears to be protected by copyright and there is no indication that the material was attached with permission of the copyright owner, the attached material will not be placed on the Office's website.

2003 or earlier, WordPerfect 9.0 or earlier, Rich Text Format (RTF), or ASCII text file format. There will be a browse button on the form that will allow submitters to attach the comment file to the form and then to submit the completed form to the Office. The personal information entered into the required fields on the form page will not be publicly posted on the Copyright Office website, but the Office intends to post on its website the proposed class and the summary of the argument, as well as the entire, attached comment document. Only the commenter's name is required on the comment document itself and a commenter who does not want other personal information posted on the Office's website should avoid including other private information on the comment itself. Except in exceptional circumstances, changes to the submitted comment will not be allowed and it will become a part of the permanent public record of this rulemaking.

If by means of the United States Postal Service or hand delivery: Send, to the appropriate address listed above, two copies, each on a 3.5–inch write–protected diskette or CD–ROM, labeled with the legal name of the person making the submission and the entity on whose behalf the comment was submitted, if any. The document itself must be in a single file in either Adobe Portable Document File (PDF) format (preferred), Microsoft Word Version 2003 or earlier, WordPerfect Version 9 or earlier, Rich Text Format (RTF), or ASCII text file document. If the comment is hand delivered or mailed to the Office and the submitter does not wish to have the address, telephone number, or email address publicly displayed on the Office's website, the comment should not include such information on the document itself, but only the name and affiliation, if any, of the commenter. In that case, a cover letter should be included with the comment that contains the commenter's address, phone number, email address, and for initial comments, the proposed class of copyrighted work to be exempted and a brief summary of the argument.

Anyone who is unable to submit a comment in electronic form (on the website as an attachment or by means of the United States Postal Service or hand delivery on disk or CD–ROM) should submit an original and fifteen paper copies by hand or by means of the United States Postal Service to the appropriate address listed above. It may not be feasible for the Office to place these comments on its website.

General Requirements for all submissions: All submissions (in either electronic or non–electronic form delivered through the website, by means of the United States Postal Service by hand–delivery or by courier) must contain on the comment itself, the name of the person making the submission and his or her title and affiliation, if the comment is being submitted on behalf of that organization. The mailing address, telephone number, telefax number, if any, and email address need not be included on the comment itself, but must be included in some form, *e.g.*, on the website form or in a cover letter with the submission. All submissions must also include the class/summary/factual and/or legal argument format in the comment itself for each class of work proposed or for each reply to a proposal.

Initial comments and reply comments will be accepted for a 30–day period in each round, and a form will be placed on the Copyright Office website at least 30 days prior to the deadline for submission. Initial comments will be accepted from November 2, 2005 until December 1, 2005, at 5:00 P.M. Eastern Standard Time, at which time the submission form will be removed from the website. Reply comments will be accepted from January 4, 2006 until February 2, 2006, at 5:00 P.M. Eastern Standard Time.

4. Hearings and Further Comments

The Register also plans on holding public hearings in the Spring after receipt of the comments and reply comments. The tentative dates for the Washington, DC hearings are currently March 29 and 31, 2006, and April 3 and 4, 2006, and the hearings most likely will take place in the James Madison Memorial Building of the Library of Congress in Washington, DC. The dates and location of hearings for the West Coast have yet to be decided. A separate notice for details on all hearings in this rulemaking proceeding will be published at a later time in the Federal Register and on the Copyright Office's website. In order to assist the Copyright Office in identifying the number of days for hearings, the comment and reply comment form page will contain non–required fields asking whether the commenter is likely to request to testify and if so, in which location. Formal requests to testify will be solicited early in 2006.

To provide sufficient flexibility in this proceeding, in the event that unforeseen developments occur that would significantly affect the Register's recommendation, an opportunity to petition the Register for consideration of new information will be made available after the deadlines specified. A petition, including proposed new classes of works to be exempted, must be in writing and must set forth the reasons why the information could not have been made available earlier and why it should be considered by the Register after the deadline. A petition must also be accompanied by fifteen copies of any new proposed exemption that includes the proposed class of works to be exempted, a summary of the argument, the factual basis for such an exemption and the legal argument supporting such an exemption. These materials must be delivered to the Copyright Office at the address listed above. The Register will make a determination whether to accept such a petition based on the stage of the rulemaking process at which the request is made and the merits of the petition. If a petition is accepted, the Register will announce deadlines for comments in response to the petition.

Dated: September 27, 2005

Marybeth Peters,

Register of Copyrights.

[FR Doc. 05–19721 Filed 9–30–05; 8:45 am]

BILLING CODE 1410–33–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 62

[R07–OAR–2005–MO–0006; FRL–7978–2]

Partial Approval and Partial Disapproval of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to partially approve and partially disapprove a State Implementation Plan (SIP) submission by the state of Missouri which revises the Restriction of Emission of Sulfur Compounds rule. The Missouri rule establishes general requirements for emissions of sulfur compounds from various source categories, and establishes specific emissions requirements for certain named sources.

We propose to approve most of the revisions to the rule because they involve clarifications, updates, and other improvements to the current rule. This proposed action does not include a portion of the rule that regulates ambient concentrations of sulfur compounds, because this provision is not in the current SIP, and we do not

directly enforce Missouri's Air Quality Standards.

We propose to disapprove revisions to two source-specific references because the state has not demonstrated that the revisions are protective of the short-term SO_2 National Ambient Air Quality Standards (NAAQS).

DATES: Comments must be received on or before November 2, 2005.

ADDRESSES: Submit your comments, identified by Regional Material in EDocket (RME) ID Number R07–OAR–2005–MO–0006, by one of the following methods:

1. Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

2. Agency Web site: *http://docket.epa.gov/rmepub/*. RME, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Once in the system, select ''quick search,'' then key in the appropriate RME Docket identification number. Follow the on-line instructions for submitting comments.

3. E-mail: *algoe-eakin.amy@epa.gov*.

4. Mail: Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

5. Hand Delivery or Courier: Deliver your comments to Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Instructions: Direct your comments to RME ID Number R07–OAR–2005–MO 0006. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://docket.epa.gov/rmepub*, 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 RME, regulations.gov, or e-mail. The EPA RME Web site and the Federal regulations.gov Web site are ''anonymous access'' systems, 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 RME or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket. All documents in the electronic docket are listed in the RME index at *http://docket.epa.gov/rmepub/*. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas. EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

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

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

What is a SIP?
What is the Federal approval process for a SIP?
What does Federal approval or disapproval of a state regulation mean to me?
What is being addressed in this document?
Have the requirements for approval of a SIP revision been met?
What action is EPA proposing?

What Is a SIP?

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

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

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

What Is the Federal Approval Process for a SIP?

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

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

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

What Does Federal Approval or Disapproval of a State Regulation Mean to me?

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

a Federally-approved state regulation, disapproval of the revision means that the underlying state regulation prior to the state's revision remains as the Federally enforceable requirement.

What Is Being Addressed in This Document?

We are proposing to approve the Missouri Department of Natural Resources' (MDNR) request to include, as a revision to Missouri's SIP, amendments to rule 10 CSR 10–6.260, Restriction of Emission of Sulfur Compounds. We are also proposing to approve changes to this rule as an amendment to the 111(d) plan which will replace the current rule for sulfuric acid mist production. This rule was adopted by the Missouri Air Conservation Commission on February 3, 2004, and became effective under state law on May 30, 2004. This rule was submitted to EPA on June 14, 2004, and included comments on the rule during the state's adoption process, the state's response to comments and other information necessary to meet EPA's completeness criteria. For additional information on completeness criteria, the reader should refer to 40 CFR part 51, appendix V.

The revisions to Missouri rule, 10 CSR 10–6.260, Restriction of Emission of Sulfur Compounds, update the rule to correct inaccurate and regulated source information, provide an exemption for natural gas fueled combustion, and clarify the exemption for source categories subject to a new source performance standard to assure that such sources are subject to sulfur limits. In this rule revision, Missouri also revised provisions relating to sulfuric acid mist production, previously approved by EPA under section 111(d). These provisions were renumbered but not otherwise changed. By renumbering the rule, Missouri will have given the 111(d) plan a new effective date that will be reflected in 40 CFR part 62. As such, EPA is proposing to approve Section (3)(A)1,2,3 and 4 into the 111(d) plan. In addition, we are not acting on renumbered Section (3)(B), titled Restriction of Concentration of Sulfur Compounds in Ambient Air, as EPA does not directly enforce Missouri's air quality standards.

We are also proposing partial disapproval of revisions to Missouri rule, 10 CSR 10–6.260, Restriction of Emission of Sulfur Compounds. We believe that revisions to Section (3), Table 1, regarding the emission rate for the Kansas City Power & Light's Hawthorn and Montrose Station facilities are not consistent with the requirements of the CAA. Section 110(a)(2)(A) of the CAA requires, in part, that the plan include emission limitations to meet the requirements of the Act, including the requirement in Section 110(a)(1) that the plan must be adequate to attain and maintain ambient air quality standards. In addition, 40 CFR 51.112 requires that the plan demonstrate that rules contained in the SIP are adequate to attain the ambient air quality standards. We believe that these requirements have not been met with respect to the Hawthorn and Montrose Station limits. We note that the Hawthorn unit is subject to a Federally-enforceable state permit which limits sulfur emissions to .12 pounds per million BTU heat input on a thirty-day rolling average basis. However, although the facility must comply with this more stringent limit (and all other units listed in the rule must comply with more stringent limits established in permits), the SIP must reflect requirements that ensure attainment and maintenance of the NAAQS. The state rule, with respect to the Hawthorn and Montrose Station facilities, does not reflect such requirements.

We believe that the revisions, contained in Section (3), Table 1, regarding sulfur dioxide emission rates for these plants, which were made as a result of comments provided during the public comment period, are not protective of the short-term sulfur dioxide NAAQS. Although the emission rates for both facilities have been lowered, the averaging time for the rates has been dramatically increased, from a three-hour average to an annual average. Missouri has not provided a demonstration, as required by the CAA and EPA regulations, that the standards and, particularly, the three-hour and the twenty-four hour standards can be protected by an annual emission limit. In addition, because Missouri's proposed rule contained a three-hour averaging time, the change increasing the emission limits to the annual averaging time was not subject to public notice and comment.

Have the Requirements for Approval of a SIP Revision Been met?

Except as noted above, the state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained below and in more detail in the technical support document that is part of this document, EPA believes that portions of the revision meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. However, as also explained below, and in the technical support document, EPA believes that portions of the revision do not meet the requirements of section 110 and implementing regulations.

What Action Is EPA Proposing?

Section 110(k)(3) of the CAA states that EPA may partially approve and partially disapprove a SIP submittal if it finds that only a portion of the submittal meets the requirements of the Act. We believe that a portion of the Missouri rule revision meets the requirements of the CAA, and that two specific provisions of the revision do not. Because the portions proposed for disapproval are independent from those proposed for approval, we believe that Missouri rule, 10 CSR 10–6.260, Restriction of Emission of Sulfur Compounds, can be partially approved and partially disapproved. We are also proposing approval of the revisions to the 111(d) plan for sulfuric acid mist production.

For these reasons, we propose to approve all revisions to Missouri rule, 10 CSR 10–6.260, Restriction of Emission of Sulfur Compounds with two exceptions. EPA does not intend to act on renumbered subsection (3)(B), Restriction of Concentration of Sulfur Compounds in Ambient Air, since the underlying subsection is not in the current SIP. The second exception is the revision of the emission limits and changes to the averaging time for each limit from a three-hour average to an annual average for two of the utilities listed in the rule. We believe that the revisions contained in section (3) Table 1, regarding the SO_2 emission rate for the Kansas City Power & Light Hawthorn plant, and the revision contained in section (3) Table 1, regarding the Kansas City Power & Light Montrose Station, should not be approved because they are not consistent with the requirements of the CAA. Disapproval of these revisions would not trigger sanctions under section 179 of the Act, because the revisions are not required by Part D of Title I of the CAA and are not required by a call for a SIP revision under section 110(k)(5) of the CAA. The emission limits in the current SIP for these units would remain as the Federally-approved SIP obligations.

With the exception of the revisions to the source-specific limits described above, EPA believes the remainder of the revisions are approvable.

Statutory and Executive Order Reviews

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

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposed 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 CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a 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 CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed 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.*).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 62

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides, Sulfuric acid plants, Waste treatment and disposal.

Dated: September 23, 2005.

James B. Gulliford,

Regional Administrator, Region 7.

[FR Doc. 05–19711 Filed 9–30–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[OAR–2002–0084; FRL–7978–5]

RIN 2060–AN38

National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; amendments.

SUMMARY: The EPA is proposing amendments to the national emission standards for hazardous air pollutants (NESHAP) for secondary aluminum production, which were issued on March 23, 2000 under section 112 of the Clean Air Act (CAA), and amended on December 30, 2002. This action proposes to correct a punctuation error in the definition of ''clean charge'' and a typographical error in the operating temperature of a scrap dryer/delacquering kiln/decoating kiln afterburner.

In the Rules and Regulations section of this **Federal Register**, we are taking direct final action on the proposed amendments because we view the amendments as noncontroversial, and we anticipate no adverse comments. We have explained our reasons for the proposed amendments in the preamble to the direct final rule.

If we receive no adverse comments, we will take no further action on the proposed amendments. If we receive adverse comments, we will withdraw the amendments. We will publish a timely withdrawal in the **Federal Register** indicating that the amendments are being withdrawn. If the direct final rule amendments in the Rules and Regulations section of this **Federal Register** are withdrawn, all comments will be addressed in a subsequent final action based on the proposed amendments. We will not institute a second comment period on the subsequent final action. Any parties interested in commenting must do so at this time.

The regulatory text for the proposal is identical to that for the direct final rule published in the Rules and Regulations section of this **Federal Register**. For further supplementary information, see the direct final rule.

DATES: *Comments.* Written comments must be received by November 2, 2005, unless a public hearing is requested by October 13, 2005. If a hearing is requested, written comments must be received by November 17, 2005. Public

Hearing. If anyone contacts EPA requesting to speak at a public hearing by October 13, 2005, we will hold a public hearing on October 18, 2005.

ADDRESSES: Submit your comments, identified by Docket ID No. OAR–2002–0084, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Agency Website: *http://www.epa.gov/edocket.* EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.
- E-mail: *a-and-r-docket@epa.gov and colyer.rick@epa.gov.*
- Fax: (202) 566–1741 and (919) 541–5600.
- Mail: U.S. Postal Service, send comments to: EPA Docket Center (6102T), Attention Docket ID No. OAR–2002–0084, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include a duplicate copy, if possible. We request that a separate copy also be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).
- Hand Delivery: In person or by courier, deliver comments to: EPA Docket Center (6102T), Attention Docket ID No. OAR–2002–0084, 1301 Constitution Avenue, NW., Room B–108, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a duplicate copy, if possible. We request that a separate copy also be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

Instructions: Direct your comments to Docket ID No. OAR–2002–0084. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.epa.gov/edocket,* 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 EDOCKET, regulations.gov, or e-mail. Send or deliver information identified as CBI only to the following address: Mr. Roberto Morales, OAQPS Document Control Officer, EPA (C404–02), Attention Docket ID No. OAR 2002–0084, Research Triangle Park, NC 27711. Clearly mark the part or all of the information that you claim to be CBI. The EPA EDOCKET and the Federal regulations.gov Web sites are ''anonymous access'' systems, 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 EDOCKET or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit EDOCKET on-line or see the **Federal Register** of May 31, 2002 (67 FR 38102).*Docket:* All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket.* Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the EPA Docket Center, Docket ID No. OAR 2002–0084, EPA West Building, Room B–102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742. A reasonable fee may be charged for copying docket materials.

Public Hearing. If a public hearing is held, it will be held at 10 a.m. at the EPA's Environmental Research Center Auditorium, Research Triangle Park, NC, or at an alternate site nearby. Persons interested in presenting oral testimony or inquiring as to whether a hearing is to be held should contact Ms. Janet Eck, EPA, Office of Air Quality Planning and Standards, Emission Standards Division, Coatings and Consumer Products Group (C539–03), Research Triangle Park, NC 27711; telephone number (919) 541–7946; e-mail address: *eck.janet@epa.gov,* at least 2 days in advance of the potential date of the public hearing. Persons interested in attending the public hearing must also call Ms. Eck to verify the time, date, and location of the hearing.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Colyer, EPA, Office of Air Quality Planning and Standards, Emission Standards Division, Minerals and Inorganic Chemicals Group, Emission Standards Division (C504–05), Research Triangle Park, NC 27711; telephone number (919) 541–5262; facsimile number (919) 541–5600; electronic mail address: *colyer.rick@epa.gov.*

SUPPLEMENTARY INFORMATION:

Regulated Entities. Categories and entities potentially regulated by this action include:

TABLE 1.—REGULATED CATEGORIES AND ENTITIES

Category	NAICS [1]	Examples of regulated entities
Industry	331314	Secondary smelting and alloying of aluminum facilities.
		Secondary aluminum production facility affected sources that are collocated at:
	331312	Primary aluminum production facilities.
	331315	Aluminum sheet, plate, and foil manufacturing facilities.
	331316	Aluminum extruded product manufacturing facilities.
	331319	Other aluminum rolling and drawing facilities.
	331521	Aluminum die casting facilities.
	331524	Aluminum foundry facilities.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 63.1500 of the final rule. If you have any questions regarding the applicability of this action to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section. *Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of today's proposal will also be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of this action will be posted on the TTN's policy and guidance page for newly proposed rules at *http://www.epa.gov/ttn/oarpg/*. The TTN provides information and technology exchange in various areas of air pollution control.

Statutory and Executive Order Reviews

For information regarding other administrative requirements for this action, please see the direct final rule action that is located in the Rules and Regulations section of today's **Federal Register**.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's proposed amendments on small entities, a small entity is defined as: (1) A small business that is primarily engaged in secondary aluminum production according to Small Business Administration (SBA) size standards by NAICS code (in this case, less than 500 employees for affected businesses classified in NAICS codes 331314, Secondary Smelting and Alloying of Aluminum, 331521, Aluminum Die-castings, and 331524, Aluminum Foundries; less than 750 employees for businesses in NAICS codes 331315, Aluminum Sheet, Plate, and Foil, and 331316, Aluminum Extruded Products; and less than 1,000 employees for businesses in NAICS code 331312, Primary Aluminum Production); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed amendments on small entities, I certify that this action would not have a significant economic impact on a substantial number of small entities. The proposed amendments will not impose any requirements on small entities. The proposed amendment in today's action would improve the emission standards by correcting a definitional error. We continue to be interested in the potential impacts of the proposed amendments on small entities and welcome comments on issues related to such impacts.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: September 27, 2005.

Stephen L. Johnson,

Administrator.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. RSPA–1998–4868; Notice 5]

RIN 2137–AB15

Gas Gathering Line Definition; Alternative Definition for Onshore Lines and Proposed Safety Standards

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: On September 25, 1991, DOT published a notice of proposed rulemaking to revise the definition of ''gathering line'' in its gas pipeline safety standards. Because the proposal proved controversial, final action was postponed pending collection of additional information. In this Supplemental Notice of Proposed Rulemaking (SNPRM), PHMSA is proposing use of a consensus standard to distinguish onshore gathering lines. PHMSA's gas pipeline safety standards do not provide an adequate basis for distinguishing these pipelines from production facilities and transmission lines. In addition, PHMSA is proposing to establish safety standards for certain higher-risk onshore gathering lines, and to relax current standards on certain low-risk onshore gathering lines. (Onshore gathering lines in inlets of the Gulf of Mexico are not affected by this rulemaking.) Operators would use a new risk-based approach to determine which of its gathering lines are ''regulated onshore gathering lines'' and what safety standards the lines must meet. At present, PHMSA's safety standards do not apply to onshore gathering lines in rural locations, while onshore gathering lines in non-rural locations must meet the same requirements as transmission lines. This regulatory approach is insufficient to assure that conditions on gathering lines that pose a greater risk to the public and property are addressed. And it does not take into account the lower risk some other gathering lines pose. The intended effects of the proposed rules are improved identification of gathering lines, improved public confidence in the safety of gathering lines, and safety requirements better tailored to gathering line risks.

DATES: Persons interested in submitting written comments on the rules proposed in this notice must do so by January 3, 2006. Late filed comments will be considered so far as practicable.

ADDRESSES: Comments should reference Docket No. RSPA–1998–4868 and may be submitted in the following ways:

- DOT Web site: *http://dms.dot.gov.* To submit comments on the DOT electronic docket site, click ''Comment/Submissions,'' click ''Continue,'' fill in the requested information, click ''Continue,'' enter your comment, then click ''Submit.''
- Fax: 1–202–493–2251.
- Mail: Docket Management System: U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- Hand Delivery: DOT Docket Management System; 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.
- E-Gov Web Site: *http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Instructions: You should identify the docket number, RSPA–1998–4868, at the beginning of your comments. If you

submit your comments by mail, you should submit two copies. If you wish to receive confirmation that PHMSA received your comments, you should include a self-addressed stamped postcard. Internet users may submit comments at *http://www.regulations.gov*, and may access all comments received by DOT at *http://dms.dot.gov* by performing a simple search for the docket number. Note: All comments will be posted without changes or edits to *http://dms.dot.gov* including any personal information provided. Please see the Privacy Act heading under Section V, Regulatory Analyses and Notices, of the Supplemental Information.

FOR FURTHER INFORMATION CONTACT: DeWitt Burdeaux by phone at 405–954–7220 or by e-mail at *dewitt.burdeaux@dot.gov* regarding the subject matter of this notice.

SUPPLEMENTARY INFORMATION:

I. Background

A. Why Is Distinguishing Onshore Gathering Lines a Problem?

Gathering lines are pipelines used to collect and transport natural gas from the well and related production facilities to transmission or distribution pipelines, which then transport the gas to a gas consumer, such as a residence or business. PHMSA safety regulations in 49 CFR Part 192 apply to the design, construction, operation, and maintenance of gathering, transmission, and distribution pipelines. However, the regulations do not cover production facilities or onshore gathering lines in locations outside cities, towns, villages, or designated residential or commercial areas (hereinafter ''rural locations'') (§ 192.1(b)(4)). (Onshore gathering lines within Gulf of Mexico inlets have been subject to the inspection and burial requirements of § 192.612 (§ 192.1(b)(5)). These lines are not affected by this rulemaking.)

Since Part 192 does not cover production facilities, in non-rural locations, pipeline operators and government inspectors must distinguish regulated gathering lines from unregulated production facilities. Similarly, in rural locations they must distinguish unregulated gathering lines from regulated transmission and distribution lines. Yet, since the Part 192 regulations were first published (35 FR 13248; Aug. 19, 1970), operators and government inspectors have had difficulty making these distinctions.

The reason is twofold: First, as defined in Part 192, a ''gathering line'' begins at a production facility, but the term ''production facility'' is not defined. Operators and government inspectors must interpret the term ''production facility'' to determine whether a downstream pipeline is a gathering line. In the absence of a definition, their interpretations vary. Second, although a ''transmission line or main'' marks the end of gathering under the gathering line definition, Part 192 defines ''transmission line'' as a particular type of pipeline ''other than a gathering line'' and defines ''main'' as a particular type of ''distribution line,'' which is defined as a pipeline ''other than a gathering or transmission line.'' The circularity of these definitions makes it necessary to interpret the term ''gathering line'' to determine whether a pipeline is a transmission or distribution line.[1] However, the complexity of many gathering systems results in varied interpretations of ''gathering line.''

B. Has DOT Proposed To Revise Its Gathering Line Definition?

In 1974, the Agency tried to correct the problem of distinguishing gathering lines by proposing to revise the gathering line definition (39 FR 34569; Sept. 26, 1974). But because comments indicated many terms and phrases in the proposal were unclear, it was later withdrawn from consideration (43 FR 42773; Sept. 21, 1978).

Although the definition problem remained, the Agency took no further action until 1986, when it asked the National Association of Pipeline Safety Representatives (NAPSR), a non-profit association of State pipeline safety officials, to comment on the extent of the problem. Responses from NAPSR members showed that in the 30 states with gathering lines, there were at least 2,800 gathering operators and 111,000 miles of gathering lines (as interpreted by the States). NAPSR members from five States, with about 54 percent of the operators of gathering lines and 75 percent of the mileage, stated they had disagreements with operators over whether rural pipelines were gathering lines or transmission lines. Members from three of these States said the disagreements were too numerous to list. One NAPSR member indicated numerous disagreements with two major gas gathering and transmission pipeline operators regarding the point where the gathering line ended. Another NAPSR member indicated continuing disagreements over the classification of various segments of pipeline operated by one of the largest gas gathering line operators in the United States.

In 1991, boosted by the NAPSR survey, the Agency again proposed to revise the gathering line definition (Docket No. PS–122; 56 FR 48505; Sept. 25, 1991). The intent was to define the term consistent with prevailing practices. However, as with the earlier proposal, the response was generally unfavorable. Industry commenters disputed the significance of the problem, and alleged widespread reclassification of lines from production to gathering and from gathering to transmission. The Agency delayed further action pending the collection and consideration of more information.

C. What Are the Statutory Considerations?

PHMSA's authority to issue safety standards for gas pipeline transportation is found in 49 U.S.C. 60102(a). Gas pipeline transportation includes the gathering of gas in or affecting interstate commerce. Prior to 1992, the pipeline safety law (49 U.S.C. Chapter 601) limited safety regulation of the onshore gathering of gas to gathering lines in non-rural locations. In 1992, Congress provided DOT specific authority to define gas gathering for purposes of safety regulation, and to change the scope of regulation by defining ''regulated gathering.''[2]

The 1992 statutory change expressly allows PHMSA to depart from the concepts of ''gathering'' as used under the Natural Gas Act (15 U.S.C. 717 *et seq.*). This allows focus on the safety purposes of the pipeline safety law for defining regulated facilities rather than on the purposes of the Natural Gas Act. The approach to defining and regulating gas gathering taken in this SNPRM does not rely on concepts of gathering as used under the Natural Gas Act. PHMSA does not intend for anyone to rely on its definition of gas gathering to decide whether particular lines are gathering within the meaning of the Natural Gas Act.

In addition, the 1992 statutory change directed DOT to consider the functional and operational characteristics of the lines in labeling them as gathering, and to consider such factors as location, length of line from the well site, operating pressure, throughput, and the composition of the gas in deciding which ones to regulate. For example, in

[1] As stated in § 192.3: ''Gathering line'' means a pipeline that transports gas from a current production facility to a transmission line or main. ''Transmission line'' means a pipeline, other than a gathering line, that transports gas from a gathering line or storage facility to a distribution center or storage facility; operates at a hoop stress of 20 percent or more of SMYS, or transports gas within a storage field. ''Distribution line'' means a pipeline other than a gathering or transmission line.

[2] See Pub. L. 102–508, section 109; now 49 U.S.C. 60101(a)(21) and 60101(b).

deciding which gathering lines should be regulated, PHMSA considers location of the line in the vicinity of population as more precise than the rural/non-rural approach in the pre-1992 law. The use of this more precise approach coupled with the authority to define and to regulate ''regulated gathering'' lines makes it unnecessary to continue use of statutory terminology that limits regulation of gathering in rural areas (''outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area''). As described more fully below, the approach to regulated gas gathering in this SNPRM follows the statutory direction.

Pursuant to 49 U.S.C. 60102(b), a gas pipeline safety standard must be practicable and designed to meet the need for gas pipeline safety and for protection of the environment. To accomplish this, PHMSA must consider a number of factors in issuing a safety standard. These factors include the relevant available pipeline safety and environmental information, the appropriateness of the standard for the particular type of facility, the reasonableness of the standard, reasonably identifiable or estimated costs and benefits, any comments received from the public, and any comments and recommendations of the Technical Pipeline Safety Standards Committee (TPSSC). Except as explained in the following paragraph about public comments on the 1991 proposal, PHMSA has considered these factors in the development of this SNPRM and provides its analysis in the appropriate paragraphs of the preamble.

With respect to public comments, PHMSA has dramatically altered its approach to regulating gathering lines from that of the 1991 Notice of Proposed Rulemaking (NPRM) (which was limited to a definition of gathering lines consistent with that in the Natural Gas Act). Thus, comments to the proposal in the 1991 NPRM are not addressed in detail in this SNPRM. The Agency reopened the docket to public comments in an electronic public discussion forum in 1999 and provided several other opportunities for public input into the development of this SNPRM. These comments have been used in the development of this SNPRM. If a commenter to the 1991 proposal believes that this SNPRM does not adequately address the concerns raised in earlier comments, the commenter should raise the concerns again.

Comments and recommendations of the TPSSC will be addressed when a final action is prepared on this SNPRM.

D. What Has PHMSA Done To Get More Public Comments on Defining and Regulating Gathering Lines?

In 1999, in furtherance of the ongoing 1991 gathering line proceeding and Congress' action on gathering lines, the Agency invited further public comments on the definition problem and the need to regulate rural gathering lines (Docket No. RSPA–1998–4868; 64 FR 12147; Mar. 11, 1999). The comments largely focused on a comprehensive treatment of the definition problem that the American Petroleum Institute (API) submitted on behalf of a coalition of 23 trade associations (RSPA–1998–4846–85). API later published the treatment as API Recommended Practice 80, ''Guidelines for the Definition of Onshore Gas Gathering Lines'' (API RP 80). API RP 80 defines gas gathering lines through a series of definitions, descriptions, and diagrams intended to represent the varied and complex nature of production and gathering in the United States. You may purchase a copy of API RP 80 from API through its Web site (*http://www.api.org*) or review a copy in room 2103 of the Nassif Building, 400 7th Street, SW., Washington, DC by contacting Jenny Donohue at (202) 366–4046 or *jenny.donohue@dot.gov.*

Although industry commenters spoke favorably about the API RP 80 gathering line definition, NAPSR objected to the use of certain ''furthermost downstream'' endpoints to mark the beginning and end of gathering in the definition. NAPSR's concern was that if the definition were included in Part 192, operators would have an incentive to establish or move the endpoints further downstream to reduce the amount of regulated pipeline.

NAPSR's concern is plausible because gathering begins at the end of production, which is not covered by Part 192. The amount of gathering subject, or potentially subject, to regulation becomes less the further production extends downstream. A similar situation exists at the end of gathering, which marks the beginning of transmission or distribution under Part 192. The amount of transmission or distribution lines subject to regulation becomes less the further gathering lines extends downstream.

The Agency also had doubts about adopting the API RP 80 definition, as expressed in a letter to API dated January 12, 2001 (RSPA–1998–4868–108). Nevertheless, the Agency did not discount the possibility of using API RP 80 as an alternative to the 1991 proposed definition. While considering its next step, in 2002, the Agency published an Advisory Bulletin to remind operators it was still regulating gathering lines according to court precedents and prior interpretations (ADB–02–06; 67 FR 64447; October 18, 2002).

Then in 2003, the Agency held public meetings in Austin, Texas (68 FR 62555; November 5, 2003) and Anchorage, Alaska (68 FR 67129; December 1, 2003) to attract more comments from interested persons on the best way to define gas gathering lines and what, if any, safety regulations may be needed for rural gathering lines. At the meetings, the Agency gave the history of the gas gathering issue and proffered a ''sliding corridor'' concept as a possible basis for deciding which lines should be regulated. This concept originated in a consent order the Agency issued to Hanley & Bird, Inc., a Pennsylvania gas production and gathering operator.[3] It would require operators to slide an imaginary corridor 1000 feet long and 200 or 440 yards wide, depending on pipeline hoop stress, along their gathering lines. Wherever the corridor contains five or more dwellings, the gathering line would be subject to pipeline safety regulations, and the extent of regulation would vary by operating stress level. Transcripts of both meetings are in the docket (RSPA–1998–4868–120 and 122).

Following the two meetings, to promote informed public participation in resolving the gathering line issues, the Agency published a notice that clarified its intentions about defining and regulating gathering lines (69 FR 5305; February 4, 2004). In the notice, the Agency clarified its intention to adopt definitions of production and gathering that would identify the beginning of gathering without overlapping the jurisdiction of State regulations on production. The Agency said it was seeking definitions that could be applied consistently by both regulators and operators. Regarding rural gathering lines, the Agency explained the need for comments on an appropriate approach to identifying lines that should be regulated. The notice also extended the deadline for receipt of written comments to March 4, 2004.

In addition to the 1999 Web discussion and 2003 public meetings, the Agency met several times over the last two years with State agency officials, industry representatives, and others to obtain views on gathering line risks and the need for regulations. Notes

[3] The order may be viewed at *http://ops.dot.gov/regions/easterndoc/cpf13002o.wpd.*

of these informal meetings are in the docket (RSPA–1998–4868).

E. What Were the Main Points Commenters Made?

Twenty-three comments were submitted following the public meetings and clarification notice. A summary of significant comments follows.

1. Definition of Gathering Line

Three industry commenters expressed satisfaction with the current Part 192 definition and prior Agency interpretations. But most commenters who addressed the issue, including a coalition of trade associations (API, the Gas Processors Association (GPA), the Louisiana Mid-Continent Oil and Gas Association, the Texas Oil and Gas Association, and the Texas Pipeline Association), urged the Agency to adopt API RP 80 as the basis for determining onshore gas gathering lines. These commenters welcomed the flexibility of API RP 80, and believed it would result in few, if any, reclassifications of pipelines from production to gathering or gathering to transmission.

Taking a different view, NAPSR opposed the unqualified use of API RP 80 to identify gas gathering lines. First, regarding the beginning of gathering under section 2.2(a)(1) of API RP 80, NAPSR suggested that production operations should be limited to piping and equipment used solely in the process of extracting natural gas from the earth for the first time. This process involves removing natural substances from the earth, separating out natural gas, and preparing the gas for transportation. NAPSR stated that under its suggested limitation, any piping that serves a function besides processing in aid of extraction would be part of gathering operations rather than production operations. Secondly, NAPSR suggested limitations on the end of gathering under the API RP 80 definition. These limitations, such as restricting the end of gathering to the first, rather than furthermost, downstream gas processing plant, were intended to remove the opportunity to manipulate the changeover from gathering to transmission.

In a letter dated September 9, 2004, NAPSR suggested ''gathering pipeline'' and ''production facility'' be defined as follows:

''Gathering pipeline'' (a) Means any pipeline or part of a connected series of pipelines used to transport gas from the endpoint of a production facility to the first natural gas processing plant.

(b) In the absence of a natural gas processing plant, means any pipeline or connected series of pipelines used to:

1. Transport gas from the endpoint of a production facility to the furthermost downstream of the following endpoints:

(A) The outlet of the first downstream gathering line gas treatment facility; or

(B) The first downstream point where gas produced in the same production field or contiguous production fields is commingled; or

(C) The outlet of the first downstream compressor used to facilitate deliveries from production operations into a pipeline.

2. Transport gas from a gathering line exclusively to points in adjacent production operations or gathering facility sites for use as fuel, gas lift, or gas injection within those operations; and

(c) Does not include a natural gas processing plant.

''Production facility'' means any pipeline or equipment or part of a connected series of pipelines used solely in the process of extracting natural gas from the earth for the first time.

2. Need To Regulate Rural Gathering Lines

As to the need to regulate gas gathering lines in rural locations, some industry commenters contended rural gathering lines generally pose a low risk to public safety, citing an incident survey GPA conducted in December 2003.[4] GPA itself commented that based on its survey, onshore gas gathering lines do not pose a significant risk that warrants extensive new Federal regulations. A few industry commenters and the U.S. Department of Energy (DOE) suggested the Agency should first identify and analyze the risks involved and then target regulations to specific problems. Cook Inlet Keeper, a nonprofit organization dedicated to protecting Alaska's Cook Inlet Watershed and North Slope Borough, the northernmost county of Alaska, advocated that the Agency regulate all unregulated lines threatening people and the environment. Cook Inlet Keeper also submitted data on releases from unregulated pipelines in Alaska.

3. Regulatory Approach

Concerning the appropriate approach to regulation, the coalition of trade associations suggested a tiered approach to regulating onshore gathering lines. Under the coalition's approach, the extent of regulation would increase with pipeline risk as determined by operating parameters and population density. Lines posing a lower risk to the public would be subject to fewer safety standards than they are now. This relaxation of current regulatory burden on lower-risk lines would help offset the added cost of regulating higher-risk gathering lines that are not currently regulated. ONEOK, Inc., an operator of gas gathering lines, suggested a similar but more detailed tiered approach.

The coalition's approach is summarized as follows:

Tier	Gathering line	Regulation
I	All in Class 1 or 2 location	Periodic summary report of incidents; line markers; and one-call damage prevention programs.
	All < 20% SMYS	
	All plastic	
II	All ≥ 20% SMYS in rural Class 3 or 4 location.	Tier I plus corrosion control and a public awareness program.
III	All ≥ 20% SMYS in non-rural Class 3 or 4 location.	Current Part 192 requirements.

Delta County, Colorado preferred the sliding corridor approach the Agency had discussed at the public meetings. Two industry commenters favored a hands-off approach that would leave the regulation of rural gathering to State agencies that oversee oil and gas production.

[4] GPA presented the survey at a meeting of the Agency's gas pipeline safety advisory committee on February 5, 2004 (RSPA–1998–4470–120).

4. Impact

Several commenters were concerned about the impact of any new Federal regulations on gathering lines in rural locations. DOE and the Independent Petroleum Association of America were particularly concerned that increased costs could cause producers to shut-in marginally profitable wells. They pointed out that since marginal wells account for about 10 percent of the United States' gas production, additional costs would have the potential to reduce the Nation's supply of gas. (A discussion of the energy impacts of this proposal is found under the Executive Order 13211 heading in Section V, Regulatory Analyses and Notices, of this document.)

II. Resolving the Definition Problem

A. What Alternatives to the 1991 Proposal Did the Agency Consider?

In view of the congressional directives and the importance of distinguishing onshore gas gathering lines, PHMSA believes resolving the definition problem is essential. However, the Agency's previous attempts in 1974 and again in 1991 to resolve the matter by formulating a gathering line definition were controversial. The controversy was no doubt due to the varied and complex configurations of gas gathering systems throughout the industry. For this reason, PHMSA now believes a single definition that is wholly consistent with industry practices probably cannot be developed.

This conclusion and the comments resulting from the Austin and Anchorage meetings have caused the Agency to take a closer look at using API RP 80. It is a comprehensive treatment of gas gathering that was developed by experienced personnel representing over 20 national, regional, and State oil and gas industry associations. It covers every aspect of the gathering function, from its beginning in production operations, which are separately defined, to various defined endpoints. The attention to detail and solid backing by commenters led the Agency to believe API RP 80 can be used appropriately to distinguish gathering lines under Part 192 without the controversy attendant to prior proposals.

PHMSA does not intend that persons use API RP 80 for non-safety purposes, such as to identify gathering under the Natural Gas Act. In this regard, readers should note API RP 80, by its terms, applies only in the context of pipeline safety: ''[T]he definitions presented herein are not designed to address issues—nor are they intended for application—in any regulatory context other than gas pipeline safety pursuant to the Federal Pipeline Safety Act.'' (Section 2.6.2.4 of API RP 80).

The Agency considered the following ways API RP 80 could serve to determine onshore gas gathering under Part 192:

1. Use API RP 80 as Guidance

Continue to apply the present Part 192 gathering line definition, but rely on API RP 80 as guidance to determine the beginning and end of onshore gathering. The advantages of this alternative are that comments indicate some operators would likely support it and rulemaking would not be necessary. On the other hand, this alternative would probably not be sufficient to satisfy the congressional directive to define gas gathering. And it would provide a shaky basis for regulating rural gathering lines. In addition, NAPSR's comments suggest many State pipeline safety agencies would be unlikely to accept some API RP 80 provisions even as guidance.

2. Adopt API RP 80 as a Definition

Adopt API RP 80 as the basis for determining onshore gas gathering lines. This alternative has wide industry acceptance, would likely minimize the present difficulty of distinguishing gathering lines, and, considering its wide acceptance, would probably result in few pipeline reclassifications. However, besides a gathering line definition, API RP 80 contains many supplemental definitions, descriptions, and diagrams. Although these supplemental provisions are helpful to understand the definition, they could prove difficult to apply uniformly and probably would lead to further varied interpretations. Also, the flexibility of API RP 80 that industry applauds, NAPSR contends could result in equipment being relocated to avoid regulations. If that happened, State pipeline safety agencies could lose control over many miles of pipeline they now regulate, and public safety could be compromised.

3. Adopt API RP 80 as a Definition, But With Limitations

Adopt API RP 80 as the basis for determining onshore gas gathering lines, but limit operators' ability to establish endpoints merely to avoid regulation. The main advantage of this alternative is it balances industry's desire to use API RP 80 to determine gathering lines under Part 192 with NAPSR's desire for more definite endpoints. The disadvantage is that limitations could make API RP 80 more difficult to apply. In addition, proposing any limitation on how API RP 80 is applied could renew industry claims of line reclassifications.

B. What Are the Details of the Definition PHMSA Is Now Proposing?

PHMSA wants to define ''onshore gathering line'' in a way that not only reasonably matches current classifications but also addresses the concerns of State pipeline safety agencies. PHMSA, therefore, chose the third alternative, for it alone takes into account NAPSR's concerns. PHMSA believes NAPSR's concerns deserve considerable weight because, under the pipeline safety law, onshore gas gathering lines are largely intrastate pipeline facilities. As such, they are under, or eligible for, exclusive regulation by certified State pipeline safety agencies. When regulated by these agencies through adoption and enforcement of PHMSA safety standards, PHMSA's role is to oversee State agency performance. In other words, regulation of an intrastate onshore gas gathering line by a certified State agency, removes the line from the direct regulatory authority of PHMSA.

PHMSA is proposing to define ''onshore gathering line'' as it is defined in section 2.2 of API RP 80, but with a few limitations on applying the API RP 80 definition (see the proposed amendment to § 192.3 below). The proposed limitations, based on NAPSR's comments, and PHMSA's concerns that it raised during the meetings held on gathering line regulation, are designed to assure gathering line determinations do not stray significantly from PHMSA's historic interpretations of gathering or do not abuse the ''furthermost downstream'' concept.

1. Beginning of Gathering

The beginning of an onshore gathering line under section 2.2(a)(1) of API RP 80 is the furthermost downstream point in a production operation.[5] PHMSA is proposing to restrict this point to piping or equipment used solely in the process of extracting natural gas from the earth for the first time and preparing it for transportation or delivery. Under this restriction, certain dual use equipment that can serve either a production or transportation function would be part of gathering when not used solely in the

[5] As defined in section 2.3 of API RP 80, ''production operation'' means piping and equipment used for production and preparation for transportation or delivery of hydrocarbon gas and/or liquids and includes the following processes:

(a) Extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, and measurement of hydrocarbon gas and/or liquids; and

(b) Associated production compression, gas lift, gas injection, or fuel gas supply.

extraction and preparation of gas for transportation. For example, drip pots, which provide a separation function, are used in pipeline transportation to maintain the quality of gas delivered to customers. When used this way, a drip pot would not be part of production operations even though as a separator it could conceivably be used in the extraction and preparation of gas for transportation. Also, separation or dehydration equipment is often used to safeguard the operation of gathering compressors. Under the proposed limitation, any equipment being used to protect a gathering compressor would not be part of production operations.

2. End of Gathering

Under the API RP 80 definition of onshore gathering line, gathering ends at the furthermost downstream of five possible endpoints. The first possible endpoint is the inlet of the furthermost downstream natural gas processing plant, other than a natural gas processing plant located on a transmission line (section 2.2(a)(1)(A) of API RP 80). PHMSA is proposing this endpoint may not be a natural gas processing plant located further downstream than the first downstream natural gas processing plant unless the operator can demonstrate, based on sound engineering reasons, that gathering should be extended beyond that first plant. DOT interpretations and State agency enforcement actions have recognized the first downstream natural gas processing plant as the customary end of gathering. The proposed limitation is based on this practice, but it would allow operators the flexibility of ending gathering to a further downstream processing plant essential to gathering.

The second possible endpoint under section 2.2(a)(1)(B) of API RP 80 would apply only if no other endpoint under 2.2(a)(1) (A), (C), (D) or (E) exists. This endpoint is the outlet of the furthermost downstream gathering line gas treatment facility.

The third possible endpoint is the furthermost downstream point where gas produced in the same production field or separate production fields is commingled (section 2.2(a)(1)(C) of API RP 80). This endpoint recognizes a gathering line may receive gas from several production fields. However, PHMSA is concerned that since the endpoint does not restrict the distance between separate production fields, a gathering line could continue endlessly, causing reclassification of pipelines from transmission to gathering. NAPSR suggested commingling should be limited to adjacent fields. PHMSA believes ''adjacent'' is very restrictive. To set some limit, PHMSA is proposing the separate production fields from which gas is commingled must be within 50 miles of each other. PHMSA is interested in receiving comments on whether a maximum distance between production fields from which gas is commingled should be specified.

One limitation is proposed on the fourth possible endpoint. This endpoint is the outlet of the furthermost downstream compressor station used to lower gathering line operating pressure or to facilitate deliveries into the pipeline from production operations or to increase gathering line pressure for delivery to another pipeline (section 2.2(a)(1)(D) of API RP 80). Gathering systems may contain many compressor units. (In gathering systems, compressors are smaller, self contained units, rather than the larger multiple unit facilities referred to as compressor stations.) In many cases, these compressor units lower the pressure on the upstream (suction) side to allow gas to flow from the wells. PHMSA believes these to be necessary to the gathering process. Also, whether they are located downstream of a processing plant or, stand alone, in the absence of a processing plant, many compressors serve to boost the pressure from the gathering line into either transmission or distribution pipelines. PHMSA is proposing to limit the endpoint to the outlet of a compressor used to deliver gas to another pipeline. In this case, PHMSA considers the gas to have been ''gathered'' and prepared for transportation. This is consistent with the Agency's past interpretation and enforcement policy.

The fifth possible endpoint is the connection to another pipeline downstream of the furthermost downstream endpoint under sections 2.2(a)(1)(A) through (D) of API RP 80, or in the absence of such endpoint, the furthermost downstream production operation (section 2.2(a)(1)(E) of API RP 80). This endpoint applies to connecting lines called ''incidental gathering'' under section 2.2.1.2.6 of API RP 80. An example of a connecting line is a pipeline that runs from the outlet of a natural gas processing plant to a transmission line.

III. Regulation of Onshore Gas Gathering Lines

A. How Are Onshore Gas Gathering Lines Currently Regulated?

1. Non-Rural Lines

In non-rural locations, the gathering of gas by pipeline has been subject to Part 192 since these safety standards were published in 1970. Gathering lines in non-rural locations must meet the same safety standards for design, construction, operation, and maintenance as gas transmission lines, except § 192.150, standards for passage of smart pigs, and Subpart O of Part 192, integrity management (see § 192.9).

In addition, the drug and alcohol testing regulations in 49 CFR part 199 apply to onshore gas gathering lines in non-rural locations because these lines are regulated by Part 192. These regulations require operators to test personnel for use of prohibited drugs and misuse of alcohol. Persons subject to testing are those who perform a Part 192 regulated operation, maintenance, or emergency-response function on a regulated pipeline.

As required by 49 CFR part 191, operators of onshore gathering lines in non-rural locations also must submit reports to PHMSA. Operators must submit telephonic and follow-up written reports of incidents involving a death, hospitalization, or property damage of $50,000 or more. Other requirements include safety-related condition reports and annual reports about pipe inventory and leaks repaired.

2. Rural Lines

As discussed above, Part 192 does not apply to the onshore gathering of gas in rural locations. Rural gathering lines are also excluded from Part 191 reporting requirements and Part 199 drug and alcohol regulations.

Until 1992, rural gathering lines were excluded by statute from pipeline safety regulation (although in 1990 Congress granted limited authority over gathering lines in Gulf of Mexico inlets (see Pub. L. 101–599)). In 1992, an amendment to the pipeline safety law gave DOT authority to regulate the safety of rural lines where warranted by risk.

B. Are Safety Regulations Needed for Onshore Rural Gathering Lines?

In 1992, Congress recognized some rural gathering lines that were exempt from DOT's regulatory authority may present risks that warrant safety regulation. Congress authorized DOT to define a class of ''regulated gathering lines'' that warrant safety regulation based on information about risk. In its report on H.R. 1489, a bill that led to the 1992 change in the law, the House Committee on Energy and Commerce said ''DOT should find out whether any gathering lines present a risk to people or the environment, and if so how large a risk and what measures should be taken to mitigate the risk.'' (H.R. Report No. 102–247—Part 1, 102d Cong., 1st Session., 23 (1991)).

Because the reporting requirements under Part 191 covered only non-rural gathering lines, The Agency lacked information about whether the risks of rural lines warranted regulation. The Agency sought input from the public on the need to regulate these lines. As discussed above, in 1999, the Agency opened a Web discussion on gathering lines and in 2003 held public meetings in Austin and Anchorage, with opportunity to submit written comments until March 4, 2004. Although most participants in the Web discussion and the meetings addressed the definition problem, the public meetings also drew a few comments on the need for regulation. Gas Processors Association (GPA), a trade association representing gatherers and processors, submitted the most enlightening information about gathering line risks obtained from a survey of its members.[6]

The survey asked 40 operators of rural gas gathering lines about gathering line incidents that impacted the public during a 5-year period (1999–2003). The survey showed that over this period 58 incidents occurred on 171,768 miles of pipeline, or on about 96 percent of GPA members' gathering lines. The incidents resulted in three injuries and one death as well as evacuations, minor property damage ($5,000–$25,000), and major property damage (over $25,000). Corrosion caused most of the incidents, followed by third-party excavation, which produced the most severe consequences (including the death and two of the injuries). No other cause occurred more than twice.

GPA compared these results to transmission incidents reported to the Agency under Part 191 over the same 5-year period. The comparison showed transmission lines impacted the public from three to six times more often, even though the Part 191 reporting threshold for property damage was $50,000 rather than $5,000. GPA attributed the lower impact of rural gathering lines to operators' safety practices and to operating conditions that generally involved sparsely-populated areas, low pressures, and small pipe sizes.

Although the survey results showed the lines GPA surveyed presented a lower risk to the public, the impacts to the public and property were not insignificant. Many people living or working near those lines suffered adverse consequences during the survey period. Moreover, the potential for future harm is apparent, because the survey confirmed the leading threats to Agency-regulated pipelines, corrosion and excavation damage, are also the leading threats to rural gathering lines.

Furthermore, not all rural gathering lines present a low risk. Some rural lines are near pockets of increased population or operate at high pressures. In fact, high-pressure gathering lines in populated areas can present the same risk as regulated transmission lines.

In consideration of the known and foreseeable risks presented by rural gathering lines, PHMSA believes it is no longer appropriate to maintain the present total exemption of rural lines. But in changing the present exemption, PHMSA is adhering to the congressional directives by focusing on lines that expose the public to significant risk, such as where a release of gas could have a serious consequence.

PHMSA intends, through a separate rulemaking, to propose changes to the Part 191 reporting requirements to track the proposed changes in this rulemaking. Thus, in the Part 191 rulemaking, all regulated onshore gathering lines would be subject to Part 191 reporting requirements. This will give PHMSA more information about the risks of onshore gathering lines in rural locations.

C. What Is the Proper Approach to Regulating Onshore Gathering Lines?

PHMSA believes that for some onshore gathering lines, the potential for harm to the public is too low to warrant pipeline safety regulation. These lines may be characterized as generally small lines operating at low pressures in remote areas. For other lines, PHMSA agrees with commenters that as risk increases by operating pressure and proximity to people, so should the level of regulation. Under this approach, the highest risk lines would have the most regulation. This approach is consistent with the statutory directive on determining which gathering lines should be regulated gathering lines.

In deciding what regulations to apply according to risk, PHMSA favors the tiered models suggested by the coalition (three tiers) and Oneok (four tiers). Tiers are a reasonable way to pair safety regulations with lines that pose different levels of risk. However, in view of the need for practicality in both compliance and enforcement, PHMSA has fashioned a simpler model that has only two tiers. This approach is discussed in more detail below.

D. Should the Current Approach to Regulating Non-Rural Onshore Gathering Lines Be Changed?

At present, Part 192 regulates non-rural gathering lines and transmission lines alike (except that requirements for passage of internal inspection devices in § 192.150 and integrity management programs in Subpart O apply only to transmission lines). The problem with this approach is that, while individual lines may differ, the data indicates gathering and transmission lines do not pose the same overall level of risk to the public. Transmission line incidents have had a greater impact on the public than gathering line incidents. The safety data also indicates that because of the lesser risk some gathering lines pose to the public, these lesser-risk lines should not be subject to all regulations intended for transmission lines. Applying regulations intended for all transmission lines is probably not appropriate for all gathering lines. Although the data does not explain the difference in impact, PHMSA believes a significant factor is that many non-rural gathering lines operate at low pressures away from highly populated areas.

Another problem with the current approach is that a city or town may extend its boundaries to incorporate low population areas within its boundaries. Thus, a gathering line that is not near any dwellings but is within the city or town boundary is subject to regulation. PHMSA believes the risk-based approach is the most suitable for applying the level of Part 192 regulation to address the risk posed by the gathering line. Regulation of an onshore gathering line would not depend on subdivision or local government boundaries as it does now, but on the risk the line poses to the public based on pressure and proximity. This change would maintain the current level of regulation where justified by risk. At the same time, it would relax the regulatory burden on less risky lines.

E. What Safety Regulations Are Being Proposed?

PHMSA is proposing to change how Part 192 applies to onshore gathering lines. This change is consistent with the statutory directive on factors to consider in regulating onshore gathering lines. A class of onshore gathering lines called ''regulated onshore gathering lines'' would be defined in § 192.3 characterized by either of two risk categories, Type A and Type B. The type would depend on the maximum allowable operating pressure (MAOP) of the line (*i.e.*, whether MAOP results in a hoop stress of 20 percent or more of

[6] In 2002 the Texas Railroad Commission conducted a study to determine the risk of unregulated production and rural gathering lines in Texas. Most of the study's data came from small operators with less than 10 miles of pipeline. However, the information received did not provide a sufficient basis for a conclusion.

Specified Minimum Yield Strength (SMYS) or less than 20 percent). Under proposed § 192.9, lines covered by the two categories would be subject to safety requirements appropriate to each category. Onshore gathering lines not covered by these categories would not be subject to Part 192.

The proposal would exclude onshore gathering lines that operate under vacuum, or at less than atmospheric pressure. Any failure of a vacuum line would tend to draw air into the pipeline rather than release natural gas to the atmosphere. PHMSA believes this factor sufficiently reduces the level of risk so regulation is unnecessary. Section 192.1(b)(4) would be amended to exclude these vacuum lines from Part 192.

The proposal also clarifies that gathering lines in inlets of the Gulf of Mexico are not affected by this rulemaking for onshore gathering lines. Onshore gathering of gas in these inlets will continue to be subject only to the inspection and burial requirements in § 192.612, which address the principal risk of these lines. At no point during our meetings and discussions about regulating onshore gathering has anyone commented on a need to change these requirements.

1. Risk Categories

The first risk category, Type A, would include the following lines or line segments that lie in populated areas: metallic lines whose MAOP results in a hoop stress of 20 percent or more of SMYS, and non-metallic lines whose MAOP is more than 125 psig. The populated areas would be Class 3 and 4 locations, as defined in § 192.5, and other areas the operator would determine using either of two methods.

The first method would require determining all potential impact circles along the line that include five or more dwellings. The circles would be calculated by using an empirical formula as proposed in § 192.3. These are the same circles that may now be used under Subpart O for integrity management purposes to predict the range of potential harm from a transmission line failure.

The second method would require determining areas that extend 220 yards on each side of the centerline of any continuous 1000 feet of pipeline and that include either 5 or more dwellings per 1000 feet or 25 or more dwellings per mile. However, the density chosen will depend on which results in more regulated onshore gathering lines. PHMSA has included the 25 or more dwellings per mile to address industry comment that this was more consistent with current class location identification requirements and would not create confusion by having to shift to another approach. However, because the proposed approach to regulating onshore gathering is based on the line's risk to the public, PHMSA has proposed that the density criterion an operator chooses must capture the most regulated gathering lines. If the density of five or more dwellings per 1000 feet were used, the area would extend along the pipeline until the space between dwellings is at least 250 feet. The 220-yard dimension is consistent with the areas used in class location determinations under § 192.5.

Type A lines in areas within a Class 1 or Class 2 location would also include additional lengths of line upstream and downstream from the area. These lengths would serve as a shield against potential harm to nearby dwellings.

Type B is the second risk category of regulated onshore gathering lines. Type B lines would include metallic lines whose MAOP produces a hoop stress of less than 20 percent of SMYS. Also included would be non-metallic lines whose MAOP is 125 psig or less that are located in populated areas. The populated areas would be Class 3 and 4 locations, and other areas that extend 150 feet on each side of the centerline of any continuous 1000 feet of pipeline and that include 5 or more dwellings per 1000 feet. Like Type A lines, Type B lines in areas within Class 1 or Class 2 locations would include additional lengths of line as a shield against potential harm to nearby dwellings. Type B does not include lines with MAOP of less than 0 psig because, as discussed above, PHMSA is proposing to exclude vacuum lines from regulation.

The 150-foot dimension for Type B lines is more than twice the average length of service lines, or the average distance of distribution customers from street mains. Since mains generally operate at a lower stress or pressure than Type A gathering lines, 150 feet should cover dwellings that could be adversely affected by gathering lines operating at lower stresses or pressures than Type A lines.

2. Safety Requirements

Section 192.9 would be revised to include requirements for all gathering lines subject to Part 192. The requirements are based on the risk the line poses to the public.

Paragraph (b) would state the present Part 192 requirements applicable to offshore lines. No change is proposed for these requirements.

Under paragraph (c), Type A regulated onshore gathering lines would have to meet Part 192 requirements applicable to transmission lines, except requirements concerning the passage of smart pigs (§ 192.150) and integrity management requirements (Subpart O). Because of the pressure at which these lines operate, and their proximity to the public, they are considered higher-risk lines that warrant more safety requirements. Type A line operators would also be subject to the Part 199 drug and alcohol regulations and the Part 191 reporting requirements. This is not a change from present practice. Gathering lines as currently regulated are subject to these requirements.

Proposed requirements for Type B regulated onshore gathering lines are in paragraph (d). These lines, although located close to the public and housing, operate at a lower pressure than Type A lines. Because they pose a lower-risk, they would be subject to fewer safety regulations. The proposed requirements for Type B lines address the types of threats posed to these lines. First, new lines and existing lines replaced, relocated, or otherwise changed would have to be designed, installed, constructed, initially inspected, and initially tested according to Part 192 requirements. Second, operators of Type B lines would have to:

- Control corrosion according to Subpart I requirements.
- Carry out a damage prevention program under § 192.614.
- Establish a MAOP under § 192.619.
- Install and maintain line markers under § 192.707 according to transmission line requirements.
- Establish a public education program as required by § 192.616.

Extended compliance deadlines for operation and maintenance requirements are proposed in paragraph (e). (A proposed change to § 192.13 provides additional time before new lines and replacements must meet the design and construction requirements.) This paragraph also proposes compliance time for unregulated onshore gathering lines that subsequently become regulated because of changes in population, as discussed under the next subheading.

3. Easing Transition From Unregulated to Regulated

To ease the transition of unregulated lines to regulated status, PHMSA is proposing that operators have one year after the final rule takes effect to design, install, construct, initially inspect, and initially test any new, replaced, relocated, or changed line according to Part 192 requirements. The proposal is

in § 192.13 and is similar to compliance times established previously for other newly-regulated pipelines.

In addition, PHMSA is proposing to revise the MAOP requirements of § 192.619(a)(3) and (c). This proposal would allow operation of newly regulated lines and lines subsequently regulated because of an increase in population at the highest actual operating pressure to which the line was subjected during the 5 years before the final rule is published or the line becomes regulated.

Regarding corrosion control, several requirements of Subpart I of Part 192 apply only to pipelines installed before August 1, 1971. These requirements were originally intended for pipelines existing when Subpart I was adopted. However, PHMSA believes they are also appropriate for regulated onshore gathering lines existing when the final rule takes effect that were not previously subject to Part 192 (lines in rural locations). Under proposed § 192.452(b), regulated onshore gathering lines existing on [effective date of final rule] not previously subject to Part 192 must meet the corrosion control requirements of Subpart I specifically applicable to pipelines installed before August 1, 1971, notwithstanding the date the gathering line was actually installed. Other Subpart I requirements apply only to pipelines installed after July 31, 1971. These requirements would not apply to existing lines unless the line substantially meets the requirements. Existing requirements for converted lines are not affected by this proposal.

Under proposed § 192.9(e)(3), if a change in class location or increase in dwelling density turns an onshore gathering line into a regulated onshore gathering line, the operator would have one year after the line becomes a regulated onshore gathering line to comply with applicable Part 192 requirements. This proposal reflects the usual practice by which operators of unregulated rural gathering lines stay continuously aware of new housing developments or governmental boundary changes that turn the lines into regulated lines. Developments are detected by various means of surveillance, including satellite imagery, aerial photography, and ground reconnaissance.

IV. An Alternative Approach

Given the decision to shift the focus of regulating gathering based on risk to population, PHMSA is faced with a fundamental issue—whether it is necessary or appropriate to define gathering. This leads to two approaches. The first, as we have described in detail, proposes to define both gathering (through use of a consensus standard) and regulated gathering and an alternative that defines only regulated gathering. Both approaches have merits and disadvantages that are appropriately explored through the comment process.

The Natural Gas Act accepts gas gathering from the economic regulatory program administered by the Federal Energy Regulatory Commission (FERC). FERC has not defined ''gathering''. In 1968, Congress authorized safety regulation of virtually all pipelines, including those not regulated by FERC such as intrastate pipelines and gathering lines. From the beginning, The Agency frequently looked to decisions under the Natural Gas Act for help in deciding where gathering ended and transmission began. The Agency continued to consider the Natural Gas Act decisions in delineating gathering when it issued the Notice of Proposed Rulemaking in this docket in 1991. At the time, the Agency noted its concern for inconsistency with FERC practice. In 1992, Congress explicitly gave DOT permission to define gathering without regard for FERC practice. Consequently, this SNPRM proposes to define the scope of safety regulation without regard to FERC practice.

The approach that appears in the text of this proposal begins with the traditional base of ''gathering'' and adds the regulation through defining ''regulated gathering''. The concept of gathering being proposed is quite complex. Drafting language that incorporates the concept of what is ''regulated'' within a single definition adds to this complexity. Separating the concepts into gathering and regulated gathering will result in a clearer understanding of which lines are regulated. This approach is consistent with past practice in which we separated the concepts of gathering and non-rural gathering (*i.e.* regulated gathering).

The downside of the approach is the risk that the PHMSA definition of gathering may be influential in future FERC disputes. The risk appears minimal. PHMSA does not intend that its definition be relied on in deciding whether particular lines are gathering within the meaning of the Natural Gas Act. In deciding cases involving disputes over the definition of gathering, courts have thus far clearly looked only to the definition of the cognizant agency. The only case involving the existing definition for which the Agency had considered FERC practice limited discussion to the definition and statutory authority without mention of FERC precedents. *Hamman* v. *Southwestern Gas Pipeline,* 721 F.2d 140 (5th Cir. 1983). Gathering as used by FERC is limited to the activities Congress authorized FERC to regulate, which does not include pipeline safety. See, for example, *Sea Robin Pipeline Co.* v. *FERC,* 127 F.3d 365, 368 (5th Cir. 1997). Further, application of the definition issued for safety purposes in a tax case in which the meaning of gathering was important was expressly rejected. *Saginaw Bay Pipeline* v. *United States,* 338 F.3d 600 (6th Cir. 2003).

The alternative approach would be to abandon the term ''gathering'' as unnecessary and proceed immediately to ''regulated gathering.'' This approach has the benefit of consistency with the focus on risk since it defines only the segments actually regulated. The downside comes with the impact on other definitions critical to safety regulation. One factor defining transmission in current regulation is the end of a gathering line. 49 CFR 192.3. Without a definition of gathering line, the definition of transmission would have to be reworked to identify a different beginning point for those transmission lines for which other factors defining transmission do not apply. This would not be easy to accomplish.

PHMSA seeks comments on these two alternative approaches. What is the risk that the first approach, which would define gathering for safety purposes, would impact the FERC practice in the economic area? If there would be an impact, would it be negative or positive? With respect to the second alternative approach, is there a way to avoid definitional difficulties with defining transmission lines? If so, PHMSA would welcome specific language. With respect to either approach, are there other benefits or downsides to either approach that should be considered?

V. Regulatory Analyses and Notices

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.*

Executive Order 12866 and DOT Policies and Procedures. DOT considers this proposed rulemaking to be a significant regulatory action under Section 3(f) of Executive Order 12866

(58 FR 51735; Oct. 4, 1993). Therefore, the Office of Management and Budget (OMB) has received a copy of this proposed rulemaking to review. This proposed rulemaking is considered significant under DOT regulatory policies and procedures (44 FR 11034: February 26, 1979).

PHMSA prepared a draft Regulatory Evaluation of the rules proposed in this SNPRM and a copy is in the docket. The evaluation concludes that there will be a net cost savings from implementing the proposed rules. The savings result from reducing the regulatory burden currently imposed on regulated gas gathering lines by establishing a tiered approach to safety requirements. PHMSA estimates the total amount of gas gathering pipeline mileage that will be subject to Part 192 will be about the same after implementing this proposed rule as it is now. However, requirements applicable to approximately three fourths of the regulated gathering line mileage, which poses less public safety risk, will be reduced compared to the requirements now applicable to regulated lines. This proposal will result in a total cost of $26.54 million over a 20-year period. PHMSA estimates the benefit of reducing the frequency of gas gathering pipeline incidents that have public safety consequences will cause a net benefit that is consistent with the increased regulatory burden. If you have comments about these conclusions, please provide information to the public docket described above.

Regulatory Flexibility Act. Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), PHMSA must consider whether rulemaking actions would have a significant economic impact on a substantial number of small entities.

This SNPRM affects operators of onshore gas gathering lines. It proposes a definition of ''onshore'' gathering line and a tiered regulatory structure, under which regulated onshore gathering lines posing less risk would be subject to only some of the requirements now applied to all regulated gathering lines. PHMSA estimates the overall economic effect of rules proposed by this SNPRM will be a net reduction in costs to operators.

At present, many operators of such pipelines are subject to Federal safety regulation. The particular portions of their pipeline subject to regulation may change, in some cases, due to the changes in the definition, but the economic impact on these operators is expected to be a net reduction in costs, consistent with the regulatory analysis.

Some operators of gas gathering lines will become subject to safety regulations for the first time because portions of their pipelines will meet the criteria in the proposed definition of regulated onshore gathering line. These companies will experience added costs. The costs will depend on the risk posed by their pipelines. Approximately 25 companies are expected to come under safety regulation for the first time.

Based on these estimates, only a small number of companies will experience increased costs, but we believe this impact is not a significant economic impact on a ''substantial'' number of small entities.

PHMSA invites public comment on its estimate of the number of companies subject to safety regulation for the first time as a result of this proposed rule. PHMSA also invites public comment on the number of miles of pipeline subject to safety regulation for the first time as a result of this proposed rule.

Executive Order 13175. PHMSA has analyzed this proposed rulemaking according to the principles and criteria contained in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Because the proposed rulemaking would not significantly or uniquely affect the communities of the Indian tribal governments nor impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

Paperwork Reduction Act. This SNPRM contains information collection requirements applicable to operators of regulated onshore gas gathering lines. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), PHMSA will submit a paperwork analysis to OMB for its review. A copy of the analysis will also be entered in the docket. The SNPRM would affect information collection that OMB has approved under Control Numbers 2137–0049 (recordkeeping under 49 CFR part 192) and 2137–0579 (drug and alcohol testing under 49 CFR part 199).

For proposed Type B regulated onshore gathering lines, operators would have to comply with Part 192 information collection requirements regarding corrosion control, damage prevention programs, and public education programs. For proposed Type A regulated onshore gathering lines, operators would have to comply not only with these requirements but also with others under various Part 192 rules applicable to gas transmission lines. All operators of onshore gathering lines proposed to be regulated would have to comply with the information collection requirements in 49 CFR Part 199 concerning drug and alcohol testing.

As explained above in Section III of this preamble, gas gathering lines in non-rural locations are currently subject to PHMSA's safety regulations. The number of gathering line operators subject to regulation varies by year as pipelines are brought into and taken out of service and as changes occur in the boundaries of non-rural locations. During the period 1999 to 2003, approximately 400 operators filed annual reports each year under 49 CFR part 191 covering regulated onshore gathering systems.

At present, all 400 of these operators are required to comply with part 192 rules applicable to transmission lines, including information collection requirements. If the SNPRM proposals are adopted as final, the specific portions of these operators' gathering lines subject to part 192 regulations may change. Some portions may no longer be regulated, while others could become Type A or Type B lines. For Type B lines, the part 192 information collection burden would be significantly reduced, because Type B lines would be subject to far fewer part 192 regulations. The net effect on the paperwork burden faced by these 400 operators is thus expected to be a reduction. However, the magnitude of this reduction is difficult to estimate, since PHMSA lacks the data necessary to determine which portions of their currently regulated gathering lines would remain regulated by part 192 and which portions that remain regulated would become Type A or Type B lines.

If the proposed definition of ''regulated onshore gathering line'' is adopted as final, some operators of gas gathering lines in rural locations could become subject to part 192 regulations for the first time. PHMSA preliminarily estimates no more than 25 operators will be newly-subject to part 192 regulations as a result of this proposal. These operators would be required to comply with part 192 regulations proposed for Type A and Type B lines and with part 199 drug and alcohol testing regulations, including associated information collection requirements.

PHMSA' preliminary estimate of the paperwork burden on these proposed newly-regulated operators is an average of approximately 40 hours per year. Much of this time will involve clerical personnel, but some involvement by managers and technical personnel will be required. Using an estimated average hourly rate of $75 results in an estimated cost, for 25 operators, of $75,000 as a result of this new paperwork burden.

PHMSA expects this increase in cost for newly-regulated operators would be more than offset by the reduction in paperwork burden associated with

currently regulated gas gathering lines that become either unregulated or Type B lines, as described above. Thus, the overall paperwork impact would be a small reduction.

Comments are invited on the above estimates. PHMSA will publish a separate notice in the **Federal Register** specifically inviting comments on the information collection burden of the SNPRM following completion of the paperwork analysis.

Unfunded Mandates Reform Act of 1995. This SNPRM does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the proposed rulemaking.

National Environmental Policy Act. PHMSA has analyzed the proposed rulemaking for purposes of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Because the proposed rulemaking would require limited physical modification or other work that would disturb pipeline rights-of-way, PHMSA has preliminarily determined the proposed rulemaking is unlikely to significantly affect the quality of the human environment. Much of the pipeline mileage that would be subject to the proposed rules is already regulated, and no new actions likely to affect the environment are proposed for currently regulated lines. Also much of the existing rural mileage that would become regulated under the proposed rules is already equipped with cathodic protection and location markers, the two requirements that would involve any installation/modification work along the pipeline. An environmental assessment document is available for review in the docket. A final determination on environmental impact will be made after the end of the comment period. By requiring operators to participate in damage prevention programs and follow the applicable requirements for corrosion control, it may be expected that the number of failures on gathering lines will be reduced. Since gathering lines often contain gas streams laden with condensates and natural gas liquids, the reduced number of failures also means a reduced number of spills of these liquids.

If you have any comments about the preliminary conclusion, please submit your comments to the docket as described above.

Executive Order 13132. PHMSA has analyzed the proposed rulemaking according to the principles and criteria contained in Executive Order 13132 (''Federalism''). In its meetings with state agency officials on gathering lines, PHMSA discussed Federalism issues. None of the proposed rules (1) has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government; (2) impose substantial direct compliance costs on State and local governments; or (3) preempt state law. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

Executive Order 13211. The transportation of gas through gathering systems has a substantial aggregate effect on the nation's available energy supply. However, after analysis, PHMSA has determined this proposed rulemaking is not a ''significant energy action'' under Executive Order 13211. 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. Further, this proposed rulemaking has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. The Energy Impact Analysis is available for review in the docket.

List of Subjects in 49 CFR Part 192

Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, PHMSA proposes to amend 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 1.53.

2. In § 192.1,

a. Revise the section heading,

b. Revise paragraph (b)(4),

c. Remove paragraph (b)(5), and

d. Redesignate paragraph (b)(6) as (b)(5).

The changes read as follows:

§ 192.1 What is the scope of this part?

* * * * *

(b) * * *

(4) Onshore gathering of gas—

(i) Through a pipeline that operates at less than 0 psi (0 kPa) gage;

(ii) Through a pipeline that is not a regulated onshore gathering line; and

(iii) Within inlets of the Gulf of Mexico, except for the requirements in § 192.612.

* * * * *

3. In § 192.3, revise the section heading, and add definitions of ''onshore gathering line,'' ''potential impact circle,'' ''potential impact radius,'' and ''regulated onshore gathering line'' to read as follows:

§ 192.3 What definitions apply to this part?

* * * * *

Onshore gathering line means any pipeline or part of a connected series of pipelines that qualifies as an onshore gathering line under section 2.2 of API RP 80, with the following limitations:

(1) Under section 2.2(a)(1) of API RP 80, the beginning of a gathering line may not be further downstream than piping or equipment used solely in the process of extracting natural gas from the earth for the first time and preparing it for transportation or delivery.

(2) Under section 2.2(a)(1)(A) of API RP 80, the endpoint may not extend beyond the first downstream natural gas processing plant, unless the operator can demonstrate, using sound engineering principles, that gathering extends to a further downstream plant;

(3) The endpoint under section 2.2(a)(1)(B) of API RP 80 applies only if no other endpoint identified under section 2.2(a)(1)(A), (a)(1)(C) or (a)(1)(D) exists;

(4) Under section 2.2(a)(1)(C) of API RP 80, if the endpoint is determined by the commingling of gas from separate production fields, the fields may not be more than 50 miles from each other; and

(5) Under section 2.2(a)(1)(D) of API RP 80, the endpoint may not extend beyond the furthermost downstream compressor used to increase gathering line pressure for delivery to another pipeline.

* * * * *

Potential impact circle (PIC) is a circle of radius equal to the potential impact radius (PIR).

Potential impact radius (PIR) means the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property. PIR is determined by the following formula:

$r = 0.69 * (\text{square root of } (p * d^2))$

Where:

r = the radius of a circular area in feet surrounding the point of failure

p = the maximum allowable operating pressure of the pipeline segment in psig

d = the nominal diameter of the pipeline in inches

Regulated onshore gathering line means

(1) Each onshore gathering line (or segment of onshore gathering line) with a feature described in the second column that lies in an area described in the third column; and

(2) As applicable, additional lengths of line described in the fourth column to provide a safety buffer:

Type	Feature	Area	Safety buffer
A	☐ Metallic and the MAOP produces a hoop stress of 20 percent or more of SMYS. ☐ Non-metallic and the MAOP is more than 125 psi (862 kPa) gage.	1. A Class 3 or 4 location (see § 192.5) 2. An area within a Class 1 or Class 2 location that the operator determines by using either of the following methods:. Method 1. A potential impact circle that includes five or more dwellings;. Method 2. An area that extends 220 yards (200 m) on each side of the centerline of any continuous 1000 feet (305 m) of pipeline and includes either 5 or more dwellings per 1000 feet (305 m), or 25 or more dwellings per mile (1.6 kilometer), whichever results in more regulated onshore gathering line. If the density of 5 or more dwellings per 1000 feet (305 m) is used, the area extends along the pipeline until the space between dwellings is at least 250 feet..	If the gathering line is in Area 2, the additional lengths of line extend upstream and downstream from the area to a point where the pipeline is at least 220 yards (200 m) from the nearest dwelling in the area.
B	☐ Metallic and the MAOP produces a hoop stress of less than 20 percent of SMYS. ☐ Non-metallic and the MAOP is 125 psi (862 kPa) gage or less.	1. A Class 3 or 4 location 2. An area within a Class 1 or Class 2 location that extends 150 feet (45.7 m) on each side of the centerline of any continuous 1000 feet (305 m) of pipeline and includes 5 or more dwellings per 1000 feet.	If the gathering line is in Area 2, the additional lengths of line extend upstream and downstream from the area to a point where the line is at least 150 feet (45.7 m) from the nearest dwelling in the area.

* * * * *

4. In § 192.7, revise the section heading, and, in the table in paragraph (c), revise item B. (5) as follows:

§ 192.7 What documents are incorporated by reference into this part?

* * * * *

(c) * * *

Source and name of referenced material	49 CFR reference
* * * * * * *	
B. American Petroleum Institute (API):	
* * * * * * *	
(5) API Recommended Practice 80 "Guidelines for the Definition of Onshore Gas Gathering Lines" (2000)	§ 192.3
* * * * * * *	

5. Revise § 192.9 to read as follows:

§ 192.9 What requirements apply to gathering lines?

(a) *Requirements.* An operator of a gathering line must follow the safety requirements of this part as prescribed by this section.

(b) *Offshore lines.* An operator of an offshore gathering line must comply with requirements of this part applicable to transmission lines, except the requirements in § 192.150 and in Subpart O of this part.

(c) *Type A lines.* An operator of a Type A regulated onshore gathering line must comply with the requirements of this part applicable to transmission lines, except the requirements in § 192.150 and in Subpart O of this part.

(d) *Type B lines.* An operator of a Type B regulated onshore gathering line must comply with the following requirements:

(1) If a line is new, replaced, relocated, or otherwise changed, the design, installation, construction, initial inspection, and initial test must be in accordance with this part.

(2) If the pipeline is metallic, control corrosion according to Subpart I of this part;

(3) Carry out a damage prevention program under § 192.614;

(4) Establish the MAOP of the line under § 192.619;

(5) Install and maintain line markers according to the requirements for transmission lines in § 192.707; and

(6) Establish a public education program under § 192.616.

(e) *Compliance deadlines.* An operator of a regulated onshore gathering line must comply with the following deadlines, as applicable.

(1) An operator of a new, replaced, relocated, or otherwise changed line must be in compliance with the applicable requirements of this section by the date the line goes into service, except as proved in § 192.13.

(2) If a regulated onshore gathering line that exists on [date final rule takes effect] was not previously subject to this part, an operator has until the date stated in the second column to comply with the applicable requirement for the line listed in the first column:

Requirement	Compliance deadline
Control corrosion according to Subpart I requirements	[2 years after date final rule takes effect].
Carry out a damage prevention program under § 192.614	[6 months after date final rule takes effect].
Establish MAOP under § 192.619	[6 months after date final rule takes effect].
Install and maintain line markers under § 192.707	[1 year after date final rule takes effect].
Establish a public education program under § 192.616	[1 year after date final rule takes effect].
Other provisions of this part as required by paragraph (c) of this section for Type A lines.	[2 years after the final rule is published].

(3) If, after [date final rule takes effect], a change in class location or increase in dwelling density causes an onshore gathering line to be a regulated onshore gathering line, the operator has 1 year after the line becomes a regulated onshore gathering line to comply with this section.

6. In § 192.13,

a. Revise the section heading, and

b. Revise paragraphs (a) and (b), to read as follows:

§ 192.13 What general requirements apply to pipelines regulated under this part?

(a) No person may operate a segment of pipeline listed in the first column that is readied for service after the date in the second column, unless:

(1) The pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part; or

(2) The pipeline qualifies for use under this part in accordance with § 192.14.

Pipeline	Date
Offshore gathering line	July 31, 1977.
Regulated onshore gathering line to which this part did not apply until [date final rule takes effect].	[1 year after the final rule is published.]
All other pipelines	March 12, 1971.

(b) No person may operate a segment of pipeline listed in the first column that is replaced, relocated, or otherwise changed after the date in the second column, unless the replacement, relocation or change has been made in accordance with this part.

Pipeline	Date
Offshore gathering line	July 31, 1977.
Regulated onshore gathering line to which this part did not apply until [date final rule takes effect].	[1 year after the final rule is published.]
All other pipelines	November 12, 1970.

* * * * *

7. In § 192.452,

a. Revise the section heading,

b. Designate the existing text as paragraph (a),

c. Add ''*Converted pipelines.*'' as the heading of newly designated paragraph (a), and

d. Add a new paragraph (b), to read as follows:

§ 192.452 How does this subpart apply to converted pipelines and regulated onshore gathering lines?

(a) *Converted pipelines.* * * *

(b) *Regulated onshore gathering lines.* For any regulated onshore gathering line existing on [effective date of final rule] and not previously subject to this part:

(1) The requirements of this subpart specifically applicable to pipelines installed before August 1, 1971, apply notwithstanding the date the gathering line was actually installed; and

(2) The requirements of this subpart specifically applicable to pipelines installed after July 31, 1971, apply only if the pipeline substantially meets those requirements.

8. In § 192.619, revise the section heading and paragraphs (a)(3) and (c) to read as follows:

§ 192.619 What is the maximum allowable operating pressure for steel or plastic pipelines?

* * * * *

(a) * * *

(3) The highest actual operating pressure to which the segment was subjected during the 5 years preceding the applicable date in the second column, unless the segment was tested in accordance with paragraph (a)(2) of this section after the applicable date in the third column or the segment was uprated in accordance with subpart K of this part:

Pipeline	Pressure date	Test date
Onshore gathering lines that first became subject to this part (other than § 192.612) after (day before final rule takes effect).	First day of month before month final rule is published, or date line becomes a regulated onshore gathering line under this part, whichever is later.	5 years preceding date in second column.
Offshore gathering lines	July 1, 1976	July 1, 1971.
All other pipelines	July 1, 1970	July 1, 1965.

* * * * *

(c) Notwithstanding the other requirements of this section and subject to the requirements of § 192.611, an operator may operate a segment of

pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the 5 years preceding the applicable date in the second column of the table in paragraph (a)(3) of this section.

Issued in Washington, DC, on September 23, 2005.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

[FR Doc. 05–19455 Filed 9–28–05; 8:51 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2002–12347]

RIN 2127–AI52

Federal Motor Vehicle Safety Standards; Rearview Mirrors

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of withdrawal of rulemaking.

SUMMARY: In response to a petition for rulemaking submitted by Ms. Barbara Sanford, NHTSA published a Request for Comments (RFC) in the **Federal Register** on January 22, 2003 that included several questions regarding convex mirrors on commercial trucks. The Sanford petition asked the agency to amend our Federal Motor Vehicle Safety Standard (FMVSS) for rearview mirrors to require that all commercial trucks traveling on interstate highways have convex mirrors affixed to their front right and left fenders in order to provide drivers of these vehicles an increased field-of-view during lane change maneuvers, which the petitioner stated is necessary to eliminate a blind spot caused by the elevated position of commercial truck drivers relative to passenger cars. Prior to receiving the Sanford petition, the agency had decided to conduct research on heavy truck mirror systems, including fender-mounted mirrors. For reasons discussed in this document, the agency is withdrawing the RFC and is terminating this rulemaking, because additional research is necessary to assess the potential safety benefits of convex mirrors in this application.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Mr. David M. Hines, Office of Crash Avoidance Standards, Telephone number: (202) 493–0245, FAX number: (202) 366–7002. For legal issues: Mr. Eric Stas, Office of the Chief Counsel, Telephone number: (202) 366–2992, FAX number: (202) 366–3820. You may send mail to either of these officials at NHTSA, 400 Seventh Street, S.W., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

Federal Motor Vehicle Safety Standard No. 111, Rearview mirrors, does not require, nor restrict, the use of convex mirrors on heavy trucks such as the ones identified in the Sanford petition.[1] Instead, multipurpose passenger vehicles and trucks with a Gross Vehicle Weight Rating (GVWR) of more than 4,536 kg (10,000 lbs.) are required to have outside mirrors of unit magnification with stable supports on both sides of the vehicle; these mirrors must be located to provide the driver a view to the rear along both sides of the vehicle and be adjustable in both the horizontal and vertical directions. Regarding the use of convex mirrors on heavy trucks in the fleet, the agency previously noted that they are being used extensively by the heavy trucking industry, and that informal surveys by NHTSA staff suggested that approximately two-thirds of large trucks (excluding cab over designs) were equipped with convex mirrors on only the right front fender and approximately half were equipped with convex mirrors on both front fenders.

As noted above, NHTSA published a RFC on January 22, 2003 regarding convex mirrors on commercial trucks (68 FR 2993).[2] The agency received 24 comments in response to our published RFC from automobile and automobile equipment manufacturers, trade associations, public interest groups, and individuals. These comments may be viewed at: *http://dms.dot.gov/search/searchFormSimple.cfm* (Docket No. 12347).[3] Several of the comments provided insight on convex mirrors generally. However, none of the responses included data demonstrating safety benefits associated with requiring convex mirrors on the front right and left fenders of commercial trucks.

The agency has contracted with Virginia Tech Transportation Institute (VTTI) to conduct research on heavy truck mirror systems. The agency identified the objective of the study as assessing side and rearward visibility of heavy trucks, documenting current mirror design and aiming, developing a method to evaluate mirror fields of view, and recommending enhanced mirror design and aiming. Results of that research will be posted on our Web site (*http://www.nhtsa.dot.gov*) when it is completed.

II. Reason for Termination

After careful consideration, NHTSA has decided to withdraw this rulemaking. The agency believes further research on front fender-mounted convex mirrors is needed in order to draw appropriate conclusions as to the efficacy of these devices, and we are currently in the process of conducting such research. If this research indicates a need for future rulemaking, the agency will act accordingly.

The agency arrived at this decision to terminate after reviewing the comments received and identifying the need for additional research data upon which to propose any rulemaking. While no reference to available data regarding demonstrated safety benefits of front fender-mounted convex mirrors was submitted, some responses did address the prevalence and cost of these mirrors on heavy trucks.

For example, Mr. Roger Brock, an individual, referred to an informal interstate survey of tractor-trailer combinations involving 336 units that found approximately 64% of the subject trucks had a front fender-mounted convex mirror on at least one side and approximately 46% had them on both sides. The Truck Manufacturers Association (TMA) responded that sales data from six manufacturers from the prior 2–3 years demonstrated a range from 7% to 72%, varying by manufacturer, of trucks sold were equipped with hood/fender-mounted convex mirrors. TMA also estimated the list prices for such mirrors to vary from $65 to $225 per mirror. The American Trucking Associations agreed that a significant portion of commercial motor vehicles currently use fender-mounted mirrors but stated that some configurations of trucks or truck tractors will not permit the use of such mirrors due to those vehicles' specialized applications.

In light of the absence of available safety data, the currently high rate of voluntary installation of convex mirrors on commercial trucks, and our as-yet incomplete research program, the agency has decided to withdraw this rulemaking. Nevertheless, the agency

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[1] Docket No. NHTSA–2002–12347.

[2] Docket No. NHTSA–2002–12347–1.

[3] We note that the comments in the docket also address another petition involving a request from AM General Corporation to permit vehicles with a GVWR of more than 4,536 kg and with an overall length that is less than 508 centimeters to have the option of being equipped with a passenger-side convex mirror instead of the required passenger-side mirror of unit magnification.

remains interested in reducing truck mirror blind spots and will thoroughly review the VTTI research results in its efforts to understand the relevant safety issues associated with front fender-mounted convex mirrors.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: September 20, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 05–19666 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register

Vol. 70, No. 190

Monday, October 3, 2005

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 27, 2005.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: FNS Computer System Access Request.

OMB Control Number: 0584–NEW.

Summary of Collection: The Office of Management and Budget Circular No. A–130, Appendix III, Security of Federal Automated Information Resources, dated February 8, 1996, established a minimum set of controls to be included in Federal automated information security programs. Establishing personal controls to screen users to allow access to authorized system is directed in this appendix. The Food and Nutrition Service (FNS) Computer System Access Request Form, FNS–674, is designed for this purpose and will be used in all situations where access to an FNS computer system is required, where current access is required to be modified, or where access is no longer required and must be deleted. Users who access FNS systems are: State agencies, other Federal agencies, FNS Regional offices, FNS Field offices, FNS Compliance Offices, staff contractors, and FNS headquarters staff.

Need and Use of the Information: The State Coordinator is responsible for ensuring that State users and entities comply with the FNS Information Systems Security Policy Handbook 701 and the FNS Information Systems Standards and Procedures Handbook 702 developed for State systems for their use in maintaining proper controls over FNS security features used by State clients. The Regional Deputy Information System Security Officers act on behalf of the Headquarters Information Systems Security Office to ensure that Regional, Field Office, and the Compliance Office users comply with the FNS handbook security policies developed for the regional environment. FNS employs a staff of contractors who develop, monitor, and maintain the numerous FNS systems and also a small group who perform various administrative functions. If access were not granted, users would be denied access to systems needed to deliver FNS programs.

Description of Respondents: State, Local, or Tribal Government; Federal Government.

Number of Respondents: 2,700.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2,700.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–19672 Filed 9–30–05; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Information Collection: Brokerage Agreement for the Transportation of USDA Commodities

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Commodity Credit Corporation (CCC) is seeking comments from all interested individuals and organizations on the extension of an approved information collection with revision. This information collection is used to support of brokerage services needed to meet domestic and export food assistance program needs.

This information collection will allow CCC to determine the availability of brokers to meet CCC's transportation needs. The agreement in this information collection is an addition to the Standard Rules Tender (SRT) Governing Motor Carrier Transportation, and/or Standard Operating Agreement (SOA) Governing Intermodal Transportation that CCC approved.

DATES: Comments on this notice must be received on or before December 2, 2005, to be assured consideration.

ADDRESSES: Comments concerning this notice must be sent to Kansas City Commodity Office, USDA, Attn: Khristy Baughman, Chief, Planning and Analysis Division, 6501 Beacon Drive, Kansas City, Missouri 64133–4676 and to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Comments may be also submitted via fax to (816) 926–1648 or by e-mail to *Khristy.baughman@kcc.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Khristy Baughman, Chief, Planning and

Analysis Division, Kansas City Commodity Office, (816) 926–6509.

SUPPLEMENTARY INFORMATION:

Title: Brokerage Agreement for the Transportation of USDA Commodities.

OMB Control Number: 0560–0224.

Type of Request: Extension with revision.

Abstract: CCC, through the Kansas City Commodity Office (KCCO), solicits bids from brokers for the purpose of providing transportation brokerage services of agricultural commodities. Only approved Intermodal Marketing Companies (IMC) will be authorized to provide rail trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service that CCC hires to provide program transportation needs. Only approved Motor Carriers will be authorized to provide over the road trucking service that CCC hires to meet domestic and export program needs. Intermodal Marketing Companies and Motor Carriers that choose to broker loads with the KCCO Export Operations Division (EOD) are required to complete and submit the KC–11 (Brokerage Agreement for the Transportation of USDA Commodities). Completion of the form is only required one time. EOD is collecting information to determine the brokers that are available to meet CCC requirements for hauling agricultural products for CCC.

Respondents: Brokers.

Respondents: 47.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 47 hours.

Comments are invited regarding: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information collected; or (d) ways to minimize the burden of the collection of the 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.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Signed at Washington, DC, on September 24, 2005.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 05–19670 Filed 9–30–05; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Notice of Intent To Revise a Currently Approved Information Collection

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR part 1320 (60 FR 44977, August 29, 1995), this notice announces the Cooperative State Research, Education, and Extension Service's (CSREES) intention to revise a currently approved information collection entitled, ''Cooperative State Research, Education and Extension Service Application Kit for Research and Extension Programs.''

DATES: Written comments on this notice must be received by December 2, 2005 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments concerning this notice may be mailed to Jason Hitchcock, E-Government Program Leader, Information Systems and Technology Management, CSREES, USDA, STOP 2216, 1400 Independence Avenue, SW., Washington, DC 20250–2216 or sent electronically to: *jhitchcock@csrees.usda.gov*.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection, contact Jason Hitchcock, telephone:(202) 720–4343 or e-mail: *jhitchcock@csrees.usda.gov*.

CSREES Forms–2002, –2003, –2004, –2005, –2006, –2007, and –2008 are also available in PDF and MSWord formats on the CSREES Web site, under ''CSREES Application Forms,'' at *http://www.csrees.usda.gov/funding/forms.html*. CSREES Form–2010 is available under ''Multicultural Scholars Application Forms,'' at *http://www.csrees.usda.gov/funding/forms multicultural.html*.

SUPPLEMENTARY INFORMATION:

Title: Cooperative State Research, Education, and Extension Service Application Kit for Research and Extension Programs.

OMB Number: 0524–0039.

Expiration Date of Current Approval: March 31, 2006.

Type of Request: Revise a currently approved information collection.

Abstract: The Cooperative State Research, Education, and Extension Service (CSREES) sponsors ongoing agricultural research, extension, and education programs under which competitive, special, and other awards of a high-priority nature are made. Before awards can be made, certain information is required from applicants as part of an overall proposal package. In addition to project summaries, descriptions of the research, extension, or education efforts; literature reviews; curricula vitae of project directors; other, relevant technical aspects of the proposed project; and supporting documentation of an administrative and budgetary nature also must be provided.

Because of the nature of the competitive, peer-reviewed process, it is important that information from applicants be available in a standardized format to ensure equitable treatment. Each year, solicitations are issued requesting proposals for various research, education, and extension areas targeted for support. Applicants submit proposals for these targeted areas following formats outlined in the proposal application guidelines accompanying each program's solicitation. These proposals are evaluated by peer review panels and awarded on a competitive basis. The forms and narrative information are mainly used for proposal evaluation and administration purposes. While some of the information is used to respond to inquiries from Congress and other government agencies, the forms are not designed to be statistical surveys or data collection instruments. Their completion by potential recipients is a normal part of the application to agencies which support basic and applied science.

In FY 2004, CSREES initiated the receipt of applications electronically through the Grants.gov (*http://www.grants.gov*) storefront for limited programs. CSREES expects to utilize the SF–424(R&R) Application for Federal Assistance data set and forms package (see 69 FR 53923) along with CSREES Agency-specific forms to receive applications electronically. The CSREES Agency-specific forms have been deployed; and, after additional operational testing of the forms and their instructions, CSREES will again make available the option to submit applications electronically to CSREES

through Grants.gov. As CSREES transitions to use of the SF–424(R&R), there remains a need for the currently approved information collection entitled, ''Cooperative State Research, Education and Extension Service Application Kit for Research and Extension Programs.''

The following information is collected in the ''Cooperative State Research, Education and Extension Service Application Kit for Research and Extension Programs.''

Form CSREES–2002, Proposal Cover Page: Provides names, mailing and electronic addresses, and telephone numbers of project directors and authorized agents of applicant institutions and general information regarding the proposals.

Form CSREES–2003, Project Summary: Lists the Project Director(s) and their institution(s), project title and key words, and a project summary which allows for quick screening and assignment of proposals to peer reviewers.

Form CSREES–2004, Proposal Budget: Provides a breakdown of the purposes for which funds will be spent in the event of an award.

Form CSREES–2005, Current and Pending Support: Provides information for active and pending projects.

Form CSREES–2006, National Environmental Policy Act Exclusions: Allows identification of whether or not the proposal fits one of the exclusions listed for compliance with the National Environmental Policy Act (7 CFR Part 3407). This information is used in determining whether or not further action is needed to meet the requirements of this Act.

Form CSREES–2007, Identification of Conflicts of Interest: Lists the person(s) who are in conflict of interest with the applicant(s). This is used when selecting peer review panels to assure objective reviews.

Form CSREES–2008, Assurance Statement(s): Provides required assurances of compliance with regulations involving the protection of human subjects, animal welfare, and recombinant DNA research. This form is be used for competitive, special, and formula-funded projects.

Proposal Summary/Proposal Narrative: Provides a description of the proposed activity for which support is requested including objectives, plan of operation, and the project's significance to higher education in the food and agricultural sciences.

Form CSREES–2010, Fellowships/Scholarships Entry/Exit Form: This form will only apply to recipients of a CSREES fellowship or scholarship. The form will be used to document fellowship appointments and scholarships, pertinent demographic data on the fellows/scholars, and documentation of the progress of the fellows/scholars under the program.

The following information will be collected in the CSREES agency-specific forms when the agency transitions to use of the SF–424(R&R) forms.

Supplemental Information Form: This form is to be used by all competitive and special grant programs, and will collect the program name and program code to which the applicant is applying, additional applicant type information, Department of Health and Human Services Payment Management System account information, key words, and conflict of interest information.

NRI Proposal Type Form: This form will be used only by the National Research Initiative to collect the specific type of application being submitted.

Application Modification Form: This form will be used to indicate the forms or narrative portions of an application that an applicant has changed or corrected.

Respondents: Non-profit institutions, State, local, or Tribal governments, and a limited number of for-profit institutions and individuals.

Estimated Number of Respondents: For applicants: 7,150 each for the Proposal Summary/Proposal Narrative and Forms CSREES–2002, –2003, –2004, –2005, –2006, and –2007; 9,450 for Form CSREES–2008, Supplemental Information Form; 3,000 for the NRI Proposal Type Form; and 1,000 for the Application Modification Form. For grantees: 50 for Form CSREES–2010.

Estimated Total Annual Burden on Respondents (calculated based on a survey of grant applicants conducted by CSREES): The three year total burden on the public is estimated to be 161,029 hours. This burden assumes 156,813 in the first year and 2,108 in each of years 2 and 3 when CSREES transitions to the use of the SF–424 (R&R) forms and CSREES Agency-specific forms. The 161,029 estimated total burden over three years equates to an estimated annual average of burden to the public of 53,676 hours (161,029 ÷ 3).

The individual form burden is as follows: 21,450 hours for Form CSREES–2002, ''Proposal Cover Page,'' (3 hours per response); 3,575 hours for Form CSREES–2003, ''Project Summary,'' (.5 hours per response); 7,150 hours for Form CSREES–2004, ''Proposal Budget,'' (1 hour per response); 7,150 hours for Form CSREES–2005, ''Current and Pending Support,'' (1 hour per response); 1,788 hours for Form CSREES–2006, ''National Environmental Policy Act Exclusions,'' (.25 hours per response); 3,575 hours for Form CSREES–2007, ''Identification of Conflicts of Interest,'' (.5 hours per response); 4,725 hours for Form CSREES–2008, ''Assurance Statement,'' (.5 hours per response); 107,250 for the ''Proposal Summary/Proposal Narrative,'' (an average of 15 hours per response); and 150 hours for Form CSREES–2010, ''Fellowships/Scholarships Entry/Exit Form,'' (3 hours per response).

For the CSREES Agency-specific forms that will accompany the SF–424 (R&R) forms: 1,788 for the ''Supplemental Information'' form (.25 hours per response), 240 hours for the ''NRI Application Type'' form (.08 hours per response), and 80 hours for the ''Application Modification'' form (.08 hours per response).

Frequency of Respondents: Annually.

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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the address stated in the preamble.

All responses to this notice will be summarized and included in the request for OMB approval. All comments also will become a matter of public record.

Done at Washington, DC, this 22nd day of September, 2005.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 05–19677 Filed 9–30–05; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[05–MN–C]

Opportunity To Comment on the Applicants for the Minnesota Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: GIPSA requests comments on the applicants for designation to provide official services in the Minnesota area.

DATES: Comments must be received on or before October 18, 2005.

ADDRESSES: We invite you to submit comments on the applicants by any of the following methods:

- Hand Delivery or Courier: Deliver to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250.
- Fax: Send by facsimile transmission to (202) 690–2755, attention: Janet M. Hart.
- E-mail: Send via electronic mail to *Janet.M.Hart@usda.gov*.
- Mail: Send hardcopy to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

Read Comments: All comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720–8525, e-mail *Janet.M.Hart@usda.gov*.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the August 17, 2005, **Federal Register** (70 FR 48370), GIPSA announced that Minnesota Department of Agriculture asked GIPSA for a voluntary cancellation of their designation for domestic services, effective November 9, 2005. Subsequently, Minnesota informed GIPSA that they would continue to provide services until December 31, 2005. Minnesota's designation will cease effective December 31, 2005, and GIPSA asked persons interested in providing official services in Minnesota, except the export locations, to submit an application for designation by September 16, 2005.

There were nine applicants for the Minnesota area: Grain Inspection, Inc. (Jamestown), Mid-Iowa Grain Inspection, Inc. (Mid-Iowa), North Dakota Grain Inspection Service, Inc. (North Dakota), Northern Plains Grain Inspection Service, Inc. (Northern Plains), D. R. Schaal Agency, Inc. (Schaal), Sioux City Inspection and Weighing Service Company (Sioux City), all officially designated agencies; a company proposing to do business as Minnesota Grain Inspection, Inc. (Minnesota Grain) a subsidiary of Société Générale de Surveillance (SGS) North America, Inc., and a company proposing to do business as State Grain Inspection, Inc. (State Grain) a subsidiary of National Quality Inspection, Inc. Minnesota Department of Agriculture applied for designation to provide laboratory services only.

Jamestown applied for designation in Clay, Becker, Hubbard, Cass, Wilkin, Otter Tail, Wadena, Crow Wing, Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, Pine, Big Stone, Stevens, Pope, Stearns, Benton, Isanti, Chisago, Swift, Kandiyohi, Meeker, Wright, Sherburne, Anoka, Lac Qui Parle, Yellow Medicine, Chippewa, Renville, McLeod, Carver, Hennepin, Ramsey, Washington, Sibley, Scott, Dakota, Lincoln, Lyon, Redwood, Brown, Nicollet, Le Sueur, Rice, Goodhue, Wabasha, Pipestone, Murray, Cottonwood, Watonwan, Blue Earth, Waseca, Steele, Dodge, Olmstead, Winona, Rock, Nobles, Jackson, Martin, Faribault, Freeborn, Mower, Fillmore, and Houston Counties, Minnesota.

Mid-Iowa applied for designation in Washington, Scott, Dakota, Goodhue, Wabasha, Olmstead, Winona, and Houston Counties, Minnesota.

Minnesota Grain applied for designation in the entire State of Minnesota.

Minnesota applied for laboratory services only, in the entire State.

North Dakota applied for designation in Koochiching, St. Louis, Lake, Cook, Itasca, Norman, Mahnomen, Hubbard, Cass, Clay, Becker, Wadena, Crow Wing, Aitkin, Carlton, Wilkin, Otter Tail, Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, Pine, Stevens, Pope, Stearns, Benton, Sherburne, Isanti, Chisago, Big Stone, Swift, Kandiyohi, Meeker, Wright, Anoka, Washington, Lac Qui Parle, Chippewa, McLeod, Carver, Hennepin, Ramsey, Sibley, Scott, Dakota, Goodhue, Wabash, and Winona Counties, Minnesota.

Northern Plains applied for designation in Kittson, Roseau, Lake of the Woods, Koochiching, Marshall, Beltrami, Itasca, Polk, Pennington, Red Lake, Clearwater Hubbard, and Cass Counties, Minnesota.

Schaal applied for designation in Watonwan, Blue Earth, Waseca, Steele, Martin, Faribault, Freeborn, Mower Counties, Minnesota.

Sioux City applied for designation in Chippewa, Yellow Medicine, Renville, Lincoln, Lyon, Redwood, Brown, Nicollet, Pipestone, Murray, Cottonwood, Watonwan, Blue Earth, Rock, Nobles, Jackson, Martin, and Faribault Counties, Minnesota.

State Grain applied for designation in Hennepin, Ramsey, Washington, Carver, Scott, Dakota, Brown, Nicollet, Le Sueur, Rice, Goodhue, Watonwan, Blue Earth, Waseca, Steele, Dodge, Martin, and Faribault Counties; and Jackson County, east of Highway 29, Minnesota.

All of the applicants named above indicated they would be willing to accept more or less area in order to provide needed service to all requestors.

GIPSA is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants. Substantive comments citing reasons and pertinent data for support or objection to the designation of the applicants will be considered in the designation process. All comments must be submitted to the Compliance Division at the above address. Comments and other available information will be considered in making a final decision. GIPSA will publish notice of the final decision in the **Federal Register**.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Patricia Donohue-Galvin,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 05–19658 Filed 9–30–05; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF COMMERCE

Bureau of the Census 2010 Census Advisory Committee

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is giving notice of a meeting of the 2010 Census Advisory Committee. Committee members will address policy, research, and technical issues related to 2010 Decennial Census programs, including the American Community Survey and related programs. Last-minute changes to the agenda are possible, which could prevent giving advance notification of schedule changes.

DATES: October 27–28, 2005. On October 27, the meeting will begin at approximately 8:30 a.m. and end at approximately 5 p.m. On Friday, October 28, 2005, the meeting will begin at approximately 8:45 a.m. and end at approximately 11:30 a.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau, 4700 Silver Hill

Road, Federal Building 3, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 3627, Federal Office Building 3, Washington, DC 20233, telephone (301) 763–2070, TTY (301) 457–2540.

SUPPLEMENTARY INFORMATION: The 2010 Census Advisory Committee is composed of a Chair, Vice-Chair, and 20 member organizations—all appointed by the Secretary of Commerce. The Committee considers the goals of the decennial census, including the American Community Survey and related programs, and users' needs for information provided by the decennial census from the perspective of outside data users and other organizations having a substantial interest and expertise in the conduct and outcome of the decennial census. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section10(a)(b)).

A brief period will be set aside at the meeting for public comment. However, individuals with extensive statements for the record must submit them in writing to the Census Bureau Committee Liaison Officer named above at least three working days prior to the meeting. Seating is available to the public on a first-come, first-served basis.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Census Bureau Committee Liaison Officer as soon as known, and preferably two weeks prior to the meeting.

Dated: September 27, 2005.

Charles Louis Kincannon,

Director, Bureau of the Census.

[FR Doc. 05–19665 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of Professional Associations

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The U.S. Bureau of the Census (Census Bureau) is giving notice of a meeting of the Census Advisory Committee of Professional Associations. The Committee members will address issues regarding Census Bureau programs and activities related to their areas of expertise. Members will address policy, research, and technical issues related to 2010 Decennial Census Programs, including the American Community Survey. The Committee also will discuss several economic initiatives, as well as issues pertaining to marketing services and measurement of local labor market activity. Last-minute changes to the agenda are possible, which could prevent giving advance notice of schedule adjustments.

DATES: October 20–21, 2005. On October 20, the meeting will begin at approximately 8:30 a.m. and adjourn at approximately 5 p.m. On October 21, the meeting will begin at approximately 8:30 a.m. and adjourn at approximately 11:45 a.m.

ADDRESSES: The meeting will be held at the Hilton Crystal City Hotel at Ronald Reagan National Airport, 2399 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 3627, Federal Building 3, Washington, DC 20233. Her telephone number is 301–763–2070, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The Census Advisory Committee of Professional Associations is composed of 36 members, appointed by the Presidents of the American Economic Association, the American Statistical Association, the Population Association of America, and the Chairperson of the Board of the American Marketing Association. The Committee members address issues regarding Census Bureau programs and activities related to their respective areas of expertise. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10(a)(b)).

The meeting is open to the public, and a brief period is set aside for public comment and questions. Those persons with extensive questions or statements must submit them in writing at least three days before the meeting to the Committee Liaison Officer named above. Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Committee Liaison Officer.

Dated: September 28, 2005.

Charles Louis Kincannon,

Director, Bureau of the Census.

[FR Doc. 05–19747 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

(Docket 46–2005)

Foreign–Trade Zone 50 — Long Beach, California, Application For Subzone, Eastman Kodak Company (X–ray film, Color Paper, Digital Media, Inkjet Paper, Entertainment Imaging, and Health Imaging, Whittier and Santa Fe Springs, California

An application has been submitted to the Foreign–Trade Zones Board (the Board) by the Port of Long Beach (California), grantee of FTZ 50, requesting special–purpose subzone status for the facilities of the Eastman Kodak Company (Kodak), located in Whittier and Santa Fe Springs, California. The application was submitted pursuant to the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 26, 2005.

The facilities for which subzone status is proposed are on two sites (more than 29 acres total; 299,545 sq. ft. of enclosed space) at 12100 Rivera Road in Whittier (22.9 acres; 1 building with 216,000 sq. ft.) and 10715 Shoemaker Road in Santa Fe Springs (6.3 acres; 1 building with 83,545 sq. ft.). The facilities are used for the storage and distribution, as well as certain processing operations (*e.g.*, ''kitting''), of imported products related to X–ray film, color paper, digital media, inkjet paper, entertainment imaging, and health imaging. Kodak indicates that authority to perform its processing operations under FTZ procedures may result in changes in tariff classifications and duty rates for imported products. The application states that ''some of the potential items that might be included in kitting operations in different combinations'' are cameras (HTSUS 8525.40.4000), docking station (8471.80.1000), docking station with charger (8504.40.9550), printer dock (8471.60.5500), camera bags (4202.92.9026), batteries (8506 - 8507), battery chargers (8504.40.9550), mini tripods (9006.91.0000), memory cards (8473.30.1080), USB cable (8544.41.4000), and power cable - printer dock (8544.51.9000). Duty rates on these items range from duty–free to 17.6% *ad valorem*.

The application also requests authority to include a broad range of inputs and final products that the plant may warehouse, distribute, or process under FTZ procedures in the future within the categories of X–ray film, color paper, digital media, inkjet paper, entertainment imaging (*i.e.*, motion picture film, consumer film and related chemicals), and health imaging (*i.e.*, other health imaging film, equipment and related chemicals). (New major activity in these inputs/products could require review by the FTZ Board.) General HTSUS categories of imported products to be admitted to the proposed subzone include: 2620, 2710, 2803, 2804, 2806, 2811, 2812, 2815, 2825, 2827, 2832, 2833, 2836, 2838, 2842, 2843, 2846, 2851, 2901, 2902, 2903, 2904, 2906, 2907, 2908, 2909, 2911, 2914, 2915, 2916, 2917, 2918, 2920, 2921, 2922, 2924, 2925, 2926, 2928, 2930, 2931, 2933, 2934, 2935, 2942, 3004, 3402, 3503, 3507, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3824, 3901, 3903, 3905, 3906, 3907, 3910, 3912, 3917, 3919, 3920, 3921, 3923, 3924, 3926, 4008, 4009, 4010, 4016, 4017, 4202 (4202.12.6000, 4202.12.8030, 4202.91.0090, 4202.92.9026, 4202.92.9036, 4202.92.9060), 4203, 4415, 4504, 4703, 4802, 4805, 4808, 4811, 4818, 4819, 4820, 4821, 4823, 4901, 4902, 4905, 4906, 4908, 4909, 4910, 4911, 5906, 6804, 6909, 7003, 7004, 7005, 7006, 7007, 7008, 7013, 7014, 7020, 7106, 7108, 7112, 7412, 7419, 7606, 7607, 7609, 7616, 8101, 8108, 8302, 8306, 8308, 8309, 8405, 8412, 8413, 8414, 8415, 8418, 8419, 8420, 8421, 8422, 8423, 8428, 8431, 8439, 8441, 8443, 8466, 8467, 8470, 8471, 8472, 8473, 8476, 8477, 8479, 8480, 8481, 8485, 8501, 8503, 8504, 8505, 8506, 8507, 8511, 8512, 8513, 8514, 8515, 8516, 8518, 8521, 8523, 8524, 8525, 8528, 8529, 8531, 8532, 8533, 8534, 8535, 8536, 8537, 8538, 8539, 8540, 8541, 8542, 8543, 8544, 8545, 8546, 8547, 9001, 9002, 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9013, 9015, 9016, 9017, 9018, 9022, 9023, 9024, 9025, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9106, 9402, 9405, 9612, and 9705. The duty rates on these products range from duty–free to 38%.

The application lists the following general HTSUS categories of finished products that may be shipped from the proposed subzone: 2710, 2803, 2804, 2806, 2811, 2812, 2815, 2825, 2827, 2832, 2833, 2836, 2838, 2842, 2843, 2846, 2851, 2901, 2902, 2903, 2904, 2906, 2907, 2908, 2909, 2911, 2914, 2915, 2916, 2917, 2918, 2920, 2921, 2922, 2924, 2925, 2926, 2928, 2930, 2931, 2933, 2934, 2935, 2942, 3004, 3402, 3503, 3507, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3824, 3901, 3903, 3905, 3906, 3907, 3910, 3912, 3917, 3919, 3920, 3921, 3923, 3924, 3926, 4008, 4009, 4010, 4016, 4017, 4202 (4202.12.6000, 4202.12.8030, 4202.91.0090, 4202.92.9026, 4202.92.9036, 4202.92.9060), 4203, 4415, 4504, 4703, 4802, 4805, 4808, 4811, 4818, 4819, 4820, 4821, 4823, 4901, 4902, 4905, 4906, 4908, 4909, 4910, 4911, 5906, 6804, 6909, 7003, 7004, 7005, 7006, 7007, 7008, 7013, 7014, 7020, 7106, 7108, 7112, 7412, 7419, 7606, 7607, 7609, 7616, 8101, 8108, 8302, 8306, 8308, 8309, 8405, 8412, 8413, 8414, 8415, 8418, 8419, 8420, 8421, 8422, 8423, 8428, 8431, 8439, 8441, 8443, 8466, 8467, 8470, 8471, 8472, 8473, 8476, 8477, 8479, 8480, 8481, 8485, 8501, 8503, 8504, 8505, 8506, 8507, 8511, 8512, 8513, 8514, 8515, 8516, 8518, 8521, 8523, 8524, 8525, 8528, 8529, 8531, 8532, 8533, 8534, 8535, 8536, 8537, 8538, 8539, 8540, 8541, 8542, 8543, 8544, 8545, 8546, 8547, 9001, 9002, 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9013, 9015, 9016, 9017, 9018, 9022, 9023, 9024, 9025, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9106, 9402, 9405, 9612, and 9705. The duty rates on these products range from duty–free to 38%.

Zone procedures would exempt Kodak from Customs duty payments on products that are reexported. On its shipments to the U.S. market, the company would be able to defer duty payments until merchandise is shipped from the plant and entered for consumption. For certain imported merchandise that is processed into a ''kit'' with other merchandise, a change in customs classification and consequent lower duty rate may apply (such duty savings are estimated to constitute nine percent of the facilities' estimated $ 700,000 to $ 1 million in total annual subzone–related savings). Kodak would also be able to avoid duty on foreign inputs which become scrap/waste, estimated at one percent of FTZ–related savings. Kodak may also realize logistical/procedural and other benefits from subzone status. The request indicates that the savings from FTZ procedures would help improve the international competitiveness of Kodak's U.S. operations.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade–Zones Board, U.S. Department of Commerce, Franklin Court Building--Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or
2. Submissions Via the U.S. Postal Service: Foreign–Trade-Zones Board, U.S. Department of Commerce, FCB--Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is December 2, 2005. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to December 19, 2005.

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign–Trade Zones Board's Executive Secretary at address Number 1 listed above and at the Los Angeles U.S. Export Assistance Center, 444 S. Flower, 34th Floor, Los Angeles, CA 90071.

Dated: September 26, 2005.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 05–19750 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

(Docket 47–2005)

Foreign–Trade Zone 26 Atlanta, Georgia, Application For Subzone, Eastman Kodak Company, (X–ray film, Color Paper, Digital Media, Inkjet Paper, Entertainment Imaging, and Health Imaging), Lawrenceville, Georgia

An application has been submitted to the Foreign–Trade Zones Board (the Board) by Georgia Foreign–Trade Zone, Inc., grantee of FTZ 26, requesting special–purpose subzone status for the facility of the Eastman Kodak Company (Kodak), located in Lawrenceville, Georgia. The application was submitted pursuant to the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 26, 2005.

The facility for which subzone status is proposed (17.35 acres; one building with 249,550 sq. ft. of enclosed space) is located at 2225 Cedars Road in Lawrenceville. The facility is used for the storage and distribution, as well as certain processing operations (*e.g.*, ''kitting''), of imported products related

to X–ray film, color paper, digital media, inkjet paper, entertainment imaging, and health imaging. Kodak indicates that authority to perform its processing operations under FTZ procedures may result in changes in tariff classifications and duty rates for imported products. The application states that ''some of the potential items that might be included in kitting operations in different combinations'' are cameras (HTSUS 8525.40.4000), docking station (8471.80.1000), docking station with charger (8504.40.9550), printer dock (8471.60.5500), camera bags (4202.92.9026), batteries (8506 - 8507), battery chargers (8504.40.9550), mini tripods (9006.91.0000), memory cards (8473.30.1080), USB cable (8544.41.4000), and power cable - printer dock (8544.51.9000). Duty rates on these items range from duty–free to 17.6% *ad valorem*.

The application also requests authority to include a broad range of inputs and final products that the plant may warehouse, distribute, or process under FTZ procedures in the future within the categories of X–ray film, color paper, digital media, inkjet paper, entertainment imaging (*i.e.*, motion picture film, consumer film and related chemicals), and health imaging (*i.e.*, other health imaging film, equipment and related chemicals). (New major activity in these inputs/products could require review by the FTZ Board.) General HTSUS categories of imported products to be admitted to the proposed subzone include: 2620, 2710, 2803, 2804, 2806, 2811, 2812, 2815, 2825, 2827, 2832, 2833, 2836, 2838, 2842, 2843, 2846, 2851, 2901, 2902, 2903, 2904, 2906, 2907, 2908, 2909, 2911, 2914, 2915, 2916, 2917, 2918, 2920, 2921, 2922, 2924, 2925, 2926, 2928, 2930, 2931, 2933, 2934, 2935, 2942, 3004, 3402, 3503, 3507, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3824, 3901, 3903, 3905, 3906, 3907, 3910, 3912, 3917, 3919, 3920, 3921, 3923, 3924, 3926, 4008, 4009, 4010, 4016, 4017, 4202 (4202.12.6000, 4202.12.8030, 4202.91.0090, 4202.92.9026, 4202.92.9036, 4202.92.9060), 4203, 4415, 4504, 4703, 4802, 4805, 4808, 4811, 4818, 4819, 4820, 4821, 4823, 4901, 4902, 4905, 4906, 4908, 4909, 4910, 4911, 5906, 6804, 6909, 7003, 7004, 7005, 7006, 7007, 7008, 7013, 7014, 7020, 7106, 7108, 7112, 7412, 7419, 7606, 7607, 7609, 7616, 8101, 8108, 8302, 8306, 8308, 8309, 8405, 8412, 8413, 8414, 8415, 8418, 8419, 8420, 8421, 8422, 8423, 8428, 8431, 8439, 8441, 8443, 8466, 8467, 8470, 8471, 8472, 8473, 8476, 8477, 8479, 8480, 8481, 8485, 8501, 8503, 8504, 8505, 8506, 8507, 8511, 8512, 8513, 8514, 8515, 8516, 8518, 8521, 8523, 8524, 8525, 8528, 8529, 8531, 8532, 8533, 8534, 8535, 8536, 8537, 8538, 8539, 8540, 8541, 8542, 8543, 8544, 8545, 8546, 8547, 9001, 9002, 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9013, 9015, 9016, 9017, 9018, 9022, 9023, 9024, 9025, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9106, 9402, 9405, 9612, and 9705. The duty rates on these products range from duty–free to 38%.

The application lists the following general HTSUS categories of finished products that may be shipped from the proposed subzone: 2710, 2803, 2804, 2806, 2811, 2812, 2815, 2825, 2827, 2832, 2833, 2836, 2838, 2842, 2843, 2846, 2851, 2901, 2902, 2903, 2904, 2906, 2907, 2908, 2909, 2911, 2914, 2915, 2916, 2917, 2918, 2920, 2921, 2922, 2924, 2925, 2926, 2928, 2930, 2931, 2933, 2934, 2935, 2942, 3004, 3402, 3503, 3507, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3824, 3901, 3903, 3905, 3906, 3907, 3910, 3912, 3917, 3919, 3920, 3921, 3923, 3924, 3926, 4008, 4009, 4010, 4016, 4017, 4202 (4202.12.6000, 4202.12.8030, 4202.91.0090, 4202.92.9026, 4202.92.9036, 4202.92.9060), 4203, 4415, 4504, 4703, 4802, 4805, 4808, 4811, 4818, 4819, 4820, 4821, 4823, 4901, 4902, 4905, 4906, 4908, 4909, 4910, 4911, 5906, 6804, 6909, 7003, 7004, 7005, 7006, 7007, 7008, 7013, 7014, 7020, 7106, 7108, 7112, 7412, 7419, 7606, 7607, 7609, 7616, 8101, 8108, 8302, 8306, 8308, 8309, 8405, 8412, 8413, 8414, 8415, 8418, 8419, 8420, 8421, 8422, 8423, 8428, 8431, 8439, 8441, 8443, 8466, 8467, 8470, 8471, 8472, 8473, 8476, 8477, 8479, 8480, 8481, 8485, 8501, 8503, 8504, 8505, 8506, 8507, 8511, 8512, 8513, 8514, 8515, 8516, 8518, 8521, 8523, 8524, 8525, 8528, 8529, 8531, 8532, 8533, 8534, 8535, 8536, 8537, 8538, 8539, 8540, 8541, 8542, 8543, 8544, 8545, 8546, 8547, 9001, 9002, 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9013, 9015, 9016, 9017, 9018, 9022, 9023, 9024, 9025, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9106, 9402, 9405, 9612, and 9705. The duty rates on these products range from duty–free to 38%.

Zone procedures would exempt Kodak from Customs duty payments on products that are reexported. On its shipments to the U.S. market, the company would be able to defer duty payments until merchandise is shipped from the plant and entered for consumption. For certain imported merchandise that is processed into a ''kit'' with other merchandise, a change in customs classification and consequent lower duty rate may apply (such duty savings are estimated to constitute five percent of the facility's estimated $ 200,000 to $ 350,000 in total annual subzone–related savings). Kodak would also be able to avoid duty on foreign inputs which become scrap/waste, estimated at one percent of FTZ–related savings. Kodak may also realize logistical/procedural and other benefits from subzone status. The request indicates that the savings from FTZ procedures would help improve the international competitiveness of Kodak's U.S. operations.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign–Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building--Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or
2. Submissions Via the U.S. Postal Service: Foreign–Trade-Zones Board, U.S. Department of Commerce, FCB--Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is December 2, 2005. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to December 19, 2005.

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign–Trade Zones Board's Executive Secretary at address Number 1 listed above and at the Atlanta U.S. Export Assistance Center, 75 Fifth Street, N.W., Suite 1055, Atlanta, Georgia 30308.

Dated: September 26, 2005.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 05–19751 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–DS–S

U.S. DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Order No. 1410

Grant of Authority, Establishment of a Foreign–Trade Zone, Conroe (Montgomery County), 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 adopts the following Order:

Whereas, the Foreign–Trade Zones Act provides for '' ... the establishment ... of foreign–trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign–Trade Zones Board to grant to qualified corporations the privilege of establishing foreign–trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the City of Conroe, Texas (the Grantee), has made application to the Board (FTZ Docket 34–2004, 69 FR 51060, 8/17/04), requesting the establishment of a foreign–trade zone at a site in Conroe (Montgomery County), Texas, adjacent to the Houston Customs port of entry;

Whereas, notice inviting public comment has been given in the **Federal Register** (69 FR 51060, 8/17/04; 69 FR 61635, 10/20/04; and, 69 FR 74493, 12/14/04); and,

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

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign–trade zone, designated on the records of the Board as Foreign–Trade Zone No. 265, atthe site described in the application, and subject to the Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 16th day of September 2005.

FOREIGN–TRADE ZONES BOARD

Carlos M. Gutierrez.

Secretary of Commerce,Chairman and Executive Officer.

Attest:

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 05–19749 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4697.

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with section 351.213 (2002), that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity to Request a Review:

Not later than the last day of October 2005,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in October for the following periods:

Antidumping Duty Proceedings	Period
BRAZIL: Carbon and Certain Alloy Steel Wire Rod. A–351–832	10/1/04 - 9/30/05
CANADA: Carbon and Certain Alloy Steel Wire Rod. A–122–840	10/1/04 - 9/30/05
CANADA: Hard Red Spring Wheat. A–122–847	10/1/04 - 9/30/05
INDONESIA: Carbon and Certain Alloy Steel Wire Rod. A–560–815	10/1/04 - 9/30/05
ITALY: Pressure Sensitive Tape. A–475–059	10/1/04 - 9/30/05
MEXICO: Carbon and Certain Alloy Steel Wire Rod. A–201–830	10/1/04 - 9/30/05
MOLDOVA: Carbon and Certain Alloy Steel Wire Rod. A–841–805	10/1/04 - 9/30/05
REPUBLIC OF KOREA: Polyvinyl Alcohol. A–580–850	10/1/04 - 9/30/05
THE PEOPLE'S REPUBLIC OF CHINA: Barium Carbonate. A–570–880	10/1/04 - 9/30/05
THE PEOPLE'S REPUBLIC OF CHINA: Barium Chloride. A–570–007	10/1/04 - 9/30/05
THE PEOPLE'S REPUBLIC OF CHINA: Cotton Shop Towels. A–570–003	10/1/04 - 2/16/05
THE PEOPLE'S REPUBLIC OF CHINA: Helical Spring Lock Washers. A–570–822	10/1/04 - 9/30/05
THE PEOPLE'S REPUBLIC OF CHINA: Polyvinyl Alcohol. A–570–879	10/1/04 - 9/30/05
TRINIDAD AND TOBAGO: Carbon and Certain Alloy Steel Wire Rod. A–274–804	10/1/04 - 9/30/05
UKRAINE: Carbon and Certain Alloy Steel Wire Rod. A–823–812	10/1/04 - 9/30/05

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

Antidumping Duty Proceedings	Period
Countervailing Duty Proceedings.	
BRAZIL: Carbon and Certain Alloy Steel Wire Rod.	
C–351–833	1/1/04 - 12/31/04
CANADA: Hard Red Spring Wheat.	
C–122–848	1/1/04 - 12/31/04
IRAN: Roasted In–Shell Pistachios.	
C–507–601	1/1/04 - 12/31/04
Suspension Agreements.	
RUSSIA: Uranium.	
A–821–802	10/1/04 - 9/30/05

In accordance with section 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters.[1] If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order–by-order basis, which exporter(s) the request is intended to cover.

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 69 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. See also the Import Administration web site at http://ia.ita.doc.gov.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Operations, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of October 2005. If the Department does not receive, by the last day of October 2005, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the U.S. Customs and Border Protection to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: September 22, 2005.

Holly A. Kuga,

Senior Office Director, AD/CVD Operations, Office 4, for Import Administration.

[FR Doc. 05–19754 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Upcoming Sunset Reviews.

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended, the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for November 2005

The following Sunset Reviews are scheduled for initiation in November 2005 and will appear in that month's Notice of Initiation of Five–Year Sunset Reviews.

Antidumping Duty Proceedings	Department Contact
Carbon Steel Plate from Taiwan (A–583–080)	Dana Mermelstein (202) 482–1391
Corrosion–Resident Carbon Steel Flat Products from Austrialia (A–602–803)	David Goldberger (202) 482–4136
Corrosion–Resident Carbon Steel Flat Products from Canada (A–122–822)	Dana Mermelstein (202) 482–1391

[1] If the review request involves a non-market economy and the parties subject to the review request do not qualify for separate rates, all other exporters of subject merchandise from the non-market economy country who do not have a separate rate will be covered by the review as part of the single entity of which the named firms are a part.

Antidumping Duty Proceedings	Department Contact
Corrosion–Resident Carbon Steel Flat Products from France (A–427–808)	Dana Mermelstein (202) 482–1391
Corrosion–Resident Carbon Steel Flat Products from Germany (A–428–815)	Dana Mermelstein (202) 482–1391
Corrosion–Resident Carbon Steel Flat Products from Japan (A–588–824)	David Goldberger (202) 482–4136
Corrosion–Resident Carbon Steel Flat Products from South Korea (A–580–816)	David Goldberger (202) 482–4136
Cut–to-Length Carbon Steel Plate from Belgium (A–423–805)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Brazil (A–351–817)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Finland (A–405–802)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Germany (A–428–816)	David Goldberger (202) 482–4136
Cut–to-Length Carbon Steel Plate from Mexico (A–201–809)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Poland (A–455–802)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Romania (A–485–803)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Spain (A–469–803)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Sweden (A–401–805)	David Goldberger (202) 482–4136
Cut–to-Length Carbon Steel Plate from United Kingdom (A–412–814)	Dana Mermelstein (202) 482–1391
Countervailing Duty Proceedings.	
Corrosion–Resident Carbon Steel Flat Products from France (C–427–817)	Dana Mermelstein (202) 482–1391
Corrosion–Resident Carbon Steel Flat Products from South Korea (C–580–818)	David Goldberger (202) 482–4136
Cut–to-Length Carbon Steel Plate from Belgium (C–423–806)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Brazil (C–351–818)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Mexico (C–201–810)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Spain (C–469–804)	Dana Mermelstein (202) 482–1391
Cut–to-Length Carbon Steel Plate from Sweden (C–401–804)	David Goldberger (202) 482–4136
Cut–to-Length Carbon Steel Plate from United Kingdom (C–412–815)	Dana Mermelstein (202) 482–1391
Suspended Investigations.	
No suspended investigations are scheduled for initiation in November 2005..	

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3--Policies Regarding the Conduct of Five–Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (''Sunset Policy Bulletin''). The Notice of Initiation of Five–Year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Puruant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 15 days of the publication of the Notice of Initition.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: September 26, 2005.

Holly A. Kuga,

Senior Office Director, AD/CVD Operations, Office 4, for Import Administration.

[FR Doc. 05–19752 Filed 9–30–05; 8:45 am]

(BILLING CODE: 3510–DS–S)

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-year (''Sunset'') Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating five-year (''Sunset Reviews'') of the antidumping duty orders listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of Institution of Five-year Review which covers these same orders.

EFFECTIVE DATE: October 3, 2005.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the Initiation of Review(s) section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW, Washington, DC 20230. For information from the Commision contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3 — *Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Initiation of Reviews

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following antidumping duty orders:

DOC Case No.	ITC Case No.	Country	Product	Department Contact
A–588–815	731–TA–461	Japan	Gray Portland Cement & Clinker	Zev Primor (202) 482–4114

DOC Case No.	ITC Case No.	Country	Product	Department Contact
A–201–802	731–TA–451	Mexico	Gray Portland Cement & Clinker	Zev Primor(202) 482–4114

Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the Department's regulations regarding *Sunset Reviews* (19 CFR 351.218) and Sunset Policy Bulletin, the Department's schedule of Sunset Reviews, case history information (*i.e.*, previous margins, duty absorption determinations, scope language, import volumes), and service lists available to the public on the Department's sunset Internet website at the following address: ''http://ia.ita.doc.gov/sunset/.'' All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 15 days of the publication of the Notice of Initation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order (''APO'') immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required from Interested Parties

Domestic interested parties (defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b)) wishing to participate in these Sunset Reviews must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the orders without further review. *See* 19 CFR 351.218(d)(1)(iii).

If we receive an order–specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order–specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.[1] Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: September 20, 2005.

Holly A. Kuga,

Senior Office Director, AD/CVD Operations, Office 4, for Import Administration.

[FR Doc. 05–19753 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–DS–S

[1] In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–831

Fresh Garlic From the People's Republic of China; Initiation of New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2005.

SUMMARY: The Department of Commerce (the ''Department'') has determined that a request for a new shipper review of the antidumping duty order on fresh garlic from the People's Republic of China (''PRC''), received in May 2005, meets the statutory and regulatory requirements for initiation. The period of review (''POR'') of this new shipper review is November 1, 2004, through April 30, 2005.

FOR FURTHER INFORMATION CONTACT: Ryan A. Douglas or Wendy Frankel, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1277 and (202) 482–5849, respectively.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on fresh garlic from the PRC was published on November 16, 1994. On May 31,2005, we received a request for a new shipper review from Qufu Dongbao Import & Export Trade Co., Ltd., (Dongbao). Dongbao certified that it grew and exported the garlic on which it based its request for a new shipper review.

Initiation of New Shipper Reviews.

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2), Dongbao certified that it did not export fresh garlic to the United States during the period of investigation (POI). Pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Dongbao, certified that, since the initiation of the investigation, it has never been affiliated with any exporter or grower who exported fresh garlic to the United States during the POI, including those not individually examined during the investigation. As

required by 19 CFR 351.214(b)(2)(iii)(B), Dongbao also certified that its export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, the exporter submitted documentation establishing the following: (1) the date on which it first shipped fresh garlic for export to the United States and the date on which the fresh garlic was first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment and the volume of subsequent shipments; and (3) the date of its first sale to an unaffiliated customer in the United States.

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), we are initiating this new shipper review for shipments of fresh garlic from the PRC grown and exported by Dongbao.

The POR is November 1, 2004, through April 30, 2005. *See* 19 CFR 351.214(g)(1)(i)(B). We intend to issue preliminary results of these reviews no later than 180 days from the date of initiation, and final results of these reviews no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act.

Because Dongbao has certified that it grew and exported the fresh garlic on which it based its request for a new shipper review, we will instruct U.S. Customs and Border Protection (CBP) to allow, at the option of the importer, the posting of a bond or security in lieu of a cash deposit for each entry of fresh garlic both grown and exported by Dongbao until the completion of the new shipper review, pursuant to section 751(a)(2)(B)(iii) of the Act. Interested parties that need access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: September 23, 2005.

Holly A. Kuga,

Acting Assistant Secretary for Import Administration.

[FR Doc. 05–19685 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

(A–331–802)

Notice of Initiation of New Shipper Antidumping Duty Review: Certain Frozen Warmwater Shrimp from Ecuador

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Initiation of New Shipper Antidumping Duty Review.

SUMMARY: The Department of Commerce (the Department) has received a request for a new shipper review of the antidumping duty order on certain frozen warmwater shrimp from Ecuador published on February 1, 2005 (70 FR 5156). In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(d), we are initiating an antidumping new shipper review of Studmark, S.A. (Studmark).

EFFECTIVE DATE: October 3, 2005.

FOR FURTHER INFORMATION CONTACT: David Goldberger or Gemal Brangman, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–3773, respectively;

SUPPLEMENTARY INFORMATION: The Department received a timely request from Studmark, in accordance with 19 CFR 351.214(c), for a new shipper review of the antidumping duty order on certain frozen warmwater shrimp from Ecuador. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Ecuador*, 70 FR 5156 (February 1, 2005).

Pursuant to 19 CFR 351.214(b), Studmark certified that it is both an exporter and producer of the subject merchandise, that it did not export subject merchandise to the United States during the period of the investigation (POI) (October 1, 2002, through September 30, 2003), and that it was not affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI. Studmark also submitted documentation establishing the date on which the subject merchandise was first entered for consumption, the volume shipped, and the date of its first sale to an unaffiliated customer in the United States.

Scope of the Order

The scope of this order includes certain warmwater shrimp and prawns, whether frozen, wild–caught (ocean harvested) or farm–raised (produced by aquaculture), head–on or head–off, shell–on or peeled, tail–on or tail–off,[1] deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the Penaeidae family. Some examples of the farmed and wild–caught warmwater species include, but are not limited to, whiteleg shrimp (*Penaeus vannemei*), banana prawn (*Penaeus merguiensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of this order. In addition, food preparations, which are not ''prepared meals,'' that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of this order.

Excluded from the scope are: 1) breaded shrimp and prawns (HTS subheading 1605.20.10.20); 2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; 3) fresh shrimp and prawns whether shell–on or peeled (HTS subheading 0306.23.00.20 and 0306.23.00.40); 4) shrimp and prawns in prepared meals (HTS subheading 1605.20.05.10); 5) dried shrimp and prawns; 6) canned warmwater shrimp and prawns (HTS subheading 1605.20.10.40); 7) certain dusted shrimp; and 8) certain battered shrimp.

[1] ''Tails'' in this context means the tail fan, which includes the telson and the uropods.

Dusted shrimp is a shrimp–based product: 1) that is produced from fresh (or thawed–from-frozen) and peeled shrimp; 2) to which a ''dusting'' layer of rice or wheat flour of at least 95 percent purity has been applied; 3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; 4) with the non–shrimp content of the end product constituting between four and 10 percent of the product's total weight after being dusted, but prior to being frozen; and 5) that is subjected to individually quick frozen (IQF) freezing immediately after application of the dusting layer. Battered shrimp is a shrimp–based product that, when dusted in accordance with the definition of dusting above, is coated with a wet viscous layer containing egg and/or milk, and par–fried.

The products covered by this order are currently classified under the following HTS subheadings: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. These HTS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this order is dispositive.

Initiation of Review

In accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(d), we are initiating a new shipper review of the antidumping duty order on certain frozen warmwater shrimp from Ecuador produced and exported by Studmark. Because we are initiating this new shipper review in the month immediately following the first semianniversary month, this review covers the period from August 4, 2004, through July 31, 2005, in accordance with 19 CFR 351.214(g)(ii)(B). We intend to issue the preliminary results of this review no later than 180 days after the date on which this review is initiated, and the final results within 90 days after the date on which we issue the preliminary results. *See* section 751(a)(2)(B)(iv) of the Act.

We will instruct the U.S. Customs and Border Protection to suspend liquidation of any unliquidated entries of the subject merchandise from Studmark and allow, at the option of the importer, the posting, until completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by Studmark in accordance with 19 CFR 351.214(e). Because Studmark certified that it both produces and exports the subject merchandise, the sale of which is the basis for this new shipper review request, we will permit the bonding privilege only for those entries of subject merchandise for which Studmark is both the producer and the exporter.

Interested parties may submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act and 19 CFR 351.214(d).

Dated: September 26, 2005.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 05–19684 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In–Quota Rate of Duty

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its quarterly update to the annual list of foreign government subsidies on articles of cheese subject to an in–quota rate of duty during the period April 1, 2005, through June 31, 2005. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: October 3, 2005.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl or Eric Greynolds, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230, telephone: (202) 482–1767 or (202) 482–6071, respectively.

SUPPLEMENTARY INFORMATION: Section 702 of the Trade Agreements Act of 1979 (as amended) (''the Act'') requires the Department of Commerce (''the Department'') to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in–quota rate of duty, as defined in section 702(h) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on articles of cheese that were imported during the period April 1, 2005, through June 31, 2005.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in–quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in–quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: September 23, 2005.

Holly A. Kuga,

Acting Assistant Secretary for Import Administration.

APPENDIX

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN–QUOTA RATE OF DUTY[1]

Country	Program(s)	Gross[2] Subsidy ($/lb)	Net[3] Subsidy ($/lb)
Austria	European Union Restitution Payments	$0.00	$ 0.00
Belgium	EU Restitution Payments	$ 0.00	$ 0.00

APPENDIX—Continued
SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN–QUOTA RATE OF DUTY[1]

Country	Program(s)	Gross[2] Subsidy ($/lb)	Net[3] Subsidy ($/lb)
Canada	Export Assistance on Certain Types of Cheese	$ 0.28	$ 0.28
Cyprus	EU Restitution Payments	$ 0.00	$ 0.00
Denmark	EU Restitution Payments	$ 0.00	$ 0.00
Finland	EU Restitution Payments	$ 0.00	$ 0.00
France	EU Restitution Payments	$ 0.00	$ 0.00
Germany	EU Restitution Payments	$ 0.00	$ 0.00
Greece	EU Restitution Payments	$ 0.00	$ 0.00
Hungary	EU Restitution Payments	$ 0.00	$ 0.00
Ireland	EU Restitution Payments	$ 0.00	$ 0.00
Italy	EU Restitution Payments	$ 0.00	$ 0.00
Lithuania	EU Restitution Payments	$ 0.00	$ 0.00
Luxembourg	EU Restitution Payments	$ 0.00	$ 0.00
Netherlands	EU Restitution Payments	$ 0.00	$ 0.00
Norway	Indirect (Milk) Subsidy	$ 0.00	$ 0.00
	Consumer Subsidy	*$ 0.00*	*$ 0.00*
	Total	$ 0.00	$ 0.00
Poland	EU Restitution Payments	$ 0.00	$ 0.00
Portugal	EU Restitution Payments	$ 0.00	$ 0.00
Slovenia	EU Restitution Payments	$ 0.00	$ 0.00
Spain	EU Restitution Payments	$ 0.00	$ 0.00
Switzerland	Deficiency Payments	$ 0.00	$ 0.00
U.K.	EU Restitution Payments	$ 0.00	$ 0.00

[1] This chart includes only those countries which exported articles of cheese to the United States during 1st Quarter, 2005.
[2] Defined in 19 U.S.C. 1677(5).
[3] Defined in 19 U.S.C. 1677(6).

[FR Doc. 05–19686 Filed 9–30–05; 8:45 am]
(BILLING CODE: 3510–DS–S)

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092705B]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: \

SUMMARY: Notice is hereby given that the Oregon Department of Fish and Wildlife (ODFW) has submitted a Fishery Management and Evaluation Plan (FMEP) and the Washington Department of Fish and Wildlife (WDFW) has submitted an amendment to an FMEP pursuant to the protective regulations promulgated for Lower Columbia River (LCR) coho salmon under the Endangered Species Act. The FMEPs specify the future management of inland recreational fisheries potentially affecting LCR coho salmon. This document serves to notify the public of the availability of the FMEPs for review and comment before final approval or disapproval is made by NMFS.

DATES: Comments on the FMEPs must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on November 2, 2005.

ADDRESSES: Written comments on the application should be addressed to the Salmon Recovery Division, Hatcheries and Inland Fisheries Branch, 1201 NE Lloyd Blvd. Suite 1100, Portland, OR 97232 or faxed to 503–872–2737. Comments may be submitted by e-mail. The mailbox address for providing e-mail comments is *LCRCohoFMEPs.nwr@noaa.gov*. Include in the subject line of the e-mail comment the following identifier: *Comments on LCR Coho FMEPs*.

FOR FURTHER INFORMATION CONTACT: Richard Turner, Portland, Oregon, at phone number: (503) 736–4737, or e-mail: *rich.turner@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

This notice is relevant to the Lower Columbia River coho salmon (*Oncorhynchus kisutch*), Lower Columbia River Chinook salmon (*O. tshawytscha*), Lower Columbia River steelhead (*O. mykiss*), and Columbia River chum salmon (*O. keta*) evolutionarily significant unit (ESU).

ODFW has submitted to NMFS an FMEP: Lower Columbia River Coho in Oregon Freshwater Fisheries of the Lower Columbia River Tributaries (between the Pacific Ocean and Hood River). WDFW has submitted an amendment to their Lower Columbia River FMEP for inland recreational fisheries potentially affecting listed adult and juvenile LCR coho salmon. These FMEPs include fisheries occurring in all tributaries to the Lower Columbia River from the Pacific Ocean to the Hood River in Oregon and the Big White Salmon River in Washington. The objective of the fisheries described in these FMEPs is to harvest known, hatchery-origin coho salmon, and other fish species in a manner that does not appreciably reduce the likelihood of survival and recovery of listed LCR salmon and steelhead ESUs. All fisheries included in these FMEPs will be managed such that only hatchery-origin coho salmon that are adipose fin-clipped may be retained. Impact levels on listed LCR coho salmon are specified in ODFW's FMEP and the amendment to WDFW's FMEP. Population viability analysis and risk assessments in the FMEPs indicate the extinction risk for listed coho salmon would not increase as a result of the proposed fisheries. A variety of monitoring and evaluation tasks are specified in the FMEPs to assess the abundance of coho salmon, determine fishery effort and catch of coho salmon and other species, and monitor angler compliance. A review of compliance with the provisions of the FMEPs will be conducted by the state fisheries agencies annually and a

comprehensive review to evaluate the effectiveness of the FMEPs will occur at a minimum every 5 years.

As specified in the July 10, 2000, the Endangered Species Act (ESA) 4(d) rule for salmon and steelhead (65 FR 42422) and updated rule (June 28, 2005, 70 FR 37160), NMFS may approve an FMEP if it meets criteria set forth in 50 CFR 223.203(b)(4)(i)(A) through (I). Prior to final approval of an FMEP, NMFS must publish notification announcing its availability for public review and comment.

Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, July 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to activities associated with fishery harvest provided that an FMEP has been approved by NMFS to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, July 28, 2005).

Dated: September 29, 2005.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–19724 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081905C]

Endangered Fish and Wildlife; Marine Mammal Protection Act; Proposed Conservation Plan for Southern Resident Killer Whales

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

ACTION: Notice; request for comments.

SUMMARY: The Marine Mammal Protection Act (MMPA) of 1972, as amended, requires the Secretary of Commerce to prepare a conservation plan for any species or stock of marine mammals designated as depleted under the Act. The Southern Resident stock of killer whales (*Orcinus orca*) was designated as depleted on May 29, 2003, and a conservation plan was developed to promote the conservation and recovery of these whales. NMFS announces the availability for public review of the Proposed Conservation Plan for Southern Resident Killer Whales (Plan). NMFS is requesting review and comment on the Plan from the public and all interested parties.

DATES: Written comments and information must be received by January 3, 2006.

ADDRESSES: Copies of the Plan may be reviewed and/or copied at NMFS, Protected Resources Division, 7600 Sand Point Way NE, Seattle, WA 98115. The Plan is available on-line on the NMFS web site www.nwr.noaa.gov. Comments should be submitted by mail to Chief, Protected Resources Division, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232 or by e-mail to *orca.plan@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. Garth Griffin, NOAA/NMFS, Northwest Region, (503) 231–2005.

SUPPLEMENTARY INFORMATION:

Background

Southern Resident killer whales declined by almost 20 percent from 1996-2001. The scientific information evaluated during a status review indicated that Southern Resident killer whales were depleted under the Marine Mammal Protection Act (MMPA). NMFS published a proposed rule to designate the Southern Resident stock of killer whales as depleted on January 30, 2003 (68 FR 4747). Based on the best scientific information available, consultation with the Marine Mammal Commission, and consideration of public comments, we determined that the Southern Resident stock of killer whales was depleted under the MMPA (68 FR 31980; May 29, 2003) and announced our intention to prepare a conservation plan.

Conservation plans describe actions to conserve and recover a species or stock designated as depleted under the MMPA. Conservation plans are modeled on recovery plans under the Endangered Species Act and must include (1) site-specific management actions necessary to achieve the plan's goals; (2) estimates of time required and costs to implement actions; and (3) objective, measurable criteria which, when met, would result in the species or stock no longer meeting the definition of depleted.

The Plan

We developed the Plan with input from a variety of stakeholders, including state and Federal agencies, tribes, non-profit groups, industries, the academic community, and concerned citizens. We held a series of technical workshops in 2003-2004 to receive input from participants on ideas for management actions to include in the plan; coordinated with the NMFS Northwest Fisheries Science Center research program, the State of Washington, and the Canadian Department of Fisheries and Oceans; and provided a preliminary draft document for public review in March 2005, meeting with agency representatives to discuss the preliminary plan. The Plan incorporates many of the comments received and includes a completed implementation schedule with cost estimates for conservation measures and research actions.

The Plan provides a strategy to conserve and restore Southern Resident killer whales, so that they no longer meet the definition of a depleted stock. It provides background on the natural history of killer whales, population trends and the potential threats to their viability. The Plan lays out a conservation strategy to address the potential threats based on the best available science and includes conservation goals and criteria consistent with the MMPA. The Plan is not a regulatory action, but presents guidance for use by agencies and interested parties to assist in the recovery of killer whales. The conservation measures, outlined in the plan, detail an initial approach to address each of the manageable threats. The program also links management actions to an active research program to fill data gaps, as wells as to monitoring activities for assessing effectiveness. Feedback from research and monitoring will provide the information necessary to refine ongoing actions and develop and prioritize new actions. The Plan can be amended in the future as additional information becomes available.

Conserving Southern Resident killer whales is a long-term effort and will require cooperation and coordination of Federal, state, tribal and local government agencies, and the community. WNMFS solicits public comments on the proposed conservation plan.

Dated: September 29, 2005.

P. Michael Payne,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–19729 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092905A]

South Atlantic Fishery Management Council; Law Enforcement Committee and Advisory Panel Meeting

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

ACTION: Notice of meeting of the Law Enforcement Committee and Advisory Panel.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a joint meeting of its Law Enforcement Committee and Advisory Panel (AP) in Charleston, South Carolina.

DATES: The meeting will take place October 12 and 13, 2005.

ADDRESSES: The meetings will be held at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC 29407; phone 800/334–6660 or 843/571–1000, FAX 843/766–9444.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, S.C., 29407–4699; phone 843/571–4366 or toll free 866/SAFMC-10; FAX 843/769–4520; email: *kim.iverson@safmc.net*.

SUPPLEMENTARY INFORMATION: The Law Enforcement Committee and AP will meet jointly from 1p.m. until 5 p.m. on October 12, 2005, and from 8:30 a.m. until 3 p.m. on October 13, 2005, to review Amendment 13C to the Snapper Grouper Fishery Management Plan and provide recommendations to the Council. Committee and AP members will also receive an update on the use of marine protected areas as a fishery management tool, discuss state regulations regarding the sale of recreationally caught fish in the region, and provide recommendations for Council.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) prior to the meetings.

Note: The times and sequence specified in this agenda are subject to change.

Dated: September 29, 2005.

Emily Menashes,

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

[FR Doc. 05–19717 Filed 9–28–05; 2:54 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090805B]

Marine Mammals; File No. 774–1649–03

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

ACTION: Notice; receipt of application for permit amendments.

SUMMARY: Notice is hereby given that the Southwest Fisheries Science Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, California 92038 (Principal Investigator: Rennie Holt, Ph.D.) has requested an amendment to scientific research Permit No. 774–1649–02.

DATES: Written, telefaxed, or e-mail comments on the new application and amendment requests must be received on or before November 2, 2005.

ADDRESSES: The application, 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

Assistant Regional Administrator for Protected Resources, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4020; fax (562)980–4027.

Written comments or requests for a public hearing on this request should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 774–1649–03.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Tammy Adams, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No. 774–1649–02, issued to the NMFS, Southwest Fisheries Science Center, authorizes the Holder to capture and restrain 100 adults/juveniles and 600 Antarctic fur seal (*Arctocephalus gazella*) pups to: handle (weigh and measure); sample (extract tooth, blood, and milk); and tag (flipper tag and instrument). Additionally, the Permit authorizes incidental harassment of Southern elephant seals (*Mirounga leonina*), Crabeater seals (*Lobodon carcinophagus*), Leopard seals (*Hydrurga leptonyx*), Ross seals (*Ommatophoca rossii*), and Weddell seals (*Leptonychotes weddellii*) during census surveys and mortality of up to three Antarctic fur seals incidental to capture operations. The Permit expires April 30, 2006.

The Holder now requests an amendment to the Permit to conduct additional activities on 15 Antarctic fur seal females and 30 pups already authorized to be taken. There would be no change in the total number of animals captured or the number of captures per animal each year. Adult females and pups would be administered isotopes (doubly-labeled water (DLW)) for female/pup energetic studies. Blood samples would be collected pre- and post administration of isotopes. Seals would be held up to three hours and the female and pup released simultaneously. Additionally, pups would be lavaged to remove milk from their stomachs before the administration of DLW.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding a copy of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: Sptember 26, 2005.

Stephen L. Leathery,

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

[FR Doc. 05–19732 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent and Trademark Financial Transactions (Formerly Payment of Patent and Trademark Office Fees by Credit Card)

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), 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 the continuing information collection, 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 December 2, 2005.

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

- E-mail: *Susan.Brown@uspto.gov.* Include ''0651–0043 comment'' in the subject line of the message.
- Fax: 571–273–0112, marked to the attention of Susan Brown.
- Mail: Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tamara McClure, Office of Finance, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–6345; or by e-mail to *Tamara.McClure@uspto.gov.*

SUPPLEMENTARY INFORMATION

I. Abstract

Under 35 U.S.C. 41 and 15 U.S.C. 1113, the USPTO charges fees for processing and other services related to patents, trademarks, and information products. The provisions of 35 U.S.C. 41 and 15 U.S.C. 1113 are implemented in 37 CFR 1.16–1.28, 2.6–2.7, and 2.206–2.209.

Under 37 CFR 1.23(b) and 2.207(b), customers may use a credit card to pay patent or trademark fees or to order information products from the USPTO. Payments of fees made by credit card must specify the amount to be charged and other information that is necessary to process the charge, such as a billing address (and an authorized signature when submitting a paper Credit Card Payment Form). The USPTO will not accept a general authorization to charge fees to a credit card. Customers submitting fee payments must also provide information concerning the purpose of the fee so that the USPTO is able to (1) apply the fee to the particular application, patent, trademark registration, or other proceeding, service, or product; and (2) determine whether the person has submitted the appropriate fee(s) required by law or regulation.

This information collection includes the Credit Card Payment Form (PTO–2038), which provides the public with a convenient way to submit a credit card payment for fees related to a patent, trademark, or information product. Customers may also submit credit card payments via the Electronic Credit Card Payment Form (PTO–2231) when using online systems provided by the USPTO for paying fees related to patents, trademarks, or information products. These systems are accessible through the USPTO web site at *http://www.uspto.gov.* At the top of the site, click on the ''eBusiness'' link to access the online systems. For online credit card payments, customers must use the Electronic Credit Card Payment Form provided on the USPTO web site.

Under 37 CFR 1.25 and 2.208, customers may establish deposit accounts at the USPTO for paying patent and trademark fees or purchasing information products. Deposit accounts eliminate the need to submit a check, credit card information, or other form of payment for each transaction with the USPTO. Additionally, in the event that a fee amount due is miscalculated, customers may authorize the USPTO to charge any remaining balance to the deposit account and therefore avoid the potential consequences of underpayment. Customers may establish a deposit account by completing a Deposit Account Application Form (PTO–2232) and sending the required information, initial deposit, and service fee to the USPTO.

As customers use their deposit accounts to make payments, they may deposit funds to replenish their accounts by mailing a check to the USPTO or making a deposit online via an electronic funds transfer (EFT) using the Electronic Deposit Account Replenishment Form (PTO–2233) available at the USPTO web site. No official form is provided for mailed replenishments. Customers may simply send their checks to the USPTO with instructions specifying their deposit account number. Customers may also close their deposit accounts by submitting a written request. The remaining balance in the deposit account will be refunded after a six-week waiting period with no account activity to ensure that all outstanding charges have been applied before the account is closed.

In addition to credit cards and deposit accounts, customers may also use EFT to make online fee payments. In order to make payments to the USPTO via EFT, customers must first establish a user profile with their banking information. Once their profile is created, customers may use their User ID and password to perform EFT transactions. To set up a user profile, customers must complete and submit the EFT User Profile Form (PTO–2236) through the USPTO web site.

Under 37 CFR 1.26 and 2.209, the USPTO may refund fees paid by mistake or in excess of the required amount. For refund amounts of $25 or less, customers must submit a written request to the Refund Branch of the USPTO Office of Finance. No official form is provided for these refund requests.

The Deposit Account Application Form (PTO–2232), Deposit Account Replenishments, Electronic Deposit Account Replenishment Form (PTO–2233), Deposit Account Closure Request Form (PTO–2234), EFT User Profile Form (PTO–2236), and Refund Requests are being added to this collection. The USPTO does not provide an official form for paper Deposit Account Replenishments or Refund Requests.

In order to protect confidentiality, the USPTO will not include the credit card information submitted using the paper Credit Card Payment Form (PTO–2038) or Electronic Credit Card Payment Form (PTO–2231) among the patent or trademark records open to public inspection. The USPTO does not require customers to use the paper Credit Card Payment Form when paying fees by credit card, but using this form for non-electronic payments is strongly encouraged. If a customer supplies credit card information on a form or document (e.g., in correspondence related to a patent or trademark) other than a credit card payment form provided by the USPTO, the credit card information may become part of a patent or trademark file that is open to public inspection. If credit card information is submitted on a form or document other than a credit card payment form provided by the USPTO, the USPTO will not be liable if the credit card information becomes public knowledge.

II. Method of Collection

By mail, facsimile, hand delivery, or electronically over the Internet to the USPTO.

III. Data

OMB Number: 0651–0043.

Form Number(s): PTO–2038, PTO–2231, PTO–2232, PTO–2233, PTO–2234, PTO–2236.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; not-for-profit institutions; farms; the Federal Government; and state, local or tribal governments.

Estimated Number of Respondents: 1,928,705 responses per year.

Estimated Time Per Response: The USPTO estimates that it will take the public approximately 2 minutes (0.03 hours) to gather the necessary information, prepare, and submit the items in this collection related to credit card payments, deposit accounts, EFT user profiles, and refund requests.

Estimated Total Annual Respondent Burden Hours: 57,862 hours per year.

Estimated Total Annual Respondent Cost Burden: $2,488,066 per year. The USPTO expects that 75% of the submissions for this information collection will be prepared by fee administrators/coordinators and that 25% of the submissions will be prepared by paraprofessionals. Using those proportions and the estimated rates of $30 per hour for fee administrators/coordinators and $81 per hour for paraprofessionals, the USPTO estimates that the average hourly rate for all respondents will be approximately $43 per hour. Using this estimated rate of $43 per hour, the USPTO estimates that the respondent cost burden for submitting the information in this collection will be approximately $2,488,066 per year.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Credit Card Payment Form (PTO-2038)	2	863,389	25,902
Electronic Credit Card Payment Form (PTO–2231)	2	1,017,322	30,520
Deposit Account Application Form (PTO–2232)	2	298	9
Deposit Account Replenishment	2	20,837	625
Electronic Deposit Account Replenishment Form (PTO–2233)	2	17,664	530
Deposit Account Closure Request Form (PTO–2234)	2	132	4
EFT User Profile Form (PTO–2236)	2	2,850	86
Refund Request	2	6,213	186
Total		1,928,705	57,862

Estimated Total Annual Non-hour Respondent Cost Burden: $235,755. There are no capital start-up costs or maintenance costs associated with this information collection. However, this collection does have associated service fees for deposit accounts and returned payments, postage costs for mailing submissions to the USPTO, and recordkeeping costs related to electronic credit card payments and electronic deposit account replenishments.

There are service fees for setting up a deposit account at the USPTO, for not maintaining the minimum balance required for the deposit account, and for returned payments. The service charge to establish a deposit account is $10, and the USPTO estimates that it processes 298 Deposit Account Application Forms annually, for a total of $2,980 per year. There is also a $25 service charge for deposit accounts that are below the minimum balance ($1,000 minimum balance for an unrestricted deposit account or $300 minimum balance for a restricted deposit account) at the end of the month, and the USPTO estimates that it assesses a total of $100,000 in low balance service charges per year. There is a $50 service charge for processing a payment refused (including a check returned ''unpaid'') or charged back by a financial institution. The USPTO estimates that it assesses 456 of these returned payment charges annually, for a total of $22,800 per year. The total estimated service fees for this collection are $125,780 per year.

Customers may incur postage costs when submitting the Credit Card Payment Form and other paper forms or requests to the USPTO by mail. Customers generally send the Credit Card Payment Form to the USPTO along with other documents related to the fee or service being paid for by credit card, but some customers may submit just the Credit Card Payment Form without additional supporting documents. The USPTO estimates that roughly 5 percent of the 863,389 paper Credit Card Payment Forms submitted annually may be mailed in by themselves, approximately 43,169 per year. The USPTO estimates that it will receive an additional 27,480 submissions per year that may be mailed, including Deposit Account Application Forms, Deposit Account Replenishments, Deposit Account Closure Requests, and Refund Requests, for a total of 70,649 mailed submissions per year. The USPTO estimates that the first-class postage cost for a mailed submission will be 37 cents, for a total postage cost of approximately $26,140 per year.

Customers using the Electronic Credit Card Payment Form or the Electronic Deposit Account Replenishment Form may incur recordkeeping costs from printing a copy of the electronic receipt confirming their successful online transaction. The USPTO estimates that it will take 5 seconds (0.001 hours) to print a copy of the confirmation receipt and that approximately 1,034,986 submissions per year will use the Electronic Credit Card Payment Form or the Electronic Deposit Account Replenishment Form, for a total recordkeeping burden of 1,035 hours per year. Using the paraprofessional rate of $81 per hour, the USPTO estimates that the recordkeeping cost associated with this collection will be approximately $83,835 per year.

The total non-hour respondent cost burden for this collection in the form of service fees, postage costs, and recordkeeping costs is estimated to be $235,755 per year.

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, e.g., 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 OMB

approval of this information collection; they also will become a matter of public record.

Dated: September 26, 2005.

Susan K. Brown,

Records Officer, USPTO, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division.

[FR Doc. 05–19683 Filed 9–30–05; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 70 FR 180.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Monday, October 3, 2005.

CHANGES IN THE MEETING: The closed meeting to discuss a Derivatives Clearing Organization Review has been canceled.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 05–19822 Filed 9–29–05; 12:29 pm]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement, Programmatic Sediment Management Plan, Lower Snake River Reservoirs, in the States of Washington and Idaho

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps) intends to prepare an Environmental Impact Statement (EIS) for a Programmatic Sediment Management Plan that will address sediment management within the four lower Snake River reservoirs and that portion of McNary reservoir contained within the lower Snake River The plan will identify and evaluate ways the Corps can manage sediment within these reservoirs and examine the sediment input (sources) on a programmatic basis in the near-term, mid-term, and long-term. The reservoirs extend from the mouth of the Snake River upstream to the communities of Lewiston, Idaho, and Clarkston, Washington; and include the lower 2 miles of the Clearwater River from its confluence with the Snake River at Lewiston upstream to the U.S. Highway 12 Bridge. In the plan the Corps will also include all tributaries that could significantly contribute sediment to the lower Snake River. The Corps is preparing this plan because sediment management has been an ongoing maintenance issue since the completion of Ice Harbor Dam, the first dam and reservoir on the lower Snake River, in 1961. Rather than addressing sediment-related problems on a case-by-case basis, the Corps has determined that it would be more effective to evaluate sediment management as a whole and on a watershed basis. The intent of the plan is to identify ways to reduce the amount of sediment entering the reservoirs, identify how to manage the sediment once it enters the reservoirs, and identify possible changes to structures or operations to reduce maintenance and associated impacts while still providing for authorized project purposes, including navigation.

FOR FURTHER INFORMATION CONTACT: Mr. Carl Christianson, Project Manager, Walla Walla District, Corps of Engineers, CENWW–PM–PD, 201 North Third Avenue, Walla Walla, WA 99362, phone (509) 527–7260, or Ms. Sandra Simmons, NEPA Coordinator, Walla Walla District, Corps of Engineers, CENWW–PD–EC, 201 North Third Avenue, Walla Walla, WA 99362, phone (509) 527–7265.

SUPPLEMENTARY INFORMATION: Since construction of its first dam on the lower Snake River, the Corps has recognized that sediment management would be an ongoing maintenance issue within the reservoirs. Historically the Corps has used dredging as the primary means of managing sediment that deposited in areas that interfere with man's use of the river. Most of these maintenance dredging actions have been conducted on a case-by-case basis without a long-term look at more effective ways of managing sediment. The Corps has now determined it would be more effective to evaluate sediment management within the lower Snake River on a watershed scale, and evaluate the potential for reducing sediment input, rather than focusing only on the reservoirs themselves. Although the Corps does not have the authority to manage land outside of the reservoir project boundaries, the Corps can identify and evaluate management strategies that could be implemented on non-Corps property.

The Corps is considering a variety of sediment management measures that could be used individually or in combination. Measures identified to date for evaluation include:

Sediment Reduction Measures

Structural Sediment Reduction Measures

- Aquatic ecosystem restoration projects under current authorities (Section 206 Water Resources Development Act of 1996 and Section 1135 of the Water Resources Development Act of 1986)
- Shoreline vegetated filter strips
- Streambank erosion control
- Improved logging road placement and design

Non-Structural Sediment Reduction Measures

- Natural Resource Conservation Service conservation programs
- Land use planning
- Public education
- Watershed planning
- Forest management practices
- Timber harvest planning

Sediment Management Measures

In-water systems to control sediment deposition.

- Agitation to prevent settling
- Bendway weirs
- Dikes and dike fields
- Air curtains to prevent settling of material at specific locations

Sediment Removal and Management

- Agitation to re-suspend sediment
- Dredging to remove sediment
- Beneficial use of dredged material
- In-water disposal of dredged material
- Upland disposal of dredged material

System Management Measures

Modify Navigation System Infrastructure

- Relocate affected commercial navigation, recreational boating and water intake facilities
- Build sediment retention dams upstream of Lower Granite reservoir and/or in tributaries

Modify Reservoir Operations

- Raise pool levels to increase water depth
- Modify flows to flush sediment
- Draw down Lower Granite reservoir to add flow conveyance capacity

Provide Flow Conveyance at Snake/Clearwater Rivers Confluence

The Corps has also initially identified several key resource areas that may be affected by the sediment management

measures and will be analyzed in the EIS. These include water quality, anadromous fish, cultural resources, and socio-economics. The Corps expects other resource concerns to be identified during the scoping process.

The EIS will address measures, alternatives, and impacts on a programmatic level, but will not address site-specific actions. However, the EIS will present the coordination and environmental review steps the Corps will take with regard to subsequent site-specific actions.

The Corps currently anticipates conducting public scoping for this EIS in early 2006. The exact dates, times, and locations of these meetings have not yet been set. The Corps will publicize this information once the meeting arrangements have been made. The Corps invites affected Federal, state, and local agencies, affected Native American tribes, and other interested organizations and persons to participate in the development of the EIS. The Corps will also invite input from the local, interagency sediment management group formed under the Northwest Regional Dredging Team.

The draft EIS is currently scheduled to be available for public review in fall 2008. The final EIS is currently scheduled to be available for public review in fall 2009.

Randy L. Glaeser,

LTC, EN, Commanding.

[FR Doc. 05–19694 Filed 9–30–05; 8:45 am]

BILLING CODE 3710–GC–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 2, 2005.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Rachel Potter, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 27, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of Vocational and Adult Education

Type of Review: Extension.

Title: The State Scholars Initiative.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 20.

Burden Hours: 1,000.

Abstract: The purpose of the State Scholars Initiative is to support a non-profit entity that will fund state business-education partnerships that promote rigorous course work among high school students in their states, by encouraging and motivating high school students to select rigorous courses of study that will benefit them in their future careers, postsecondary education, or training. The State Scholars cooperative agreement application package includes information for applicants with selection criteria, program requirements, application requirements, and eligibility requirements, along with relevant ED forms.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2868. 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 the Internet address *OCIO_RIMG@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 Sheila Carey at her e-mail address *Sheila.Carey@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. 05–19688 Filed 9–30–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity (National Advisory Committee); Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the public meeting of the National Advisory Committee and invite third-party oral presentations before the Committee. This notice also presents the proposed agenda and informs the public of its opportunity to attend this meeting. The notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

When and Where Will the Meeting Take Place?

We will hold the public meeting on Wednesday, December 7, 2005, from 9:30 a.m. until approximately 5:15 p.m.;

on Thursday, December 8, 2005, from 8:30 a.m. until approximately 5:15 p.m., and on Friday, December 9, 2005, from 8:30 a.m. until approximately 12:30 p.m. in the Commonwealth Room at the DoubleTree Hotel—Crystal City, 300 Army Navy Drive, Arlington, VA 22202. You may call the hotel on (703) 416–4100 to inquire about rooms.

What Assistance Will Be Provided to Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Francesca Paris-Albertson, in the office of Executive Director of the National Advisory Committee on Institutional Quality and Integrity, if you have questions about the meeting. You may contact her at the U.S. Department of Education, room 7107, 1990 K St., NW., Washington, DC 20006, telephone: (202) 502–7671, fax: (202) 219–7008, e-mail: *Francesca.Paris-Albertson@ed.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

What Is the Authority for the National Advisory Committee?

The National Advisory Committee on Institutional Quality and Integrity is established under Section 114 of the Higher Education Act (HEA) as amended, 20 U.S.C. 1011c.

What Are the Functions of the National Advisory Committee?

The Committee advises the Secretary of Education about:

- The establishment and enforcement of the Criteria for Recognition of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, HEA.
- The development of standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are no recognized accrediting agencies, associations, or State agencies in order to establish the interim eligibility of those institutions to participate in Federally funded programs.
- The relationship between: (1) Accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe.

What Items Will be on the Agenda for Discussion at the Meeting?

Agenda topics will include the review of agencies that have submitted petitions for renewal of recognition and/or an expansion of an agency's scope of recognition, and the review of agencies that have submitted an interim report or a progress report.

What Agencies Will the National Advisory Committee Review at the Meeting?

The following agencies will be reviewed during the December 7–9, 2005 meeting of the National Advisory Committee:

Nationally Recognized Accrediting Agencies

Petition for an Expansion of the Scope of Recognition

1. Accrediting Commission of Career Schools and Colleges of Technology (Current scope of recognition: The accreditation of private, postsecondary, non-degree-granting institutions and degree-granting institutions in the United States, including those granting associate and baccalaureate degrees, that are predominantly organized to educate students for occupational, trade and technical careers, and including institutions that offer programs via distance education.) (Requested scope of recognition: The accreditation of private, postsecondary, non-degree-granting institutions and degree-granting institutions in the United States, including those granting associate, baccalaureate, and master's degrees, that are predominantly organized to educate students for occupational, trade and technical careers, and including institutions that offer programs via distance education.)

Petitions for Renewal of Recognition

1. Accreditation Commission for Acupuncture and Oriental Medicine (Current scope of recognition: The accreditation throughout the United States of first-professional master's degree and professional master's level certificate and diploma programs in acupuncture and Oriental medicine, as well as freestanding institutions and colleges of acupuncture or Oriental medicine that offer such programs.) (Requested scope of recognition: The accreditation and preaccreditation throughout the United States of first-professional Master's degree and professional Master's level certificate and diploma programs in acupuncture and Oriental medicine, as well as freestanding institutions and colleges of acupuncture or Oriental medicine that offer such programs.)

2. American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education (Current and requested scope of recognition: The accreditation and preaccreditation (''Candidacy'') throughout the United States of clinical training programs in marriage and family therapy at the master's, doctoral, and postgraduate levels.)

3. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar (Current and requested scope of recognition: The accreditation throughout the United States of programs in legal education that lead to the first professional degree in law, as well as freestanding law schools offering such programs.)

4. American Osteopathic Association, Commission on Osteopathic College Accreditation (Current and requested scope of recognition: The accreditation and preaccreditation (''Provisional Accreditation'') throughout the United States of freestanding, public and private non-profit institutions of osteopathic medicine and programs leading to the degree of Doctor of Osteopathy or Doctor of Osteopathic Medicine.)

5. American Podiatric Medical Association, Council on Podiatric Medical Education (Current and requested scope of recognition: The accreditation and preaccreditation (''Candidate Status'') throughout the United States of freestanding colleges of podiatric medicine and programs of podiatric medicine, including first professional programs leading to the degree of Doctor of Podiatric Medicine.)

6. Council on Occupational Education (Current scope of recognition: The accreditation and preaccreditation (''Candidacy status'') throughout the United States of non-degree granting postsecondary occupational/vocational institutions and those postsecondary occupational/vocational education institutions that have state authorization to grant the applied associate degree in specific vocational/occupational fields.) (Requested scope of recognition: The accreditation and preaccreditation (''Candidacy status'') throughout the United States of postsecondary occupational education institutions offering non-degree and applied associate degree programs in specific career and technical education fields, including institutions that offer programs via distance education.)

Note: This requested scope of recognition differs from the requested scope of recognition in the July 25, 2005 **Federal Register** that invited written comments. The agency requested the revised language to clarify the scope and replace the terms ''vocational/occupational'' with ''career and technical.''

7. National Council for Accreditation of Teacher Education (Current and requested scope of recognition: The accreditation throughout the United States of professional education units providing baccalaureate and graduate degree programs for the preparation of teachers and other professional personnel for elementary and secondary schools.)

8. New England Association of Schools and Colleges, Commission on Technical and Career Institutions (Current and requested scope of recognition: The accreditation and preaccreditation (''Candidate status'') of secondary institutions with vocational-technical programs at the 13th and 14th grade level, postsecondary institutions, and institutions of higher education that provide primarily vocational/technical education at the certificate, associate, and baccalaureate degree levels in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. This recognition extends to the Board of Trustees of the Association jointly with the Commission for decisions involving preaccreditation, initial accreditation, and adverse actions.)

Interim Report (An interim report is a follow-up report on an accrediting agency's compliance with specific criteria for recognition that was requested by the Secretary when the Secretary granted renewed recognition to the agency.)

1. Middle States Commission on Secondary Schools.
2. National Association of Schools of Art and Design, Commission on Accreditation.
3. National Association of Schools of Dance, Commission on Accreditation.
4. National Association of Schools of Music, Commission on Accreditation, Commission on Non-Degree-Granting Accreditation, Commission on Community/Junior College Accreditation.
5. National Association of Schools of Theatre, Commission on Accreditation.
6. North Central Association Commission on Accreditation and School Improvement, Board of Trustees.
7. North Central Association of Colleges and Schools, The Higher Learning Commission.
8. New England Association of Schools and Colleges, Commission on Institutions of Higher Education.
9. Western Association of Schools and Colleges, Accrediting Commission for Schools.

Progress Report (A report describing the agency's implementation of its process for measuring success with respect to student achievement in the institutions that it accredits.)

1. American Academy for Liberal Education.

State Agencies Recognized for the Approval of Public Postsecondary Vocational Education

Interim Reports

1. Pennsylvania State Board for Vocational Education, Bureau of Career and Technical Education.
2. Oklahoma Board of Career and Technology Education.

State Agency Recognized for the Approval of Nurse Education

Interim Report

1. Montana State Board of Nursing.

Who Can Make Third-Party Oral Presentations at This Meeting?

We invite you to make a third-party oral presentation before the National Advisory Committee concerning the recognition of any agency published in this notice.

How Do I Request To Make an Oral Presentation?

You must submit a written request to make an oral presentation concerning an agency listed in this notice to the contact person so that the request is received via mail, fax, or e-mail no later than November 16, 2005. Your request (no more than 6 pages maximum) must include:

1. The names, addresses, phone and fax numbers, and e-mail addresses of all persons seeking an appearance,
2. The organization they represent, and
3. A brief summary of the principal points to be made during the oral presentation.

If you wish, you may attach documents illustrating the main points of your oral testimony. Please keep in mind, however, that any attachments are included in the 6-page limit. Please do not send materials directly to Committee members. Only materials submitted by the deadline to the contact person listed in this notice and in accordance with these instructions become part of the official record and are considered by the Committee in its deliberations. Documents received after the November 16, 2005 deadline will not be distributed to the National Advisory Committee for their consideration. Individuals making oral presentations may not distribute written materials at the meeting.

If I Cannot Attend the Meeting, Can I Submit Written Comments Regarding an Accrediting Agency in Lieu of Making an Oral Presentation?

This notice requests third-party oral testimony, not written comment. Requests for written comments on agencies that are being reviewed during this meeting were published in the **Federal Register** on July 25, 2005. The National Advisory Committee will receive and consider only written comments submitted by the deadline specified in the above-referenced **Federal Register** notice.

How Do I Request To Present Comments Regarding General Issues Rather Than Specific Accrediting Agencies?

At the conclusion of the meeting, the National Advisory Committee, at its discretion, may invite attendees to address the Committee briefly on issues pertaining to the functions of the Committee, which are listed earlier in this notice. If you are interested in making such comments, you should inform Ms. Paris-Albertson before or during the meeting.

How May I Obtain Access to the Records of the Meeting?

We will record the meeting and make a transcript available for public inspection at the U.S. Department of Education, 1990 K St., NW., Washington, DC 20006 between the hours of 9 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

It is preferred that an appointment be made in advance of such inspection.

How May I Obtain Electronic Access to This Document?

You may view this document, as well as all 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/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/index.html.*

Authority: 5 U.S.C. Appendix 2.

Dated: September 27, 2005.

Sally L. Stroup,

Assistant Secretary for Postsecondary Education.

[FR Doc. 05–19695 Filed 9–30–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER05–1202–000 and ER05–1202–001]

Blue Canyon Windpower II LLC; Notice of Issuance of Order

September 27, 2005.

Blue Canyon Windpower II LLC (Blue Canyon) filed an application for market-based rate authority, with an accompanying rate tariff. The proposed rate tariff provides for the sales of energy and the reassignment of transmission capacity. Blue Canyon also requested waiver of various Commission regulations. In particular, Blue Canyon requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Blue Canyon.

On September 27, 2005, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Blue Canyon should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protests is October 27, 2005.

Absent a request to be heard in opposition by the deadline above, Blue Canyon is is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Blue Canyon, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Blue Canyon's issuances of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov,* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5398 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER02–1656–000 and ER02–1656–026]

California Independent System Operator Corporation; Notice of Deadlines for Comments and Reply Comments

September 23, 2005.

On September 13, 2005, Federal Energy Regulatory Commission staff convened a technical conference to explore tariff issues related to demand response options, including special case nodal pricing and the establishment of zones for wholesale customers, in accordance with the directive of the July 1, 2005 Order on Further Amendments to the California Independent System Operator's Comprehensive Market Redesign Proposal.[1] As stated at the technical conference, comments concerning the issues discussed at the technical conference are due on September 27, 2005, and reply comments are due on October 4, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5370 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Filing

September 27, 2005.

In the matter of: ER00–3562–003, ER03–341–002, ER03–342–002, ER03–838–003, ER04–1081–001, ER04–1080–001, ER03–209–002, ER03–36–004, ER99–2858–008, ER05–48–001, ER05–1266–001, ER05–817–001, ER05–818–001, ER05–819–001, ER05–820–001, ER02–1319–004, ER04–831–002, ER04–832–002, ER00–1115–003, ER03–446–002, ER02–1959–003, ER04–1099–001, ER04–1100–001, ER01–2688–008, ER02–2227–004, ER02–600–006, ER02–2229–003, ER03–24–003, ER05–67–001, ER05–68–001, ER99–1983–003, ER03–290–002; Calpine Energy Services, L.P., Calpine PowerAmerica-OR, LLC, Calpine PowerAmerica-CA, LLC, Power Contract Financing, L.L.C., PCF, LLC, Calpine Energy Management, L.P., CES Marketing V, L.P., Calpine Northbrook Energy Marketing, LLC, MEP Pleasant Hill, LLC, Calpine Bethpage 3, LLC, Ontelaunee Power Operating Company, LLC, Calpine Merchant Services Company, Inc., CES Marketing VIII, LLC, CES Marketing IX, LLC, CES Marketing X, LLC, Zion Energy,

[1] California Independent System Operator, Inc., 112 FERC ¶ 61,013 at P 39 (2005).

LLC, Calpine Newark, LLC, Calpine Parline, LLC, Calpine Construction Finance Company, L.P., Calpine Philadelphia, Inc., CPN Bethpage 3rd Turbine, Inc., Bethpage Energy center 3, LLC, TBG Cogen Partners, Gilroy Energy Center, LLC, Creed Energy Center, LLC, Delta Energy Center, LLC, Goose Haven Energy Center, LLC, Los Esteros Critical Energy Facility, LLC, Metcalf Energy Center, LLC, Pastoria Energy Facility L.L.C., Geysers Power Company, LLC, Calpine California Equipment Finance Company, LLC.

Take notice that on September 9, 2005, Calpine Energy Services, L.P. (CES) and each of its above referenced affiliated public utilities (collectively, Filing Entities), files a change in status in compliance with Commission Order No. 652 issued February 10, 2005, 111 FERC ¶ 61,413 (2005).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 11, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5397 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–515–001]

Colorado Interstate Gas Company; Notice of Compliance Filing

September 23, 2005.

Take notice that, on September 19, 2005, Colorado Interstate Gas Company (CIG) submitted a compliance filing pursuant to the Commission's Order issued August 18, 2005, in Docket No. RP05–515–000.

CIG states that the revised FTSA is being submitted to comply with the Commission's August 18, 2005 order issued in this proceeding addressing a fuel exemption contract provision.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5381 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP91–161–034]

Columbia Gas Transmission Corporation; Notice of Refund

September 23, 2005.

Take notice that on September 20, 2005, Columbia Gas Transmission Corporation (Columbia) tendered for filing a report on the flow-back to customers of funds received from insurance carriers for environmental costs attributable to Columbia's Docket No. RP91–161 settlement period.

Columbia states that it allocated such recoveries among customers based on their fixed cost responsibility for services on the Columbia system during the period December 1, 1991 through January 31, 1996, the period of the Docket No. RP91–161 settlement.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call

(866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on September 30, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5384 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–408–064]

Columbia Gas Transmission Corporation; Notice of Refund

September 23, 2005.

Take notice that on September 20, 2005, Columbia Gas Transmission Corporation (Columbia) tendered for filing a report on the flow-back to customers of funds received from insurance carriers for environmental costs attributable to Columbia's Docket No. RP95–408 settlement period.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on September 30, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5385 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP91–160–034]

Columbia Gulf Transmission Company; Notice of Refund

September 23, 2005.

Take notice that on September 20, 2005, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing a report on the flow-back to customers of funds received from insurance carriers for environmental costs attributable to Columbia Gulf's Docket No. RP91–160 settlement period.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on September 30, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5383 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC05–139–000]

Decker Energy International, Inc. and Lakes Renewable LLC NRG Energy, Inc.; Notice of Filing

September 23, 2005.

Take notice that on September 21, 2005, Decker Energy International, Inc., NRG Energy, Inc., and Lakes Renewable LLC (jointly, Applicants) submitted an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby Decker Energy International, Inc., and NRG Energy, Inc. will divest, and Lakes Renewable LLC will acquire, membership interests in Cadillac Renewable Energy LLC. The Applicants have requested privileged treatment for transaction documents submitted to the Commission under 18 CFR 33.9 and 18 CFR 388.12.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC.

There is an ''eSubscription'' link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 pm eastern time on October 12, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5364 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[CP05–415–000]

Dominion Transmission, Inc.; Notice of Application

September 23, 2005.

Take notice that on September 15, 2005, Dominion Transmission, Inc., (Dominion), 120 Tredegar Street, Richmond, Virginia 23219, filed with the Commission an application, pursuant to section 7(b) of the Natural Gas Act, for authorization to reclassify from jurisdictional transmission to gathering, exempt from the Commission's jurisdiction under section 1(b) of the NGA, approximately 11,705 feet of 8-inch diameter pipe on its Line H–10 in Tyler County, West Virginia, as more fully set forth in the application which is open to public inspection. This filing may be also viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions regarding this application should be directed to Margaret H. Peters, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219, or via telephone at (804) 819–2277, facsimile number (804) 819–2183, and e-mail: *margaret_h_peters@dom.com*.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions via the Internet in lieu of paper. See, 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Comment Date: October 14, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5360 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–067]

Dominion Transmission, Inc.; Notice of Service Agreement

September 27, 2005.

Take notice that on September 19, 2005, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Fourteenth Revised Sheet No. 1300, to become effective October 1, 2005.

DTI states the purpose of this filing is to disclose three non-conforming service agreements that materially deviate from DTI's form of service agreements. DTI further states that the service agreements are with Hope Gas, Inc. dba Dominion Hope.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 4, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5394 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER05–1272–001 and ER96–110–016]

Duke Energy Corporation; Notice of Compliance Filing

September 27, 2005.

Take notice that on September 23, 2005, Duke Power, a division of Duke Energy Corporation (Duke), pursuant to a deficiency letter issued on September 13, 2005, by the Commission, submitted revised market-based rate tariff sheets, legible copies of Page 2 of Attachment D and Page 2 of Attachment C, and a disk containing an Excel version of both attachments.

Duke states that copies were served on all parties on the official service list.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 4, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5399 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–523–003]

Eastern Shore Natural Gas Company; Notice of Compliance Filing

September 23, 2005.

Take notice that on September 15, 2005, Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, 2nd Sub 7th Rev Sheet No. 215, bearing a proposed effective date of September 1, 2005.

ESNG states that copies of the filing have been served upon its affected customers and interested State commissions.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5382 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF05–5031–000]

United States Department of Energy Western Area Power Administration; Notice of Filing

September 23, 2005.

Take notice that on September 14, 2005, the Deputy Secretary of the Department of Energy, confirmed and approved Rate Order No. WAPA–122 and Rate Schedule UGP–FPT1 for firm point-to-point transmission service, UGP–NFPT1 for non-firm transmission service, UGP–NT1 for network integration transmission service, and UGP–AS1, UGP–AS2, UGP–AS3, UGP–AS4, UGP–AS5, and UGP–AS6 for ancillary services. The rate schedule services are confirmed and approved on an interim basis effective on October 1, 2005 and will be in effect until the Commission confirms and approve on a final basis effective October 1, 2005 and ending September 30, 2010.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 5, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5365 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR05–21–000]

Energy Transfer Fuel LP; Notice of Petition for Rate Approval

September 23, 2005.

Take notice that on September 8, 2005, Energy Transfer Fuel LP (ET Fuel), filed with the Federal Energy Regulatory Commission an application pursuant to sections 284.123(b)(2) of the Commission's regulations to justify the system-wide rate it proposes to charge for transporting natural gas pursuant to section 311(a)(2) of the Natural Gas Policy Act of 1978. ET Fuel states that it seeks to initiate firm transportation service with a maximum monthly reservation fee of $4.5625 per MMBtu and a usage fee of $0.065 per MMBtu, plus authority to retain from its shippers 1.30 percent of the quantity of gas delivered to ET Fuel for compressor fuel, company use and lost unaccounted for gas.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed with the Secretary of the Commission on or before the date as indicated below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This petition for rate approval is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the FERRIS link. Enter the docket number excluding the last three digits I the docket number field to access the document. For Assistant, call (202) 502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

Comment Date: 5 p.m. eastern time on October 14, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5379 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL95–33–007, ER00–2854–006 and EL00–66–005]

Entergy Services, Inc.; Notice of Filing

September 23, 2005.

Take notice that on September 16, 2005, Entergy Services, Inc., on behalf of the Entergy Operating Companies, Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., tendered for filing, work papers in compliance with the Commission's Order in *Louisiana Public Service Commission and the Council of the City of New Orleans* v. *Entergy Corporation, et al.* 112 FERC ¶ 61,192 (2005).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 7, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5369 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–49–000]

Exelon Corporation v. PPL Electric Utilities Corporation and PJM Interconnection, L.L.C.; Notice of Filing

September 26, 2005.

Take notice that on September 14, 2005, Exelon Corporation, on behalf of itself and its wholly-owned subsidiary, PECO Energy Company (PECO) and PPL Electric Utilities Corporation (PPL) filed an Offer of Settlement and Settlement Agreement (Settlement) in the above-captioned proceeding to resolve all issues set for settlement proceeding and hearing on April 18, 2005, in connection with overcharges assessed by PJM Interconnection, L.L.C. (PJM) to PECO., *Exelon Corp.* v. *PPL Elec. Utils. Corp. and PJM Interconnection, L.L.C. 111 FERC* ¶ 61,065 (2005).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as

appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 4, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5391 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP05–29–001]

Notice of Application

September 23, 2005.

On September 14, 2005, Freebird Gas Storage LLC (Freebird) filed an application pursuant to section 7(c) of the Natural Gas Act and Part 157 of the regulations of the Federal Energy Regulatory Commission (Commission) requesting to amend its Certificate of Public Convenience and Necessity issued on April 15, 2005. Freebird requests authorization for modifications to certain storage facilities at its East Detroit Storage Facility in Lamar County, Alabama. These modifications include eliminating three well pads, moving two wells to a new well pad, and adding a new well to an existing well pad. No changes to the field's capacity or deliverability are proposed. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''e-Library'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676, or for TTY, (202) 502–8659.

Any questions regarding this application should be directed to Gil Muhl, Freebird Gas Storage, LLC, 6363 Woodway, Suite 415, Houston, TX 77057, phone (832) 252–2251, or G. Mark Cook, Baker Botts L.L.P., The Warner, 1299 Pennsylvania Ave., NW., Washington, DC 20004–2400, phone (202) 639–7700.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Protests and interventions may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: October 3, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5372 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–680–000]

Guardian Pipeline, L.L.C.; Notice of Tariff Filing

September 27, 2005.

Take notice that on September 23, 2005, Guardian Pipeline, L.L.C. (Guardian) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Tenth Revised Sheet No. 5, to become effective November 1, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or

protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at http://www.ferc.gov. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5410 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–361–055]

Gulfstream Natural Gas System, L.L.C.; Notice of Compliance Filing

September 27, 2005.

Take notice that on September 21, 2005, Gulfstream Natural Gas System, L.L.C. (Gulfstream) submitted a compliance filing pursuant to the Commission's September 7, 2005 Letter Order in the above-referenced proceeding.

Gulfstream states that copies of the filing were served on parties on the official service list in the above-captioned proceeding, as well as all affected customers and interested state commissions.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5404 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05–1232–000]

J. P. Morgan Ventures Energy Corporation; Notice of Issuance of Order

September 23, 2005.

J. P. Morgan Ventures Energy Corporation (Ventures Energy) filed an application for market-based rate authority, with an accompanying rate tariff. The proposed rate tariff provides for wholesale sales of energy, capacity and ancillary services at market-based rates. Ventures Energy also requested waiver of various Commission regulations. In particular, Ventures Energy requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Ventures Energy.

On September 20, 2005, the Commission granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Ventures Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protests, is October 20, 2005.

Absent a request to be heard in opposition by the deadline above, Ventures Energy is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Ventures Energy, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Ventures Energy's issuances of securities or assumptions of liability.

Copies of the full text of the Commission's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5358 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05–667–003]

Midwest Independent Transmission System Operator, Inc.; Notice of Filing

September 27, 2005.

Take notice that on September 23, 2005, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) tendered for filing, a redline version of a March 2, 2005, unexecuted Large Generator Interconnection Agreement among

Dakota Wind Harvest, LLC, the Midwest ISO, and Montana-Dakota Utilities Company. Midwest ISO explains that this redline version compares the unexecuted agreement with the *pro forma* Large Generator Interconnection Agreement in effect at the time the March 2 unexecuted agreement was filed.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 4, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5400 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–393–001]

Midwestern Gas Transmission Company; Notice of Compliance Filing

September 27, 2005.

Take notice that on September 21, 2005, Midwestern Gas Transmission Company (Midwestern) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to become effective September 1, 2005:

Substitute Sixth Revised Sheet No. 202
Substitute Eighth Revised Sheet No. 204
Substitute Second Revised Sheet No. 222A
Fifth Revised Sheet No. 224
Substitute Second Revised Sheet No. 230A
Substitute Fourth Revised Sheet No. 235
Substitute Third Revised Sheet No. 242
Substitute Fifth Revised Sheet No. 272

Midwestern states that this filing is being made to comply with the Commission's Letter Order dated September 6, 2005 regarding compliance with the Federal Energy Regulatory Commission's Order No. 587–S .

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5405 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–679–000]

Midwestern Gas Transmission Company; Notice of Tariff Filing

September 27, 2005.

Take notice that on September 22, 2005, Midwestern Gas Transmission Company (Midwestern) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to become effective November 1, 2005:

Eighth Revised Sheet No. 7
Twelfth Revised Sheet No. 273

Midwestern requests that the Commission approve a Negotiated Rate Agreement with ProLiance Energy, LLC dated April 28, 2005 (Agreement) which also contains non-conforming creditworthiness language in Article 16 of the Agreement due to construction of certain facilities.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission,

888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5409 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. OA97–237–020, OA97–608–009, ER97–1079–010, ER97–4421–009, ER97–3574–009, ER98–499–008]

New England Power Pool; Notice of Filing

September 26, 2005.

Take notice that on September 20, 2005, an informational filing was made by the New England Power Pool (NEPOOL) participants committee relating to rate surcharges determined in accordance with the formula rates of the Restated NEPOOL Open Access Transmission Tariff for transmission charges in effect in the period June 1, 2004 through and including January 31, 2005. NEPOOL states that this informational filing updates an informational filing dated December 9, 2004 made previously in the above-captioned proceedings.

NEPOOL states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 4, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5392 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–417–000]

Northwest Pipeline Corporation; Notice of Application for Abandonment

September 23, 2005.

Take notice that on September 19, 2005, Northwest Pipeline Corporation (Northwest), filed an abbreviated application, pursuant to section 7(b) of the Natural Gas Act and Part 157 of the Commission's regulations, for permission and approval to abandon transportation service for Questar Pipeline Company under Rate Schedule X–79 in Original Volume No. 2 of its FERC Gas Tariff, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest states that the service agreement set forth in Rate Schedule X–79 was terminated effective February 28, 1999 due to inactivity.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on September 30, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5362 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–38–003]

Oklahoma Municipal Power Authority; American Electric Power Service Corporation; Notice of Compliance Filing

September 27, 2005.

Take notice that on September 21, 2005, American Electric Power Service Corporation filed an unexecuted Network Integration Transmission Service Agreement formatted in compliance with Commission's Order

No. 614, *Designation of Rate Schedule Sheets*, 90 FERC ¶ 61,352 (2000).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 21, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5396 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC05–140–000]

Portland General Electric Company and Stephen Forbes Cooper, LLC; Notice of Filing

September 26, 2005.

Take notice that on September 21, 2005, Portland General Electric Company (PGE), an electric utility, for which Enron Corp., (Enron) owns all of the outstanding common stock, and Stephen Forbes Cooper, LLC 9SFC) on behalf of the Reserve for Disputed Claims (collectively, Applicants) filed with the Commission pursuant to section 203 of the Federal Power Act an application for authorization for the transfer of control over PGE from Enron to SFC, as Disbursing Agent, for and on behalf of the Reserve, and for authorization for the release of New PGE Common Stock from the Reserve to Holders of Allowed Claims, which will occur over a multi-year period. Applicants state that the transaction is a required step in the court-approved Enron bankruptcy plan, and will result in PGE returning to a stand-alone, publicly-traded utility company.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 17, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5393 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG05–101–000]

Prime Energy Limited Partnership; Notice of Application for Commission Determination of Exempt Wholesale Generator Status

September 23, 2005.

Take notice that on September 12, 2005, Prime Energy limited Partnership (Prime) filed with the Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations. Prime states it is a limited partnership that owns and operates a 64 MW generating facility located in Elmwood Park, New Jersey. Prime states that all of the electric energy produced by the Prime Facility will be sold at wholesale.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 6, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5366 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL04–90–002]

Reliant Energy Services, Inc.; Notice of Filing

September 27, 2005.

Take notice that on September 15, 2005, Reliant Energy Services, Inc., Reliant Energy Power Generation, LLC and Reliant Energy Wholesale Generation, LLC (Reliant), Nevada Power Company, submitted a petition for expedited approval of a settlement agreement pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 5, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5395 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP93–117–004]

San Diego Gas & Electric Company; Notice of Application for Amended Section 3 Authorizations and Presidential Permit

September 23, 2005.

Take notice that on September 13, 2005, San Diego Gas & Electric Company (SDGE), 8330 Century Park Court, San Diego, CA 92123, filed in Docket No. CP93–117–004 an application pursuant to Section 3 of the Natural Gas Act (NGA) and part 153 of the Federal Energy Regulatory Commission's (Commission) regulations, for an order amending previous authorization and Presidential Permit for the siting, construction, and operation of pipeline and metering facilities for the export and import of natural gas at the International Boundary between the United States and Mexico in San Diego County, California. In this application, SDGE seeks authorization to make minor modifications to these facilities to increase the maximum capacity from 350 MMcf of gas per day to 800 MMcf of gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing is available for review at the Commission in the Public Reference Room. This filing also may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding this application should be directed to Georgetta J. Baker, Sempra Energy, at (619) 699–5064.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157. 10) by the comment date below. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: October 14, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5363 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL05–53–002 and ER05–129–002]

Southern Company Services, Inc. Notice of Compliance Filing

September 23, 2005.

Take notice that on August 29, 2005, Southern Company Services, Inc. (SCS) acting as agent for Alabama Power

Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively, Southern Companies) tendered for filing a revised ''Description of Formula Rate for Operation and Maintenance Charges for Interconnection Facilities'' pursuant to the Commission Order issued July 28, 2005, in this proceeding. 112 FERC ¶ 61,145(2005).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 3, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5368 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2696]

Town of Stuyvesant and Stuyvesant Hydro Corporation; Notice of Authorization for Continued Project Operation

September 27, 2005.

On July 22, 2005, the Town of Stuyvesant and Stuyvesant Falls Hydro Corporation licensee for the Stuyvesant Falls Hydroelectric Project No. 2696, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations. Project No. 2696 is located on the Kinderhook Creek in Columbia County, New York.

The license for Project No. 2696 was issued for a period ending August 31, 2005. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2696 is issued to the Town of Stuyvesant and Stuyvesant Falls Hydro Corporation for a period effective September 1, 2005 through August 31, 2006, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before September 1, 2006, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the Town of Stuyvesant and Stuyvesant Falls Hydro Corporation is authorized to continue operation of the Stuyvesant Falls Hydroelectric Project No. 2696 until such time as the Commission acts on its application for subsequent license.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5401 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–355–001]

Tennessee Gas Pipeline Company; Notice of Amendment

September 23, 2005.

Take notice that Tennessee Gas Pipeline Company (Tennessee), 1001 Louisiana, Houston, Texas 77002, filed on September 21, 2005, in Docket No. CP05–355–001, an amendment to its pending application filed on May 16, 2005, in Docket No. CP05–355–000, pursuant to sections 7(c) of the Natural Gas Act (NGA), to reflect certain changes to its cost allocation method used to construct its Northeast ConneXion-NY/NJ Project (Project).

This amendment is on file with the Commission and open to public inspection. This filing may be also viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (202) 502–8659 or TTY, (202) 208–3676.

By this amendment, Tennessee is modifying the capital cost allocated to the Project from the Compressor Station 325 Project (Docket No. CP05–42–000), so that the allocation method used for the Compressor Station 325 capital costs is consistent with the allocation method used for the Compressor Station 317 capital costs. Tennessee states that the effect of the change is that the Rate Base for the Project will decrease by approximately $3 million, and the Cost of Service will be reduced by $519,000. The proposed monthly recourse rate will decrease from $15.79 to $14.93 per dekatherm.

Any questions regarding this application should be directed to Susan T. Halbach, Senior Counsel, Tennessee Gas Pipeline Company, 1001 Louisiana, Houston, Texas 77002, at (713) 420–5751 or fax (713) 420–1601.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: October 14, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5359 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–416–000]

Tennessee Gas Pipeline Company; Notice of Application

September 23, 2005.

Take notice that Tennessee Gas Pipeline Company (Tennessee), 1001 Louisiana, Houston, Texas 77002, filed in Docket No. CP05–416–000 on September 15, 2005, an application pursuant to sections 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations, for authorization to construct the Tripe-T Extension Project. Tennessee requests authorization to extend its existing 30-inch line 523M–2300, known as the Triple-T Line, by construction approximately 6.23 miles of 24-inch pipeline to connect with Enterprise Products Partners LP's Anaconda Gathering System at the EI 371 Platform. This connection with Enterprise will allow Tennessee access to increased natural gas supplies, as well as improve and increase pipeline infrastructure necessary to support current and future natural gas developments from the ultra-deep Gulf of Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be also viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (202) 502–8659 or TTY, (202) 208–3676.

Any questions regarding this application should be directed to Susan T. Halbach, Senior Counsel, Tennessee Gas Pipeline Company, 1001 Louisiana, Houston, Texas 77002, at (713) 420–5751 or fax (713) 420–1601.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Comment Date: October 14, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5361 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–151]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

September 23, 2005.

Take notice that on September 20, 2005, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a negotiated rate arrangement between Tennessee and Atmos Energy Corporation. Tennessee states that the filing seeks to clarify its September 19 filing which inadvertently indicated that the arrangement involved rates below Tennessee's minimum fuel, rather than commodity rates. Tennessee states that the filing is unchanged in all other respects.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5373 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–152]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

September 27, 2005.

Take notice that on September 21, 2005, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a negotiated rate arrangement between Tennessee and Tennessee Valley Authority (TVA). Tennessee requests that the negotiated rate arrangement between Tennessee and TVA become effective on October 1, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5411 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–678–000]

Transcontinental Gas Pipe Line Corporation; Notice of Penalty Revenue Sharing Filing

September 27, 2005.

Take notice that on September 22, 2005 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing with the Federal Energy Regulatory Commission (Commission) a report showing that on September 15, 2005, Transco submitted penalty sharing amounts to the affected shippers. Transco states that the total sharing amount, including interest, was $430,911.04.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time October 4, 2005 .

Magalie R. Salas,

Secretary.

[FR Doc. E5–5408 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–394–001]

Viking Gas Transmission Company; Notice of Compliance Filing

September 27, 2005.

Take notice that on September 21, 2005, Viking Gas Transmission Company (Viking) tendered for filing to become part of Viking's FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective September 1, 2005:

Substitute Twelfth Revised Sheet No. 40
Substitute Ninth Revised Sheet No. 41
Substitute Original Sheet No. 44A
Substitute Original Sheet No. 44B
Substitute First Revised Sheet No. 46.01
Substitute Fifth Revised Sheet No. 68
Substitute Eleventh Revised Sheet No. 77
Substitute Original Sheet No. 85.01
Substitute Original Sheet No. 85.02
Sub Sixteenth Revised Sheet No. 87

Viking states that this filing is being made to comply with the Commission's Letter Order dated September 6, 2005 regarding compliance with the Federal Energy Regulatory Commission's Order No. 587–S.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5406 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER05–1194–000 and ER05–1194–001]

Yaka Energy, LLC; Notice of Issuance of Order

September 23, 2005.

Yaka LLC (Yaka) filed an application for market-based rate authority, with an accompanying rate schedule. The proposed rate schedule provides for the sales of energy and capacity at market-based rates. Yaka also requested waiver of various Commission regulations. In particular, Yaka requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Yaka.

On September 21, 2005, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Yaka should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protests is October 21, 2005.

Absent a request to be heard in opposition by the deadline above, Yaka is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Yaka, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Yaka's issuances of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5371 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–436–001]

CenterPoint Energy—Mississippi River Transmission Corporation; Notice of Compliance Filing

September 27, 2005.

Take notice that on September 21, 2005, CenterPoint Energy Gas Transmission Company (CEGT) made a filing to comply with the Commission's

Order issued September 7, 2005 in this proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5407 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR05–11–000]

Continental Resources, Inc., Complainant, v. Bridger Pipeline, LLC, Respondent; Notice of Complaint

September 23, 2005.

Take notice that on September 19, 2005, Continental Resources, Inc., (Continental) pursuant to Rule 208 of the Commission's Rules of Practice and Procedures, 18 CFR 385.206 and 18 CFR 343.1(a), filed a complaint in this proceeding. Continental states that Bridger Pipeline, LLC (Bridger) has violated and continues to violate sections 1(5), 2, 3(3) and 15 of the Interstate Commerce Act, 49 U.S.C., by charging unjust and unreasonable rates and charges for the interstate transportation of crude oil by pipeline and by including provisions in its tariffs which are unduly discriminatory and preferential.

Continental requests that the Commission: (1) Examine the challenged rates and charges collected by Bridger for transportation of crude oil and the challenged tariff provisions concerning crude oil sulfur restrictions applied to such transportation, (2) determine that Bridger's rates are unjust and unreasonable and that Bridger's challenged tariff provisions regarding crude oil sulfur restrictions are discriminatory and unduly preferential, (3) determine just, reasonable and non-discriminatory rates and tariff terms for Bridger's jurisdictional interstate services, (4) order reparations and/or refunds to Continental, including appropriate interest thereon, for the applicable reparations and refund period, (5) award Continental reasonable attorney's fees and costs; and (6) order such other relief as may be appropriate.

Continental states that it has served a copy of the Complaint on Bridger.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 13, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5374 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–145–000]

Emergency Petition and Complaint of the District of Columbia Public Service Commission; Notice of Proposed Restricted Service List

September 23, 2005.

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expenses or improve administrative efficiency, the Secretary may establish a restricted service list for a particular proceeding.[1] A restricted service list contains the names of persons who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the restricted service list is established.

Any person on the current official service list for the above-captioned proceedings may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion stating the reason for the request within 15 days of the date of this notice.

The Commission strongly encourages electronic filings. The motions described above may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the eFiling link at *http://www.ferc.gov.* If a person cannot file a motion electronically, an original and 14 copies of any such motions must be filed with Magalie R. Salas, Secretary of the Commission, at 888 First Street, NE., Washington, DC, 20426. All motions, electronic or paper, must be served on each person whose name appears on the current official service list in the above-docketed proceeding. If no such motions are filed, the restricted service list will be effective at the end of the 15-day

[1] 18 CFR 385.2010(d) (2005).

period. Otherwise, a further notice will be issued ruling on any motion or motions filed within the 15-day period.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5367 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 26, 2005.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER02–2408–002.
Applicants: Lower Mount Bethel Energy, LLC.
Description: Lower Mount Bethel Energy, LLC submits a Triennial Market-Based Rate update in compliance with the Commission's Letter Order issued 9/18/02.
Filed Date: 09/19/2005.
Accession Number: 20050921–0084.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER03–879–002; ER03–880–002; ER03–882–002.
Applicants: D.E. Shaw Plasma Trading, L.L.C.; D.E. Shaw & Co. Energy, L.L.C.; D.E. Shaw Plasma Power, L.L.C.
Description: DE Shaw Plasma Trading, LLC *et al.* inform FERC of a departure from the characteristics relied upon by FERC in its 7/23/03 Order.
Filed Date: 09/15/2005.
Accession Number: 20050922–0144.
Comment Date: 5 p.m. Eastern Time on Friday, October 07, 2005.

Docket Numbers: ER05–1270–001.
Applicants: Allegheny Energy Supply Company, Inc. Monongahela Power Company.
Description: Allegheny Energy Supply Co and Monongahela Power Co amend their 7/29/05 filing to include additional information and support requested in a FERC staff letter dated 9/6/05.
Filed Date: 09/19/2005.
Accession Number: 20050920–0053.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–1318–001.
Applicants: Geneva Energy, LLC.
Description: Geneva Energy, LLC's substitutes an amended Rate Schedule FERC Form 1, in support of its petition for acceptance of initial rate schedule.
Filed Date: 09/19/2005.
Accession Number: 20050922–0145.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–1414–001.
Applicants: San Diego Gas & Electric Company.
Description: San Diego Gas & Electric Co submits Substitute First Revised Sheet Nos. 129, 131, 132, and 148 of its Rate Schedule FERC Service Agreement No. 12.
Filed Date: 09/19/2005.
Accession Number: 20050920–0051.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–1489–000.
Applicants: Craven County Wood Energy Limited Partnership.
Description: Craven County Wood Energy Limited Partnership's application for order approving market-based rates, FERC Electric Tariff, Original Volume No. 2, and a Code of Conduct.
Filed Date: 09/19/2005.
Accession Number: 20050920–0050.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–1490–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. and the Midwest ISO Transmission Owners submit revisions to the Midwest ISO Agreement, and revisions to Midwest ISO Tariff Schedule 21.
Filed Date: 09/12/2005.
Accession Number: 20050921–0082.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–1491–000.
Applicants: Vermont Yankee Nuclear Power Corporation.
Description: Vermont Yankee Nuclear Power Corp submits a market-based sales tariff, designated as its FERC Elec Tariff, Original Volume 1, & requests FERC approval to sell electric energy & capacity at market-based rates.
Filed Date: 09/19/2005.
Accession Number: 20050921–0083.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–17–005.
Applicants: Trans-Elect NTD Path 15, LLC.
Description: Trans-Elect NTD Path 15, LLC's request that FERC issue an order accepting a compliance filing, without conditions, on or before 10/21/05.
Filed Date: 09/19/2005.
Accession Number: 20050921–0085.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER99–2342–004, –005; ER01–931–008, –009; ER01–930–008, –009; ER96–1563–021, –022; ER99–415–007, –008; ER02–510–004, –005; ER02–507–004, –005; ER02–1000–005, –006
Applicants: Tampa Electric Company; Panda Gila River, L.P.; Union Power Partners, L.P. TECO EnergySource, Inc.; Commonwealth Chesapeake Company, L.L.C., TPS Dell, LLC; TPS McAdams, LLC; TECO-PANDA Generating Company, L.P.
Description: Tampa Electric Co *et al.* submit the available transfer capability data from the Florida Open Access Same-Time Information System for 2003 and revision to their respective market-based rate tariffs.
Filed Date: 09/12/2005.
Accession Number: 20050914–0073.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern Time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added

to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5388 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

September 26, 2005.

Docket Numbers: ER04–1066–003.

Applicants: Reliant Energy Wholesale Generation, LLC.

Description: Reliant Energy Wholesale Generation, LLC submits its refund report labeled Exhibit 1 in compliance with FERC's 6/24/05 Order.

Filed Date: 09/21/2005.

Accession Number: 20050923–0358.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 12, 2005.

Docket Numbers: ER04–230–017.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits compliance filing pursuant to FERC's 8/10/04 Order.

Filed Date: 09/20/2005.

Accession Number: 20050922–0432.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–1280–001.

Applicants: Strategic Energy, L.L.C.

Description: Strategic Energy, LLC submits revisions to market behavior rule section 2(b) of its FERC Electric Tariff, First Revised Rate Schedule No. 1.

Filed Date: 09/21/2005.

Accession Number: 20050922–0431.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 12, 2005.

Docket Numbers: ER05–1337–001.

Applicants: San Diego Gas & Electric Company.

Description: San Diego Gas & Electric Company Annual Transmission formula rate change filing for retail and wholesale rates.

Filed Date: 09/21/2005.

Accession Number: 20050921–5017.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 12, 2005.

Docket Numbers: ER05–1355–001.

Applicants: Lowell Power, LLC.

Description: Lowell Power LLC submits an amendment to the 8/16/05 filing of Notice of Cancellation of its market-based rate authority.

Filed Date: 09/21/2005.

Accession Number: 20050922–0428.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 12, 2005.

Docket Numbers: ER05–1401–001.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: The Midwestern Independent Transmission System Operator, Inc submits an amendment to its 8/29/05 filing of the Interconnection & Operating Agreement with Arnold Windfarm, LLC.

Filed Date: 09/20/2005.

Accession Number: 20050922–0430.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–1492–000.

Applicants: Xcel Energy Services Inc.

Description: Xcel Energy Services Inc submits the Interconnection Agreement dated 10/7/04 for the Browntown Substation Point of Connecton with the City of Browntown, Minnesota.

Filed Date: 09/20/2005.

Accession Number: 20050921–0081.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–1493–000.

Applicants: FirstEnergy Service Company.

Description: FirstEnergy Service Company on behalf of American Transmission Systems, Inc submits proposed revisions to its ATSI Open Access Transmission Tariff.

Filed Date: 09/20/2005.

Accession Number: 20050922–0143.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–1494–000.

Applicants: Platte-Clay Electric Cooperative, Inc.

Description: Platte-Clay Electric Cooperative, Inc. advises that due to amendments of section 201(f) of the Federal Power Act, it is no longer a public utility.

Filed Date: 09/20/2005.

Accession Number: 20050923–0365.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 11, 2005.

Docket Numbers: ER05–1495–000.

Applicants: American Electric Power Service Corporation.

Description: American Electric Power Service Corp, agent for Appalachian Power Co submits a Facilities, Operating Maintenance and Repair Agreement with Virginia Polytechnic Institute and State University.

Filed Date: 09/21/2005.

Accession Number: 20050923–0362.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 12, 2005.

Docket Numbers: ER05–1496–000.

Applicants: American Electric Power Service Corporation.

Description: American Electric Power Service Corp on behalf of American Electric Power System submits and requests acceptance of an Interconnection and Local Delivery Agreement.

Filed Date: 09/21/2005.

Accession Number: 20050923–0361.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 12, 2005.

Docket Numbers: ER05–1497–000.

Applicants: Dearborn Industrial Generation, L.L.C.

Description: Dearborn Industrial Generation, LLC amends its existing cost-based tariff *et al.*

Filed Date: 09/21/2005.

Accession Number: 20050923–0370.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 12, 2005.

Docket Numbers: ER97–2846–007.

Applicants: Florida Power Corporation.

Description: Florida Power Corp notifies FERC that it has entered into a contract effective 12/1/05 for the purchase of 133 MW of capacity from Central Power & Lime Co pursuant to FERC's Order 652 .

Filed Date: 09/21/2005.

Accession Number: 20050923–0359.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 12, 2005.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern Time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other and the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an

eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5389 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2586–024]

Alabama Electric Cooperative, Inc.; Notice of Availability of Environmental Assessment

September 23, 2005.

In accordance with the National Environmental Policy Act of 1969 and part 380 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380; FERC Order No. 486 and 52 FR 47,897, the Office of Energy Projects has reviewed the application for a new license for the Conecuh River Project, located on the Conecuh River, in Covington County, Alabama, and has prepared a single environmental assessment (EA) for the project. The project does not use or occupy any Federal facilities or lands.

In the EA, Commission staff analyzes the potential environmental effects of the existing project and concludes that licensing the project, with staff's recommended measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Please file any comments (an original and 8 copies) within 30 days from the date of this letter. The comments should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix ''Conecuh River Project No. 2586–024'' to all comments. Comments may be filed electronically via the Internet in lieu of paper. See (18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-filing'' link. The Commission strongly encourages electronic filings.

Please contact Carolyn Holsopple at (202) 502–6407, or by e-mail at *carolyn.holsopple@ferc.gov* if you have any questions.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5378 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP05–83–000, CP05–84–000, CP05–85–000 and CP05–86–000]

Port Arthur LNG, L.P. Port Arthur Pipeline, L.P.; Notice of Public Meeting Cancellation and Extension of Comment Period for the Draft Environmental Impact Statement for Port Arthur LNG Project

September 27, 2005.

Because of damage in the area due to Hurricane Rita, the staff of the Federal Energy Regulatory Commission (Commission) is canceling its planned public comment meetings in Vinton, Louisiana and Port Arthur, Texas for the Draft Environmental Impact Statement (EIS) for the Port Arthur LNG Project until further notice. However, we are extending the period for public comment by 60 days. Comments are now due on December 16, 2005.

As a reminder, any person wishing to comment on the draft EIS may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your comments to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.
- Reference Docket No. CP05–83–000 *et al.*;
- Label one copy of the comments for the attention of Gas Branch 2, PJ11.2; and
- Mail your comments so that they will be received in Washington, DC on or before December 16, 2005.

Please note that we will include all comments that we receive within a reasonable time frame in our environmental analysis of this Project. However, the Commission strongly encourages electronic filing of any comments or interventions to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create a free account, which can be created by clicking on ''Login to File'' and then ''New User Account.''

Magalie R. Salas,

Secretary.

[FR Doc. E5–5412 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 382–026 and 178–017]

Southern California Edison Company, Pacific Gas & Electric Company; Notice of Availability of Final Environmental Assessment

September 27, 2005.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the applications for license for the Borel Hydroelectric

Project (P–382–026) and Kern Canyon Hydroelectric Project (P–178–017) and has prepared a Final Environmental Assessment (FEA) for the projects. The Borel Hydroelectric Project is located on the Kern River near the town of Bodfish in Kern County, California. The canal intake for the project is located on approximately 188 acres of Sequoia National Forest Service lands. The Kern Canyon Hydroelectric Project is located on the Kern River, near the town of Bakersfield in Kern County, California. The project occupies approximately 11.26 acres of public land located within the Sequoia National Forest.

The FEA contains the Staff's analysis of the potential environmental impacts of the projects and concludes that licensing the projects, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the FEA is on file with the Commission and is available for public inspection. The FEA is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

For further information, contact Emily Carter at (202) 502–6512 or *emily.carter@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5402 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, Protests, Recommendations, and Terms and Conditions

September 23, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 12550–001.

c. *Date filed:* June 24, 2005.

d. *Applicant:* Wade Jacobson.

e. *Name of Project:* Mary Taylor Drop Hydroelectric Project.

f. *Location:* The Mary Taylor Drop Hydroelectric Project would be located at the Mary Taylor canal drop between the Spring Valley Canal and Greenfields Main Canal, which are part of the Bureau of Reclamation's Sun River Irrigation Project in Teton County, Montana. The proposed hydroelectric facilities would be located on private land, some of which is leased to Reclamation for the operation and maintenance of the irrigation canals.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791a—825r.

h. *Applicant Contact:* Mr. Ted Sorenson, Sorenson Engineering, 5203 South 11th East, Idaho Falls, ID 83404, (208) 522–8069.

i. *FERC Contact:* James Hunter, (202) 502–6086.

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

k. *Deadline for filing responsive documents:* The Commission directs, pursuant to section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions concerning the application be filed with the Commission by November 23, 2005. All reply comments must be filed with the Commission by December 9, 2005.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Project:* The proposed small conduit hydroelectric project would consist of: (1) An intake structure on the left side of Spring Valley Canal, with a trash rack and a stop log slot, (2) a 400-foot-long, 5-foot-diameter penstock, (3) a metal powerhouse containing two turbines and one 890-kilowatt generating unit, and (4) draft tubes and a tailrace discharging into Greenfields Main Canal. The average annual energy production would be 1,840 megawatt hours.

m. This filing is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street, NE., Washington, DC 20426. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, here P–12550, in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for review and reproduction at the address in item h. above.

n. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

o. All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Office of Energy Projects, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified

in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5375 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene

September 23, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12581–000.

c. *Date filed:* March 31, 2005.

d. *Applicant:* Cambria Somerset Authority.

e. *Name and Location of Project:* The proposed Que Pumped Storage Project would be located in Quemahoning Township, Somerset County, Pennsylvania.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant contact:* Mr. Paul C. Rizzo, Paul C. Rizzo Associates, Inc., 647 Main Street, Suite 200, Johnstown, PA 15901, (814) 536–6767.

h. *FERC Contact:* Tom Papsidero, (202) 502–6002.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12581–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Existing Facilities and Proposed Project:* The proposed project would consist of the following facilities: (1) A new upper reservoir with a maximum storage capacity of 1,549.8 acre-feet and a surface area of 30 acres at maximum normal water surface elevation of 2088 feet above mean sea level (msl); (2) a new upper concrete intake structure with a steel penstock; (3) a new lower concrete and steel intake structure; (4) a new powerhouse with two 50-megawatt pump/turbines; (5) an existing lower reservoir with a maximum storage capacity of 36,212.9 acre-feet and an area of 928 acres at maximum water surface elevation of 1625 feet msl; (6) a new transmission line between the powerhouse and switchyard and an existing transmission line approximately 7300-feet-long to the southeast; and (7) appurtenant facilities. The proposed project would have an annual generation of 156 GWh.

k. *Location of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Competing Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions To Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under ''e-

filing'' link. The Commission strongly encourages electronic filing.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5376 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9185–009]

Flambeau Hydro, LLC; Notice Soliciting Scoping Comments

September 26, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* P–9185–009.

c. *Date filed:* April 1, 2005.

d. *Applicant:* Flambeau Hydro, LLC.

e. *Name of Project:* Clam River Hydroelectric Project.

f. *Location:* On the Clam River in Burnett County, near Danbury, Wisconsin. The project does not occupy Federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Scott Klabunde, North American Hydro, Inc., P.O. Box 167, Neshkoro, WI 54960; 920–293–4628 ext. 14.

i. *FERC Contact:* Patrick Murphy, (202) 502–8755 or *patrick.murphy@ferc.gov.*

j. *Deadline for filing scoping comments:* October 31, 2005.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Scoping comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''eFiling'' link.

k. This application is not ready for environmental analysis at this time.

l. The existing Clam River Project consists of: (1) A 46-foot-high buttress type concrete dam concrete with a 54-foot-wide spillway with four sections, three sections equipped with 8-inch-high stoplogs, and one section equipped with a 4-foot-high slide gate; (2) an 898-foot-long and 223-foot-long earthen dikes connecting the left side and the right side of the concrete dam, respectively; (3) a 360-acre reservoir with a net storage capacity of 3,575 acre-feet with a water surface elevation of 898.9 feet msl; (4) two powerhouses integral to the dam containing three turbine generating units with a total installed capacity of 1,200 kW; (5) a 100-foot-long, 2.4-kilovolt transmission line; and (6) appurtenant facilities. The applicant estimates that the total average annual generation would be 4,903 megawatt hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

n. You may also register online at *http://www.ferc.gov.esubscribernow.htm* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *Scoping Process:* The Commission staff intends to prepare an Environmental Assessment (EA) for the Clam River Hydroelectric Project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Commission staff does not propose to conduct any on-site scoping meetings at this time. Instead, we will solicit comments, recommendations, information, and alternatives in the Scoping Document (SD).

Copies of the SD outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of the SD may be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5390 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7758–004]

Holyoke No. 4 Project; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

September 27, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* P–7758–004.

c. *Date Filed:* February 25, 2005.

d. *Applicant:* Holyoke Gas & Electric Department (HG&E).

e. *Name of Project:* Holyoke No. 4 Project.

f. *Location:* Located on the Connecticut River in the City of Holyoke, Hamden County, Massachusetts. This project does not occupy federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Nancy J. Skancke, Law Offices of GKRSE, 1500 K St., NW., Suite 330, Washington, DC 20005, (202) 408–5400.

i. *FERC Contact:* Jack Hannula, (202) 502–8917, *john.hannula@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments and recommendations may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''eFiling'' link.

k. This application has been accepted, and is ready for environmental analysis at this time.

l. The existing project is located on the Holyoke Canal System on the Connecticut River in Hampden County, Massachusetts.[1] The Holyoke Canal System consists of three levels, and the project facilities are located between the first and second canal level. The project is one of nine FERC-licensed projects on the Holyoke Canal System. The Holyoke No. 4 Hydro Project has an installed generating capacity of 750 kilowatts (kW), and generates about 3,148,000 kilowatt-hours (kWh) of energy annually. Flows into the Canal System are regulated by HG&E through operation of the Holyoke Project No. 2004 according to the Comprehensive Canal Operations Plan (CCOP) and the Comprehensive Operations and Flow Plan (COFP).[2] The project does not occupy any federal lands.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary link''. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h. above.

All filings must: (1) Bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS'', ''TERMS AND CONDITIONS'', or ''PRESCIPTIONS''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions, or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at *http://www.ferc.gov/esubscribenow.htm* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Procedures schedule: The Commission staff proposes to issue an Environmental Assessment (EA) rather than issuing a draft and final EA. Staff intends to allow at least 30 days for entities to comment on the EA, and will take into consideration all comments received on the EA before final action is taken on the license application. The application will be processed according to the following schedule, but revisions to the schedule may be made as appropriate:

Issue Notice of availability of EA: February 2006.

Ready for Commission decision on the application: March 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5403 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

[1] The Holyoke Canal System is licensed under the Holyoke Project No. 2004. 88 FERC ¶ 61,186 (1999).

[2] The CCOP and COEP are part of a Settlement Agreement (filed with the Commission on March 12, 2004) as part of the licensing of the Holyoke Project No. 2004. These plans address canal flows, water quality, fish, and other habitat species.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2145–060]

Public Utility District No. 1 of Chelan County; Notice of Technical Conference

September 23, 2005.

The Commission hereby gives notice that members of its staff will meet with Public Utility District No. 1 of Chelan County (Chelan PUD) and other stakeholders on October 19, 2005, from 1 p.m. to 3 p.m. (EST) at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, Conference Room 3M–3. There will also be a satellite location for this technical conference located in Wenatchee, Washington via teleconferencing. The Wenatchee location is the Chelan PUD Auditorium at 327 North Wenatchee Avenue, Wenatchee, WA 98801. Meeting time for this location is 10 a.m. to 12 p.m. (PST). Any additional information will be posted on the Commission's Web site soon at: *http://www.ferc.gov/EventCalendar/EventsADay.aspx?Date=3/16/2005&CalendarID=0.*

The purpose of the conference is to discuss the Commission's Draft Environmental Impact Statement (issued on August 31, 2005) on Chelan PUD's license application for the Rocky Reach Hydroelectric Project. The Rocky Reach Hydroelectric Project is located on the Columbia River in Chelan County, Washington.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or (202) 208–1659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

This conference is open to the public. All local, State, and Federal agencies, Indian tribes, and other interested parties are invited to participate. There will be no transcript of the conference.

If interested parties are unable to attend this conference at the two locations above, but would like to participate via teleconferencing, please contact Kim Nguyen at *kim.nguyen@ferc.gov* or (202) 502–6105 for the call in number.

Please also contact Ms. Nguyen with any questions or for additional information.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5377 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications Public Notice

September 23, 2005.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received in the Office of the Secretary. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary (FERRIS) link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	Date received	Presenter or requester
Prohibited:		
1. ER03–563–030	9–20–05	James T. Carlton, Barry Brits, L. Aldie Warnock, Daniel J. Callaghan, and Paul Hamilton.
Exempt:		
1. CP05–144–000, CP05–150–000, CP05–151–000, CP05–152–000	9–12–05	Hon. Robert C. Byrd.
2. EL05–130–000	9–8–05	Hon. Elton Gallegly.
3. Project No. 2210–116	9–12–05	Hon. Virgil H. Goode, Jr.
4. Project No. 2210–116	9–20–05	Hon. George Allen.
5. Project No. 10805–000	9–20–05	Hon. Ron Kind.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5380 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EY04–95–20–000, RM01–10–000 and and PL05–14–000]

Standards of Conduct for Transmission Providers Extension of Non-Statutory Deadlines; Notice Granting Extension of Time To Comply With Posting and Other Requirements

September 23, 2005.

In anticipation of Hurricane Rita creating emergency conditions in Texas and Louisiana, the Commission is granting the following extensions of time and waivers. Section 358.4(a)(2) of the Commission's Standards of Conduct regulations allows transmission providers to ''take whatever steps are necessary to keep the system[s] in operation'' notwithstanding any of the other requirements. 18 CFR 358.4(a)(2) (2005). Section 358.4(a)(2) also provides: ''Transmission Providers must report to the Commission and post on the OASIS or Internet Web site, as applicable, each emergency that resulted in any deviation from the standards of conduct, within 24 hours of such deviation.'' As a result of the emergency, the Commission will allow affected transmission providers in the geographic area affected by Hurricane Rita to delay compliance with the section 358.4(a)(2) reporting requirement until October 7, 2005.

The Commission will also waive, until October 7, 2005, the requirement to record and retain a record of each deviation of the Standards of Conduct.

In addition, pursuant to section 385.2008 of the Commission's Rules of Practice and Procedure, 18 CFR 385.2008 (2005), the Commission finds good cause to extend, until October 7, 2005, non-statutory deadlines that occur before that date for participants in proceedings pending before the Commission who are in the geographic area affected by Hurricane Rita and need such extensions on account of the Hurricane.

The Commission will consider extending the October 7, 2005 date if an extension is necessary.

Magalie R. Salas,

Secretary.

[FR Doc. E5–5386 Filed 9–30–05; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7978–6]

Meeting of the Ozone Transport Commission

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing the 2005 Fall Meeting of the Ozone Transport Commission (OTC). This OTC meeting will explore options available for reducing ground-level ozone precursors in a multi-pollutant context.

DATES: The meeting will be held on November 2, 2005 starting at 1 p.m. and November 3, 2005 at 9 a.m.

ADDRESSES: Hilton Wilmington/Christiana, 100 Continental Drive, Newark, Delaware 19713–4319; 302–454–1500.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, Associate Director, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103; (215) 814–2100. For documents and press inquiries contact: Ozone Transport Commission, 444 North Capitol Street NW., Suite 638, Washington, DC 20001; (202) 508–3840; e-mail: *ozone@otcair.org*; Web site: *http://www.otcair.org.*

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at Section 184 provisions for the ''Control of Interstate Ozone Air Pollution.'' Section 184(a) establishes an ''Ozone Transport Region'' (OTR) comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia. The purpose of the Ozone Transport commission is to deal with ground-level ozone formation, transport, and control within the OTR. The purpose of this notice is to announce that the OTC will meet on November 2–3, 2005 at the address noted earlier in this notice. This meeting will explore options available for reducing ground-level ozone precursors in a multi-pollutant context. Section 176A(b)(2) of the Clean Air Act Amendments of 1990 specifies that the meeting of the Ozone Transport Commission is not subject to the provisions of the Federal Advisory Committee Act. This meeting will be open to the public as space permits.

Type of Meeting: Open.

Agenda: Copies of the final agenda will be available from the OTC office (202) 508–3840; by e-mail: *ozone@otcair.org* or via the OTC Web site at *http://www.otcair.org.*

Dated: September 27, 2005.

Donald S. Welsh,

Regional Administrator, EPA Region III.

[FR Doc. 05–19716 Filed 9–30–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7978–3]

National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92463, EPA gives notice of a meeting of the National Advisory Committee (NAC) and Governmental Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC). The National and Governmental Advisory Committees advise the EPA Administrator in his capacity as the U.S. Representative to the CEC Council. The Committees are authorized under Articles 17 and 18 of the North American Agreement on Environmental Cooperation (NAAEC), North American Free Trade Agreement Implementation Act, Public Law 103–182, and as directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation.'' The Committees are responsible for providing advice to the U.S. Representative on a wide range of strategic, scientific, technological, regulatory, and economic issues related to implementation and further elaboration of the NAAEC. The NAC is composed of 12 members representing academia, environmental non-governmental organizations, and private industry. The GAC consists of 12 members representing state, local, and tribal governments. The purpose of the meeting is to discuss policy issues associated with the CEC's Draft 2006 Operational Plan and Budget. A copy of the agenda for the meeting will be posted at *http://www.epa.gov/ocem/nacgac-page.htm.*

DATES: The National and Governmental Advisory Committees will hold a two day open meeting on Thursday, October 20, from 9 a.m. to 5:30 p.m. and Friday, October 21, from 8:30 a.m. to 1:30 p.m.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel, 601 Pacific Highway, San Diego, California 92101. The meeting is open to the public, with limited seating on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Oscar Carrillo, Designated Federal Officer, *carrillo.oscar@epa.gov*, 202–233–0072, U.S. EPA, Office of Cooperative Environmental Management (1601E), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or provide written comments to the Committees should be sent to Oscar Carrillo, Designated Federal Officer, at the contact information above.

Meeting Access: For information on access or services for individuals with disabilities, please contact Oscar Carrillo at 202–233–0072 or *carrillo.oscar@epa.gov.* To request accommodation of a disability, please contact Oscar Carrillo, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: September 20, 2005.

Oscar Carrillo,

Designated Federal Officer.

[FR Doc. 05–19715 Filed 9–30–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Thursday, October 6, 2005.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street entrance between Constitution Avenue and C Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

We ask that you notify us in advance if you plan to attend the open meeting and provide your name, date of birth,

and social security number (SSN) or passport number. You may provide this information by calling (202) 452–2474 or you may **register on–line**. You may pre–register until close of business October 5, 2005. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call (202) 452–2955 for further information. If you need an accommodation for a disability, please contact Penelope Beattie on (202) 452-3982. For the hearing impaired only, please use the Telecommunication Device for the Deaf (TDD) on (202) 263–4869.

Privacy Act Notice: Providing the information requested is voluntary; however, failure to provide your name, date of birth, and social security number or passport number may result in denial of entry to the Federal Reserve Board. This information is solicited pursuant to Sections 10 and 11 of the Federal Reserve Act and will be used to facilitate a search of law enforcement databases to confirm that no threat is posed to Board employees or property. It may be disclosed to other persons to evaluate a potential threat. The information also may be provided to law enforcement agencies, courts, and others, but only to the extent necessary to investigate or prosecute a violation of law.

MATTERS TO BE CONSIDERED:

Discussion Agenda:

1. Proposed Revisions to Basel 1 Risk–Based Capital Standards.

NOTE: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office and copies may be ordered for $6 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Director, Office of Board Members; 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call (202) 452–3206 for a **recorded announcement** of this meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an **electronic announcement**. (The Web site also includes procedural and other information about the open meeting.)

Board of Governors of the Federal Reserve System, September 29, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–19848 Filed 9–29–05; 1:51 pm]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

SES Performance Review Board

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members to the FTC Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Georgia Koliopoulos, Director of Human Resources, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–2364.

SUPPLEMENTARY INFORMATION: Publication of the Performance Review Board (PRB) membership is required by 5 U.S.C. 4314(c)(4). The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations regarding performance ratings to the Chairman.

The following individuals have been designated to serve on the Commission's Performance Review Board:

Charles H. Schneider, Executive Director, Chairman
Susan Creighton, Director, Bureau of Competition
Lydia B. Parnes, Director, Bureau of Consumer Protection
Michael A. Salinger, Director, Bureau of Economics
William Blumenthal, General Counsel
Maryanne S. Kane, Chief of Staff

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 05–19660 Filed 9–30–05; 8:45 am]

BILLING CODE 6750–01–P

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Sunshine Act Meeting

Meeting of the Trustees and Officers of the Harry S. Truman Scholarship Foundation

October 25, 2005, 3 p.m.–5 p.m., U.S. Capitol, Room HC–8

I. Welcome and Opening Comments
II. Approval of the Minutes of the Meeting of September 24, 2004
III. Report from the President
IV. Report from the Executive Secretary
V. Report on 2005 Summer Institute, 2005/2006 Truman Fellows Program
VI. Approval of Budget for FY 2006
VII. Appointment of an Executive Secretary
VIII. Old Business
IX. New Business
X. Adjournment

Louis H. Blair,

Executive Secretary.

[FR Doc. 05–19892 Filed 9–29–05; 3:14 pm]

BILLING CODE 6820–AD–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–05–0298]

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 404–371–5983 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

National Home and Hospice Care Survey (NHHCS)—OMB No. 0920–0298—Reinstatement with change—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention.

Background and Brief Description

The National Home and Hospice Care Survey (NHHCS) is part of the Long-term Care Component of the National Health Care Survey. The NHHCS was conducted in 1992, 1993, 1994, 1996,

1998, and 2000. NHHCS data describe a major segment of the long-term care system and are used extensively for health care research, health planning and public policy. The NHHCS provides data on the characteristics of home health and hospice agencies (*e.g.*, Medicare and Medicaid certification, ownership, membership in chains/nursing home/hospital systems, etc.); patients (*e.g.*, demographics, functional status, services received, diagnoses, sources of payment, etc.); and staff (*e.g.* staffing mix, turnover, benefits, training, education, etc.). The survey provides detailed information on utilization and staffing patterns, and quality of care variables that are needed to make accurate assessments of the need for and effects of changes in the provision and financing of long-term care for the elderly and disabled. The availability and use of long-term care services are becoming increasingly important issues as the number of elderly increases and persons with disabilities live longer. Equally as important is ensuring the adequacy and availability of the long-term care workforce. The 2007 NHHCS will include a supplemental survey on home health aides. The upcoming survey has been redesigned and expanded to better meet the data needs of researchers and health care planners working to ensure that quality long-term care will be available for the nation's growing senior population. The survey will utilize a computer-assisted personal interviewing (CAPI) system. This computerized system makes it easier for respondents to participate in the survey and accelerates the flow of data, making it possible to release information on a timelier basis.

Users of NHHCS data include: The National Immunization Program and National Center for Injury Prevention and Control, CDC; the Congressional Research Office; the Bureau of Health Professions, Health Resources and Services Administration; the Office of the Assistant Secretary for Planning and Evaluation (ASPE); the Agency for Healthcare Research and Quality; and the National Association for Health Care; the National Hospice and Palliative Care Organization; the American Health Care Association; Centers for Medicare and Medicaid Services (CMS); Bureau of the Census, and the American Association of Retired Persons. Other users of these data include universities, foundations, and a variety of users in the print media and the private sector.

NCHS plans to conduct the next NHHCS in August–December 2007 and during the same months in 2008. These two national surveys follow a pretest of the forms and procedures in August–September 2006. The data collection procedures and content have been extensively revised from the previous NHHCS. The 2007 NHHCS will be based on computer-assisted personal interview (CAPI) methodology. There is no cost to respondents other than their time to participate. The burden tables below include the average annual burden for the pretest and the national survey.

ESTIMATE OF ANNUALIZED BURDEN TABLE

Respondents pretest	Number of respondents	Number of responses/respondent	Average burden/response (in hours)	Response burden (hours)
Agency Level Data Collection (CAPI)	17	1	30/60	9
Agency Staff Questionnaire	17	1	50/60	14
Current/Discharge Patient Sampling	17	1	20/60	6
Current Home Health Patient Data Collection (CAPI)	8	12	25/60	40
Hospice Discharge Patient Data Collection (CAPI)	8	12	25/60	40
Home Health Aide Sampling	8	1	15/60	2
Home Health Aide Data Collection (CAPI)	8	8	30/60	32
Total Pretest				143

ESTIMATE OF ANNUALIZED BURDEN TABLE

Respondents national survey	Number of respondents	Number of responses/respondent	Average burden/response (in hours)	Response burden (hours)
Agency Level Data Collection (CAPI)	500	1	30/60	250
Agency Staff Questionnaire	500	1	50/60	417
Current/Discharge Patient Sampling	500	1	20/60	167
Current Home Health Patient Data Collection (CAPI)	250	12	25/60	1,250
Hospice Discharge Patient Data Collection (CAPI)	250	12	25/60	1,250
Home Health Aide Sampling	263	1	15/60	66
Home Health Aide Data Collection (CAPI)	263	8	30/60	1,052
Total National Survey				4,452

Dated: September 27, 2005.

Betsey Dunaway,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 05–19681 Filed 9–30–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Funding Opportunity Number AA113; Rural HIV/AIDS Prevention Project; Notice of Intent To Fund Single Eligibility Award

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2005 funds for a cooperative agreement to assist rural HIV prevention program providers in developing and delivering HIV prevention programs by (1) identifying effective HIV prevention programs and innovative materials and (2) disseminating this information to rural HIV prevention providers. The Catalog of Federal Domestic Assistance number for this program is 93.939.

B. Eligible Applicant

Assistance will be provided only to the Rural Center for AIDS/STD Prevention/Indiana University (IU). No other applicants are solicited. The Rural Center for AIDS/STD Prevention (IU) is the appropriate and only qualified agency to provide the services specified under this cooperative agreement because:

- The Rural Center is the only such organization that solely focuses on HIV/STD prevention for all rural communities in the country. The Rural Center has been emphasizing HIV/STD prevention in rural communities for over ten years. The Rural Center has developed relationships with HIV prevention providers in rural communities, earning their trust and willingness to share information about their activities.
- An extensive internet search of organizations providing HIV prevention services to rural communities throughout the U.S., as described in this program announcement, did not identify any other comparable organizations.
- The Rural Center is widely recognized as a valuable resource for rural HIV/STD prevention specialists; its Web site receives over 30,000 ''hits'' per month. The Rural Center disseminates HIV/STD prevention information and research findings through various professional trainings and prevention guidelines development.
- The Rural Center has established the National Network of Rural HIV/STD Prevention Specialists. This network of over 800 members provides a forum (*e.g.* e-mail listserv) for rural HIV/STD prevention specialists to discuss prevention-related issues for rural communities, to exchange information, and to offer support. This network forms the basis for communication with rural HIV prevention programs. Other organizations serving rural communities are state or regionally based.
- The Rural Center distributes monthly STD/HIV prevention updates via e-mail and fax to several hundred rural HIV/STD prevention specialists throughout the country.
- The Rural Center has a collaborative working relationship with the National Rural Health Association (NRHA) and conducts national conferences every two years for rural HIV/STD prevention specialists. The goal of the conferences is to present model rural HIV/STD prevention programs and emphasize information exchange and lessons learned. The Rural Center complements the activities of NRHA because NRHA does not provide specific HIV/AIDS-related services.

C. Funding

Approximately $245,471 is available in FY 2005 to fund this award February 1, 2006 and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

D. Where To Obtain Additional Information

For general comments or questions about this announcement, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146. Telephone: 770–488–2700.

For technical questions about this program, contact: Bob Kohmescher, Project Officer, Centers for Disease Control and Prevention, 1600 Clifton Rd (MS E35), Atlanta, GA 30333. Telephone: 404–639–1914. E-mail: *rnk1@cdc.gov.*

Dated: September 26, 2005.

William P. Nichols,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 05–19692 Filed 9–30–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Request for Application (RFA) AA211]

Support for Programs Designed To Reduce the Impact of HIV in Southern Sudan, Under the President's Emergency Plan for AIDS Relief; Notice of Availability of Funds—Amendment

A notice announcing the availability of Fiscal Year (FY) 2006 funds for a cooperative agreement for Support for Programs Designed to Reduce the Impact of HIV in Southern Sudan under the President's Emergency Plan for AIDS Relief, was published in the **Federal Register**, September 7, 2005, Volume 70, Number 172, pages 53216–53224. This notice is amended as follows:

- Page 53216, Application deadline: delete September 29, 2005 and replace with October 17, 2005
- Page 53221, Application deadline date: delete September 29, 2005 and replace with October 17, 2005

Dated: September 26, 2005.

William P. Nichols,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

[FR Doc. 05–19691 Filed 9–30–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice concerning the final effect of the HHS decision to designate a class of employees at the Iowa Army Ammunition Plant (IAAP), in Burlington, Iowa as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On August 25, 2005, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the

following class of employees as an addition to the SEC:

Department of Energy (DOE) employees or DOE contractor or subcontractor employees who worked as radiographers from May 1948 to March 1949 in support of Line 1 operations at the Iowa Army Ammunition Plant and who were employed for a number of work days aggregating at least 250 work days, occurring under this employment in combination with work days of employment occurring within the parameters (excluding aggregate work day requirements) established for other classes of employees included in the SEC.

This designation became effective on September 24, 2005, as provided for under 42 U.S.C. 7384*l*(14)(C). Hence, beginning on September 24, 2005, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV*.

Dated: September 26, 2005.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 05–19673 Filed 9–30–05; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice concerning the final effect of the HHS decision to designate a class of employees at the Y–12 facility, in Oak Ridge, Tennessee as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On August 25, 2005, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

Department of Energy (DOE) employees or DOE contractor or subcontractor employees who worked in uranium enrichment operations or other radiological activities at the Y–12 facility in Oak Ridge, Tennessee from March 1943 through December 1947 and who were employed for a number of work days aggregating at least 250 work days, either solely under this employment or in combination with work days of employment occurring within the parameters (excluding aggregate work day requirements) established for other classes of employees included in the SEC.

This designation became effective on September 24, 2005, as provided for under 42 U.S.C. 7384*l*(14)(C). Hence, beginning on September 24, 2005, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV*.

Dated: September 26, 2005.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 05–19674 Filed 9–30–05; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Report of a New System of Records

AGENCY: Department of Health and Human Services (HHS), Center for Medicare & Medicaid Services (CMS).

ACTION: Notice of a New System of Records (SOR).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to create a new system titled, ''Cancer Prevention and Treatment Demonstration for Ethnic and Racial Minorities (CPTD) System, System No. 09–70–0560.'' Section 122 of the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Benefits Improvement and Protection Act of 2000 (BIPA) (Public Law (Pub. L.) 106–554) grants CMS the authority to award at least nine cooperative agreement demonstration projects that will identify methods to reduce disparities in early cancer screening, diagnosis, and treatment for Black, Hispanic, Asian American and Pacific Islander, and American Indian (including Alaskan Native, Eskimo, and Aleut) Medicare beneficiary populations. Demonstration sites will use the best available scientific evidence to identify promising models of cancer screening, diagnosis and treatment interventions to promote health and appropriate utilization of Medicare covered services, eliminate disparities in cancer detection and treatment among ethnic and racial populations of Medicare beneficiaries, and provide information to improve the effectiveness of the Medicare program.

The purpose of this system is to collect and maintain demographic and cancer health-related data on Medicare target population beneficiaries who voluntarily enroll in the CPTD Project for Ethnic and Racial Minorities. This system will enable CMS to enroll eligible participants in the demonstration project; randomize participants into intervention and control groups; reimburse demonstration site service claims; and develop, maintain and analyze/evaluate research information showing the potential impact of providing cancer screening, diagnosis and treatment facilitation services to underserved Medicare beneficiaries. Information retrieved from this system may be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency or by a contractor, grantee, consultant or other legal agent; (2) assist another Federal or state agency with information to enable such agency to administer a Federal health benefits program, or to enable such agency to fulfill a requirement of Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; (3) assist an individual or organization engaged in the performance activities of the demonstration or in a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects; (4) support constituent requests made to a congressional representative; (5) support litigation involving the agency; and (6) combat fraud and abuse in certain health benefits programs. We have provided background information about the new system in the **SUPPLEMENTARY**

INFORMATION section below. Although the Privacy Act requires only that CMS provide an opportunity for interested persons to comment on the proposed routine uses, CMS invites comments on all portions of this notice. See **DATES** section for comment period.

DATES: CMS filed a new SOR report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on September 26, 2005. In any event, we will not disclose any information under a routine use until 40 days after publication. We may defer implementation of this system or one or more of the routine use statements listed below if we receive comments that persuade us to defer implementation.

ADDRESSES: The public should address comment to the CMS Privacy Officer, Mail-stop N2–04–27, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location by appointment during regular business hours, Monday through Friday from 9 a.m.–3 p.m., eastern time.

FOR FURTHER INFORMATION CONTACT: C. Diane Merriman, Project Officer, Division of Health Promotion and Disease Prevention Demonstrations, Office of Research Development and Information, CMS, Mail Stop S3–07–04, 7500 Security Boulevard, Baltimore, Maryland 21244–1849, telephone number (410) 786–7237, e-mail *Diane.Merriman@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 122 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554) requires CMS to design and implement at least nine demonstration projects in specific target populations for the purpose of developing models and evaluating methods that: (1) Improve the quality of items and services provided to target individuals in order to facilitate reduced disparities in early detection and treatment of cancer; (2) improve clinical outcomes, satisfaction, quality of life, and appropriate use of Medicare-covered services and referral patterns among those target individuals with cancer; (3) eliminate disparities in the rate of preventive cancer screening measures; and (4) promote collaboration with community-based organizations to ensure cultural competency of health care professionals and linguistic access for persons with limited English proficiency. Each of the following four legislatively-mandated target populations are required to be the subject of two separate demonstration projects: American Indians (including Alaskan Natives, Eskimos and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics. If the initial demonstration evaluation indicates that these projects (1) reduce Medicare expenditures; or (2) do not increase Medicare expenditures, reduce ethnic and racial health disparities, and increase beneficiary and health care provider satisfaction, the existing demonstration projects will continue, and the number of demonstration projects may be expanded in the future.

I. Description of the Proposed System of Records

A. Statutory and Regulatory Basis for SOR

The statutory authority for this system is given under the provisions of Section 122 of the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554).

B. Collection and Maintenance of Data in the System

This system will collect and maintain individually identifiable demographic and cancer health-related data collected on Medicare target population beneficiaries who voluntarily enroll in the CPTD for Ethnic and Racial Minorities. The system will maintain information on two populations: (1) Medicare beneficiaries belonging to a defined ethnic or racial minority group who do not have a current diagnosis of cancer before enrollment in the demonstration project; and (2) Medicare beneficiaries belonging to a defined ethnic or racial minority who have been diagnosed with cancer before enrollment in the demonstration project. The collected information will contain name, address, telephone number, Medicare health insurance claim (HIC) number, race/ethnicity, gender type, and date of birth, as well as background information relating to Medicare issues. It will also include cancer screening, diagnosis, treatment, project enrollment and evaluation, survey and research information needed to administer the demonstration project and develop research reports on the demonstration findings.

II. Agency Policies, Procedures, and Restrictions on the Routine Use

A. The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such disclosure of data is known as a ''routine use.'' The Government will only release CPTD information that can be associated with an individual as provided for under ''Section III. Proposed Routine Use Disclosures of Data in the System.'' Both identifiable and non-identifiable data may be disclosed under a routine use. We will only collect the minimum personal data necessary to achieve the purpose of CPTD.

CMS has the following policies and procedures concerning disclosures of information that will be maintained in the system. Disclosure of information from the system will be approved only to the extent necessary to accomplish the purpose of the disclosure and only after CMS:

1. Determines that the use or disclosure is consistent with the reason that the data is being collected; e.g., to collect and maintain demographic and cancer health-related data on Medicare target population beneficiaries who voluntarily enroll in the CPTD Project for Ethnic and Racial Minorities.

2. Determines that:

a. The purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form;

b. The purpose for which the disclosure is to be made is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and

c. There is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s).

3. Requires the information recipient to:

a. Establish administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record;

b. Remove or destroy, at the earliest time, all patient-identifiable information; and

c. Agree to not use or disclose the information for any purpose other than the stated purpose under which the information was disclosed.

4. Determines that the data are valid and reliable.

III. Proposed Routine Use Disclosures of Data in the System

A. The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected.

Any such compatible use of data is known as a ''routine use.'' The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To agency contractors, grantees, consultants or other legal agents who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual, grantee, cooperative agreement or consultant relationship with a third party to assist in accomplishing CMS functions relating to purposes for this system or records. CMS occasionally contracts out certain of its functions when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor, grantee, consultant or other legal agent whatever information is necessary for the agent to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the agent from using or disclosing the information for any purpose other than that described in the contract and requires the agent to return or destroy all information at the completion of the contract.

2. To another Federal or state agency to:

a. Contribute to the accuracy of CMS's proper payment of Medicare benefits;

b. Enable such agency to administer a Federal health benefits program, or, as necessary, to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; and/or

c. Assist Federal/state Medicaid programs within the state.

Other Federal or state agencies, in their administration of a Federal health program, may require CPTD information in order to support evaluations and monitoring of Medicare claims information of beneficiaries, including proper reimbursement for services provided.

3. To an individual or organization engaged in or assisting in the enrollment, screening, diagnosis, treatment, evaluation, or research efforts relative to beneficiary participation in the CPTD for Ethnic and Racial Minorities (including summary analyses demonstrating the impact of the demonstration project), and other activities reasonably necessary to fulfill the provisions of the demonstration project and ensure appropriate use of Medicare trust funds and program funds, as well as to an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, the reduction of healthcare disparities, or payment related projects.

The CPTD data will provide for research or support of evaluation projects and a broader, longitudinal, national perspective of the status of Medicare beneficiaries. CMS anticipates that many researchers will have legitimate requests to use these data in projects that could ultimately improve the care provided to Medicare beneficiaries and the policies that govern their care.

4. To a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the written request of the constituent about whom the record is maintained.

Beneficiaries sometimes request the help of a Member of Congress in resolving an issue relating to a matter before CMS. The Member of Congress then writes to CMS, and CMS must be able to give sufficient information to be responsive to the inquiry.

5. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government, is a party to litigation or has an interest in such litigation, and, by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

Whenever CMS is involved in litigation, and occasionally when another party is involved in litigation and CMS policies or operations could be affected by the outcome of the litigation, CMS would be able to disclose information to the DOJ, court or adjudicatory body involved.

6. To a CMS contractor (including, but not necessarily limited to, fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such program.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual, grantee, cooperative agreement or consultant relationship with a third party to assist in accomplishing CMS functions relating to the purpose of combating fraud and abuse. CMS occasionally contracts out certain of its functions or makes grants or cooperative agreements when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor, grantee, consultant or other legal agent whatever information is necessary for the agent to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the agent from using or disclosing the information for any purpose other than that described in the contract and requiring the agent to return or destroy all information.

7. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such programs.

Other agencies may require CPTD information for the purpose of combating fraud and abuse in such Federally-funded programs.

B. Additional Provisions Affecting Routine Use Disclosures

This system contains Protected Health Information (PHI) as defined by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR Parts 160 and 164, 65 FR 82462 (12–28–00), Subparts A and E). Disclosures of PHI authorized by these routine uses may only be made if and as permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.''

In addition, our policy will be to prohibit release even of not directly identifiable information, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction

based on small cell sizes (instances where the patient population is so small that individuals who are familiar with the enrollees could, because of the small size, use this information to deduce the identity of the beneficiary).

IV. Safeguards

CMS has safeguards in place for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations include but are not limited to: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A–130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: All pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

V. Effects of the Proposed System of Records on Individual Rights

CMS proposes to establish this system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. Data in this system will be subject to the authorized releases in accordance with the routine uses identified in this system of records.

CMS will take precautionary measures (see item IV above) to minimize the risks of unauthorized access to the records and the potential harm to individual privacy or other personal or property rights of patients whose data are maintained in this system. CMS will collect only that information necessary to perform the system's functions. In addition, CMS will make disclosure from the proposed system only with consent of the subject individual, or his/her legal representative, or in accordance with an applicable exception provision of the Privacy Act. CMS, therefore, does not anticipate an unfavorable effect on individual privacy as a result of information relating to individuals.

Dated: August 30, 2005.

John R. Dyer,

Chief Operating Officer, Centers for Medicare & Medicaid Services.

System No. 09–70–0560

SYSTEM NAME:

''Cancer Prevention and Treatment Demonstration for Ethnic and Racial Minorities (CPTD),'' HHS/CMS/ORDI.

SECURITY CLASSIFICATION:

Level Three Privacy Act Sensitive Data.

SYSTEM LOCATION:

CMS Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244–1850 and at various co-locations of CMS agents.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system will collect and maintain individually identifiable demographic and cancer health-related data collected on Medicare target population beneficiaries who voluntarily enroll in the Cancer Prevention and Treatment Demonstration (CPTD) for Ethnic and Racial Minorities. The system will maintain information on two populations: (1) Medicare beneficiaries belonging to a defined ethnic or racial minority group who do not have a current diagnosis of cancer before enrollment in the demonstration project; and (2) Medicare beneficiaries belonging to a defined ethnic or racial minority who have been diagnosed with cancer before enrollment in the demonstration project.

CATEGORIES OF RECORDS IN THE SYSTEM:

The collected information will contain name, address, telephone number, health insurance claim (HIC) number, race/ethnicity, gender type, and date of birth, as well as background information relating to Medicare issues. It will also include cancer screening, diagnosis, treatment, project enrollment and evaluation, survey and research information needed to administer the demonstration project and develop research reports on the demonstration findings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The statutory authority for this system is given under the provisions of Section 122 of the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to collect and maintain demographic and cancer health-related data on Medicare target population beneficiaries who voluntarily enroll in the CPTD Project for Ethnic and Racial Minorities. This system will enable CMS to enroll eligible participants in the demonstration project; randomize participants into intervention and control groups; reimburse demonstration site service claims; and develop, maintain and analyze/evaluate research information showing the potential impact of providing cancer screening, diagnosis and treatment facilitation services to underserved Medicare beneficiaries. Information retrieved from this system may be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency or by a contractor, grantee, consultant or other legal agent; (2) assist another Federal or state agency with information to enable such agency to administer a Federal health benefits program, or to enable such agency to fulfill a requirement of Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; (3) assist an individual or organization engaged in the performance activities of the demonstration or in a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects; (4) support constituent requests made to a congressional representative; (5) support litigation involving the agency; and (6) combat fraud and abuse in certain health benefits programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:

A. The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is

known as a ''routine use.'' We are proposing to establish the following routine use disclosures of information maintained in the system. Information will be disclosed to:

1. To agency contractors, grantees, consultants or other legal agents who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity.

2. To another Federal or state agency to:

a. Contribute to the accuracy of CMS's proper payment of Medicare benefits,

b. Enable such agency to administer a Federal health benefits program, or as necessary to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds, and/or

c. Assist Federal/state Medicaid programs within the state.

3. To an individual or organization engaged in or assisting in the enrollment, screening, diagnosis, treatment, evaluation, or research efforts relative to beneficiary participation in the CPTD for Ethnic and Racial Minorities (including summary analyses demonstrating the impact of the demonstration project), and other activities reasonably necessary to fulfill the provisions of the demonstration project and ensure appropriate use of Medicare trust funds and program funds, as well as to an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects.

4. To a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the written request of the constituent about whom the record is maintained.

5. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government is a party to litigation or has an interest in such litigation, and, by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

6. To a CMS contractor (including, but not necessarily limited to, fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such program.

7. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such programs.

B. Additional Provisions Affecting Routine Use Disclosures:

This system contains Protected Health Information as defines by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR Parts 160 and 164, 65 **Federal Register** 82462 (12–28–00), Subparts A and E). Disclosures of Protected Health Information authorized by these routine uses may only be made if and as permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.''

In addition, our policy will be to prohibit release even of not directly identifiable information, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the complaint population is so small that individuals who are familiar with the complainants could, because of the small size, use this information to deduce the identity of the complainant).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored electronically. Some input may be generated in hardcopy, such as eligibility, enrollment, initial cancer status and followup assessment information before transcription to electronic media. All claims-related records are encompassed by the document preservation order and will be retained until notification is received from the Department of Justice.

RETRIEVABILITY:

The collected data are retrieved by an individual identifier; e.g., beneficiary name or HIC number.

SAFEGUARDS:

CMS has safeguards in place for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations include but are not limited to: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A–130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: All pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

RETENTION AND DISPOSAL:

CMS will retain information for a total period not to exceed 25 years. Data residing with the designated demonstration project site agent shall be returned to CMS at the end of the demonstration period, with all data then being the responsibility of CMS for adequate storage and security.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Research Development and Information, CMS, Room C3–20–11, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

NOTIFICATION PROCEDURE:

For the purpose of access, the subject individual should write to the system manager who will require the system name, address, age, gender type, and, for verification purposes, the subject individual's name (woman's maiden name, if applicable).

RECORD ACCESS PROCEDURE:

For purpose of access, use the same procedures outlined in Notification Procedures above. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

The subject individual should contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 05–19676 Filed 9–30–05; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Administration on Children, Youth, and Families; Notice of Award of Non-Competitive Grant

AGENCY: Administration on Children, Youth and Families, ACF, HHS.

ACTION: Award announcement.

SUMMARY: The Administration on Children, Youth and Families herein announces an urgent grant award to the National Association of Child Care Resource and Referral Agencies (NACCRRA) to provide technical assistance to reestablish the operations of the resource and referral agencies in Mississippi and Louisiana whose operations have been disrupted by Hurricane Katrina. This grant will help to re-establish child care referral services so that families along the Gulf Coast can find child care. This grant will also support local and Statewide inventories of child care need and availability.

The amount of the proposed grant to NACCRRA is $99,500 in FY 2005 child care funds. The duration of the grant is 12 months.

Statutory Authority: This award will be made pursuant to the Child Care and Development Block Grant Act of 1990 as amended (CCDBG Act); section 418 of the Social Security Act; Consolidated Appropriations Act, 2001 (Pub. L. 106–554).

FOR FURTHER INFORMATION CONTACT: Shannon Rudisill, Director of Technical Assistance, Child Care Bureau, at 202–205–8051.

Dated: September 27, 2005.

Joan E. Ohl,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 05–19650 Filed 9–30–05; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005P–0376]

Iceberg Water Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Canada's Original ICEBERG Water Corp., to market a product designated as ''Canada's Original Iceberg Water'' that deviates from the U.S. standard of identity for bottled water. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product, identify mass production problems, and assess commercial feasibility.

DATES: This permit is effective for 15 months, beginning on the date the permit holder introduces or causes the introduction of the test product into interstate commerce, but not later than January 3, 2006.

FOR FURTHER INFORMATION CONTACT: Loretta A. Carey, Center for Food Safety and Applied Nutrition (HFS–820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–2371.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity issued under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Canada's Original ICEBERG Water Corp., 23 Lesmill Rd., suite 304, Toronto, Ontario Canada, M3B–3P6.

The permit covers limited interstate marketing tests of products identified as ''Canada's Original Iceberg Water'' that deviate from the U.S. standard of identity for bottled water (§165.110 (21 CFR 165.110)) in that the source of the water is an iceberg. The test product meets all the requirements of the standard with the exception of the source definition. The purpose of this permit is to test the product throughout the United States, in order to allow the applicant to measure consumer acceptance of the product, identify mass production problems, and assess commercial feasibility.

This permit provides for the temporary marketing of 500,000 cases of the 24 x 500 milliliter bottles and 500,000 cases of the 12 x 1 liter bottles, totaling 1 million cases per year. The total fluid quantity covered by this application is 12 million liters (3,170,065 gallons). The test product will be manufactured for Canada's Original ICEBERG Water Corp., by Discovery Springs, Daniel's Point Rd., Trepassey, Newfoundland, Canada A0A–4B0. Canada's Original ICEBERG Water Corp. will distribute the test products throughout the United States. The information panel of the labels will bear nutrition labeling in accordance with 21 CFR 101.9. The bottled water will be manufactured in accordance with the quality standards in §165.110 and the requirements for processing and bottling of bottled drinking water in 21 CFR part 129. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than January 3, 2006.

Dated: September 22, 2005.

Barbara Schneeman,

Director, Office of Nutritional Products, Labeling, and Dietary Supplements, Center for Food Safety and Applied Nutrition.

[FR Doc. 05–19728 Filed 9–30–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005N–0394]

Food and Drug Administration's Communication of Drug Safety Information; Public Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public hearing; request for comments.

SUMMARY: The Center for Drug Evaluation and Research (CDER) of the Food and Drug Administration (FDA) is announcing a public hearing on the Center's current risk communication strategies for human drugs. The public hearing announced in this notice is part of the agency's ongoing effort to improve CDER's risk communication. The purpose of the public hearing is to obtain public input on CDER's current risk communication tools, identify stakeholders for collaboration and implementation of additional tools, and obtain greater understanding of the strengths and weaknesses of CDER's existing risk communication.

DATES: The public hearing will be held on December 7 and 8, 2005, from 8 a.m. to 4:30 p.m. Submit written or electronic notices of participation and comments for consideration at the hearing by November 7, 2005. Written or electronic comments will be accepted after the hearing until January 9, 2006. The administrative record of the hearing will remain open until January 9, 2006.

ADDRESSES: The public hearing will be held at the National Transportation and Safety Board Boardroom and Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594 (Metro: L'Enfant Plaza Station on the Green, Yellow, Blue, and Orange Lines). Submit written or electronic notices of participation and comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852; *http://www.fda.gov/dockets/ecomments*. Transcripts of the hearing will be available for review at the Division of Dockets Management and on the Internet at *http://www.fda.gov/ohrms/dockets/default.htm* approximately 30 days after the hearing.

FOR FURTHER INFORMATION CONTACT: Lee Lemley, Office of Executive Programs (HFD–006), Center for Drug Evaluation and Research, Food and Drug Administration, 5515 Security Lane, rm. 5107, Rockville, MD 20852, 301–443–5575.

SUPPLEMENTARY INFORMATION:

I. Background

FDA approves human drugs and therapeutic biologics when the agency determines that the benefits of using a product outweigh the risks for the intended population and use. Once a drug product is marketed, however, ensuring its safety becomes a complicated responsibility shared by many parties. These include health care professionals (who must weigh both the risks and the benefits of drugs in deciding whether to prescribe a particular drug for a particular patient to achieve an optimal therapeutic outcome); patients and caregivers (who must understand both the benefits and risks of drugs so they can have informed discussions with their health care professionals about their medicines and make informed decisions about their use); manufacturers, and others. Therefore, it is critical that risk communication be timely, accurate, and easily accessible. Information must also be communicated in a way that recognizes health literacy limitations, including the needs of a multicultural population.

In May 1999, FDA published ''Managing the Risks From Medical Product Use,'' which laid a framework for the agency's efforts to reduce the risks involved with medical product use. In February 2005, the Department of Health and Human Services Secretary Mike Leavitt and former FDA Commissioner Lester Crawford announced plans to establish new communication channels and expand existing channels to provide targeted drug safety information to the public.

Although outside the scope of this hearing, FDA-approved human drug labeling is the primary tool the agency uses to communicate risk and benefit to the public. However, CDER also provides drug safety information to the public through a variety of other risk communication tools. For example, FDA has recently initiated communication tools called Patient and Healthcare Professional Information Sheets. In addition, FDA releases Talk Papers, Public Health Advisories, Press Releases, MedWatch Safety Updates and a monthly video news program for health professionals called the Patient Safety News. FDA also conducts educational campaigns and conveys drug safety information through the CDER Internet site (*http://www.fda.gov/cder*).

II. Scope of the Hearing

FDA is interested in obtaining public comment on the following risk communication tools:

- Patient Information Sheets (for example, see: *http://www.fda.gov/cder/drug/infosheets/patient/adderallpt.htm*)
- Healthcare Professional Information Sheets (for example, see: *http://www.fda.gov/cder/drug/infosheets/hcp/fluoxetinehcp.htm*)
- Talk Papers (for example see: *http://www.fda.gov/opacom/hpnews.html*)
- Public Health Advisories (for example, see: *http://www.fda.gov/cder/news/pubpress.htm*)
- Press Releases (for example, see: *http://www.fda.gov/opacom/hpnews.html*)
- MedWatch Listserv Safety Updates (*http://www.fda.gov/medwatch/index.html*)
- Patient Safety News (*http://www.fda.gov/psn*)
- CDER Educational Campaigns (for example see: *http://www.fda.gov/cder/drug/analgesics/default.htm*)
- CDER Internet site (*http://www.fda.gov/cder*)

Specifically, FDA is inviting public comment from external stakeholders on the following issues:

1. What are the strengths and weaknesses of the communication tools listed previously in this section of the document?
2. What information is available about awareness, use, and perceptions of the effectiveness of these communication tools by health care professionals and by the public in general?
3. Do these tools provide the right kind and amount of risk and other information that health care professionals need to make informed decisions about whether to prescribe drug products, and that the public needs to make informed decisions about whether to use those products?
4. How easily accessible and understandable are FDA's Internet-based sources of drug information?
5. To what extent do CDER's patient-focused communication tools provide useful information for people with low health literacy skills?
6. What mechanisms should CDER consider to convey risk information to special populations (e.g., elderly, non-English speaking)?

The following topics are outside the scope of this hearing: Consumer medication information (and the draft guidance entitled ''Useful Written Consumer Medication Information [CMI]''); industry promotional materials, including Direct to Consumer Advertising; drug labeling (including Medication Guides and patient package inserts); and the draft guidance entitled ''FDA's 'Drug Watch' for Emerging Drug Safety Information.'' Comments have been solicited on these issues at other times in separate proceedings.

III. 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 presiding officer will

be the Acting Commissioner or his designee. The presiding officer will be accompanied by a panel of FDA employees with relevant expertise.

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 listed in brackets in the heading of this notice along with the statement ''FDA's Communication of Drug Safety Information; Public Hearing.'' Groups should submit two written copies. The notice of participation should contain the potential presenter's name; address; telephone number; affiliation, if any; the sponsor of the presentation (e.g., the organization paying travel expenses or fees), if any; a brief summary of the presentation; and the approximate amount of time requested for the presentation. The agency requests that interested persons and groups having similar interests consolidate their comments and present them through a single representative. After reviewing the notices of participation and accompanying information, FDA will schedule each appearance and notify each participant of the time allotted to the presenter and the approximate time that presenter's oral testimony is scheduled to begin. If time permits, FDA may allow interested persons attending the hearing who did not submit a written or electronic notice of participation in advance to make an oral presentation at the conclusion of the hearing. The hearing schedule will be available at the hearing. After the hearing, the schedule will be placed on file in the Division of Dockets Management (see **ADDRESSES**) under the docket number listed in brackets in the heading of this notice.

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 (21 CFR part 10, subpart C). Under § 10.205 (21 CFR 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. The hearing will be transcribed as stipulated in § 15.30(b). The transcript will be available on the Internet at *http://www.fda.gov/ohrms/dockets/default.htm*, and orders for copies of the transcript can be placed at the meeting or through the Division of Dockets Management (see **ADDRESSES**).

Any handicapped persons requiring special accommodations to attend the hearing should direct those needs to the contact person (see **FOR FURTHER INFORMATION CONTACT**).

To the extent that the conditions for the hearing, as described in this notice, conflict with any provisions set out in part 15, this notice acts as a waiver of these provisions as specified in § 15.30(h).

IV. 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 at the hearing (see **DATES**). Submit a single copy of written or electronic notices of participation and comments, or two paper copies of any mailed notices of participation and comments, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 26, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–19759 Filed 9–30–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005D–0330]

Draft Guidance for Industry and FDA Review Staff on Collection of Platelets by Automated Methods; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft document entitled ''Guidance for Industry and FDA Review Staff: Collection of Platelets by Automated Methods'' dated September 2005. The draft guidance provides blood establishments and FDA staff revised recommendations for the collection of Platelets by automated methods (plateletpheresis). The draft guidance is intended to help blood establishments ensure donor safety and the safety, purity, and potency of Platelets collected by an automated blood cell separator device. For the purpose of this document, Platelets collected by automated methods will be referred to by the product name ''Platelets, Pheresis.'' The draft guidance contains recommendations for appropriate criteria for a biologics license application or supplement for manufacturing Platelets, Pheresis. When finalized, this draft guidance will replace the October 1988 ''Revised Guideline for the Collection of Platelets, Pheresis.''

DATES: Submit written or electronic comments on the draft guidance by January 3, 2006, to ensure their adequate consideration in preparation of the final guidance. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Brenda R. Friend, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Guidance for Industry and FDA Review Staff: Collection of Platelets by Automated Methods'' dated September 2005. The draft guidance provides blood establishments and FDA staff revised recommendations for the collection of Platelets by automated methods (plateletpheresis). FDA has received new information since the issuance of the October 1998 ''Revised Guideline for

the Collection of Platelets, Pheresis.'' In addition, in recent years, many improvements have been made in automated blood cell separator technology and blood cell counting methods. Automated blood cell separator devices are now capable of various plateletpheresis collection procedures including, but not limited to, collection of double and triple platelet components obtained during a single procedure; use of in-process leukocyte reduction; collection of concurrent plasma components; and collection of concurrent Red Blood Cell components. When finalized, the draft guidance will replace the October 1988 guideline.

The draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in this guidance are under FDA's regulations at parts 211, 601, 606, 610, and 640 (21 CFR parts 211, 601, 606, 610, and 640). Part 211, subpart J (Records and Reports) was approved under OMB control number 0910–0139; part 606, subpart I (Records and Reports) was approved under OMB control numbers 0910–0116 and 0910–0458. Sections 606.100(b) and (c), 606.110(a), 606.121, 606.122, 640.25, and 640.27 were approved under OMB control number 0910–0116; §§ 211.22, 211.80, 211.100(b), and 211.160 were approved under OMB control number 0910–0139; § 610.2 was approved under OMB control number 0910–0206; and §§ 601.12 and 610.60 were approved under OMB Control No. 0910–0338.

III. Comments

The draft guidance is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the draft guidance. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in the brackets in the heading of this document. A copy of the draft guidance and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/cber/guidelines.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: September 12, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–19727 Filed 9–30–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005D–0390]

International Conference on Harmonisation; Draft Guidance on E2B(R) Clinical Safety Data Management: Data Elements for Transmission of Individual Case Safety Reports; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled ''E2B(R) Clinical Safety Data Management: Data Elements for Transmission of Individual Case Safety Reports.'' The draft guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The draft guidance, which revises previous guidance on the same topic, provides standardized data elements for the transmission of individual case safety reports for preapproval and postapproval reporting periods. The revisions in this draft guidance include additional information and clarifications for the electronic transmission of individual case safety reports. The draft guidance is intended to be used with other ICH recommendations for electronic transmissions.

DATES: Submit written or electronic comments on the draft guidance by October 28, 2005. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. Submit written requests for single copies of the draft guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; or the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. The draft guidance may also be obtained by mail by calling the Center for Biologics Evaluation and Research (CBER) Voice Information System at 1–800–835–4709 or 301–827–1800. Send two self-addressed adhesive labels to assist the office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Roger Goetsch, Center for Drug Evaluation and Research (HFD–410), Food and Drug Administration, 12300 Twinbrook Pkwy., Rockville, MD 20851, 301–770–9299, or Lise Stevens-Hawkins, Center for Biologics Evaluation and Research (HFM–220), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–6085.

Regarding the ICH: Michelle Limoli, Office of International Programs (HFG–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4480.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical

requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA; and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, Health Canada, and the European Free Trade Area.

The ICH guidance entitled ''E2B Data Elements for Transmission of Individual Case Safety Reports'' was signed off by ICH in July 1997 and issued by FDA in January 1998 (63 FR 2396, January 15, 1998). ICH subsequently issued a revised guidance entitled ''E2B(M) Clinical Safety Data Management: Data Elements for Transmission of Individual Case Safety Reports'' (E2B(M)), to provide additional information and clarification. ICH signed off on E2B(M) in November 2001, and FDA issued the revised guidance in April 2002.

In May 2005, the ICH Steering Committee agreed that the E2B(M) draft guidance should be made available for public comment. The draft guidance is the product of the E2B(R) Expert Working Group of the ICH. Comments about the draft guidance will be considered by FDA and the E2B(R) Expert Working Group.

FDA is announcing the availability of the draft guidance entitled ''E2B(R) Clinical Safety Data Management: Data Elements for Transmission of Individual Case Safety Reports,'' which revises the previous E2B guidances to include additional information and clarification for the electronic transmission of individual case safety reports. The draft guidance incorporates adjustments based on experience gained after implementation of the guidance in the three ICH regions and expands the use of the standard data elements to support vaccine reporting. For electronic transmissions, the draft guidance is intended to be used with the ICH M2 individual case safety report (ICSR) message specification. The draft guidance recommends that electronic transmission of individual case safety reports be implemented using the Medical Dictionary for Regulatory Activities (MedDRA) and ICH M5 data elements and standards where applicable.

FDA has identified in public Docket No. 1992S–0251 (formerly Docket No. 92S–0251) postmarketing individual case safety reports as submission types that the agency can accept in electronic format. FDA believes the ICH recommendations for the electronic transmission of these reports will result in more effective and efficient safety reporting to regulatory authorities worldwide.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the draft guidance. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/ohrms/dockets/default.htm*, *http://www.fda.gov/cder/guidance/index.htm*, or *http://www.fda.gov/cber/publications.htm*.

Dated: September 26, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–19655 Filed 9–30–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Waiver of Compliance With Navigation and Inspection Laws; Gulf Coast States

AGENCY: Office of the Secretary, DHS.

ACTION: Notice.

The combined effect of Hurricanes Rita and Katrina is one of the largest natural disasters to ever strike the United States. The hurricanes have significantly disrupted production of oil and gas in the Gulf of Mexico, have caused many Gulf Coast oil refineries to go out of service because of flooding, lack of electric power or other reasons, and have significantly disrupted the pipeline transportation of oil and refined products from the Gulf Coast States. These production losses, outages, and disruptions have caused increases in the price of oil, gasoline and other refined products. The Department of Homeland Security has received reports of threatened or actual shortages of gasoline, jet fuel, and/or other refined products as a result of the hurricanes.

Companies that produce and/or ship petroleum and/or refined petroleum products have submitted to the Department requests for waivers of the Merchant Marine Act of 1920 (the ''Jones Act''). See, 46 U.S.C. App. section 1; 46 U.S.C. App. section 883. This and related laws are generally referred to as the ''coastwise laws.'' These laws provide, among other things, that only vessels built and owned by citizens of the United States and flagged in the United States can carry merchandise between U.S. ports.

The Secretary of Homeland Security is vested with the authority and discretion to waive the coastwise laws ''to such extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency, whenever he deems that such action is necessary in the interest of national defense.'' In consultation with and upon the recommendation of the Secretary of Energy, I have determined that such a waiver, in accordance with the terms set forth below, is in the interest of the national defense.

The catastrophic destruction brought about by Hurricanes Rita and Katrina has dramatically impeded, and in some places in the affected region stopped altogether, production and transportation or transmission of oil, refined petroleum products, natural gas, and electricity. Much of the lost oil production is from producing areas in the Gulf of Mexico which have been leased pursuant to programs of the Department of the Interior. This lost production, refining, and transportation capacity has resulted in the actual or threatened unavailability of gasoline, jet fuel and other refined products, and threatens the Nation's economic and national security. I believe that waiver of the coastwise laws would facilitate the transportation of oil and refined petroleum products in and from portions of the United States affected by the hurricanes, and to other regions affected by the disruptions that have occurred in the Gulf Coast area.

Therefore, I am exercising my discretion and authority to waive the coastwise laws generally for the transportation of petroleum and refined petroleum products for the period until 12:01 a.m., October 24, 2005. On September 1, 2005, I exercised my discretion and authority to waive the coastwise laws generally for the transportation of petroleum released from the Strategic Petroleum Reserve, whether pursuant to an exchange, sale or otherwise, undertaken in response to the circumstances arising from Hurricane Katrina. I am today exercising my discretion and authority to extend that waiver of the coastwise laws generally for the transportation of petroleum released from the Strategic Petroleum Reserve, whether pursuant to an exchange, sale, or otherwise, undertaken in response to the circumstances arising from Hurricane Rita. I find, for the reasons set forth above, that such waivers are necessary in the interest of national defense.

Executed this 26th day of September, 2005.

Michael Chertoff,

Secretary.

[FR Doc. 05–19820 Filed 9–29–05; 1:23 pm]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2005–22499]

Integrated Anti-Swimmer System; Draft Programmatic Environmental Assessment

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The Coast Guard announces the availability of the Draft Programmatic Environmental Assessment (PEA) of the Integrated Anti-Swimmer System (IAS). The Coast Guard is proposing to deploy and operate the IAS for temporary periods at various U.S. ports throughout the U.S. Maritime Domain, when necessary. The purpose of the Proposed Action is to increase the Coast Guard's ability to detect, track, classify, and interdict, if necessary, potential underwater threats and as a result, protect personnel, ships, and property from sabotage and/or other subversive acts. Potential threats targeted by the IAS include combat divers and unmanned vehicles. The IAS will be co-located with, and used by, the Coast Guard's newly established Maritime Safety and Security Teams (MSSTs). The IAS is proposed to be used at a range necessary to maintain situational awareness and allow the MSSTs sufficient time to react and counter a detected threat. Extensive research and analysis of alternatives has led to the conclusion that an active sonar system is the only currently available technology that affords this capability.

DATES: Comments and related material must reach the Docket Management Facility on or before November 17, 2005.

ADDRESSES: To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.*

(2) By mail to the Docket Management Facility, (USCG–2005–22499), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

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

(4) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as the draft Programmatic Environmental Assessment (PEA), will become part of this docket and will be available for inspection or copying at 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. You may also find this docket, including the PEA, on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, the proposed project, or the associated PEA, call Mr. Kenneth McDaniel at (202) 267–1505 or by e-mail at *kmcdaniel@comdt.uscg.mil.* If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202–366–0271.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to submit comments and related material on the draft Programmatic Environmental Assessment (PEA). If you do so, please include your name and address, identify the docket number for this notice (USCG–2005–22499) and give the reasons for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Proposed Action

Domestic port safety and security has long been a core Coast Guard mission. However, in the wake of the terrorist attacks committed on September 11, 2001, emerging threats to the U.S. homeland have prompted an increased Coast Guard focus on protecting domestic ports and the U.S. Maritime Transportation System from terrorist threats.

As part of the U.S. response to these threats, the Coast Guard has undertaken

a PEA to examine alternatives and assess the significance of the impacts on the quality of the human environment for the decision to deploy and operate IASs at various U.S. ports throughout the U.S. Maritime Domain, when necessary.

Draft Programmatic Environmental Assessment

We have prepared a draft Programmatic Environmental Assessment (PEA). The draft PEA identifies and examines the reasonable alternatives and assesses their potential environmental impact.

Our preferred alternative is to use the IAS to protect personnel, ships, and property from sabotage or other subversive acts. The IAS consists of five primary components: A land-based sonar, a portable (vessel mounted) sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. Use of the IAS would be limited to existing harbor infrastructure and adjacent waters. The IAS is not designed or intended for use offshore.

The system would be used for specific and finite periods of time to protect specific assets. During these times, the sonar would be operated and monitored continuously. The loud hailer would be used only if an actual threat was identified.

Recently, the Coast Guard completed environmental assessments (EAs) that address the impact of IAS deployment and operation in Galveston Bay, TX and San Pedro Bay, CA. The result of these EAs was a finding of no significant impact. The Coast Guard also engaged in informal consultation with the National Marine Fisheries Service pursuant to the section 7 of the Endangered Species Act, which resulted in a determination that deployment and operation of the IAS in Galveston Bay, TX and San Pedro Bay, CA is not likely to adversely affect threatened or endangered species or critical habitat, nor is it likely to result in the take of marine mammals in those bays. Similarly, there was no evidence to suggest that IAS deployment and operation would adversely affect essential fish habitat or have an impact on coastal uses and resources.

We are requesting your comments on environmental concerns you may have related to the PEA. This includes suggesting analyses and methodologies for use in the PEA or possible sources of data or information not included in the PEA. Your comments will be considered in preparing the final PEA.

Dated: September 23, 2005.

Kevin G. Quigley,

Captain, U.S. Coast Guard, Chief, Office of Defense Operations.

[FR Doc. 05–19662 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2005–22569]

Meeting of the Office of Boating Safety's Recreational Boating Safety Strategic Planning Panel

AGENCY: Coast Guard, DHS.

ACTION: Notice of meeting.

SUMMARY: The Coast Guard's Office of Boating Safety is sponsoring a panel of representatives of the recreational boating community to discuss strategic planning goals, objectives and strategies that the Coast Guard may use to improve recreational boating safety. This meeting is open to the public.

DATES: The meeting will occur on Monday and Tuesday, October 17 and 18, 2005, from 8:30 a.m. to 5 p.m.

ADDRESSES: This meeting will occur at the Holiday Inn National Airport, 2650 Jefferson Davis Highway, Arlington, VA. This notice is available on the Internet at *http://dms.dot.gov* and at *http://uscgboating.org.*

FOR FURTHER INFORMATION CONTACT: Dionca Williams, Administrative Assistant, Office of Boating Safety, U.S. Coast Guard telephone 202–267–1077, fax 202–267–4285. If you have questions on viewing material in the docket, call Renee V. Wright, Program Manager, Docket Operations, Department of Transportation, telephone 202–493–0402.

SUPPLEMENTARY INFORMATION: At the 2004 Fall meeting of the National Boating Safety Advisory Council (NBSAC), the Office of Boating Safety proposed to assemble a Goal-Setting Recommendation Panel. NBSAC endorsed this proposal. To facilitate this, the Coast Guard invited representatives of the recreational boating community to participate on this panel.

The Coast Guard held the meeting on February 8 and 9, 2005 at the Crystal City Sheraton Hotel, 1800 Jefferson Davis Highway, in Arlington, VA. The panel considered, analyzed, and proposed recreational boating safety performance goals that can be supported by the government, industry, and the boating public. A representative of the panel presented its conclusions at the April 2005 NBSAC meeting. Minutes of the panel's February 2005 meeting may be obtained from the person listed above under **FOR FURTHER INFORMATION**.

A professional facilitator will moderate the second meeting. The panel will further consider, analyze, and propose recreational boating safety objectives and strategies that can be supported by the government, industry, and the boating public. A representative of the panel will present its conclusions at the November 2005 NBSAC meeting. We will also prepare minutes of the second meeting. You may obtain them from the person listed above under **FOR FURTHER INFORMATION**.

Procedural

The meeting is open to the public. Please note that the meeting may close early if all business is finished.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed under **FOR FURTHER INFORMATION** as soon as possible.

Dated: September 26, 2005.

James M. Hass,

Captain, U.S. Coast Guard, Acting Director of Operations Policy.

[FR Doc. 05–19663 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker License

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General Notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker licenses are cancelled without prejudice.

Name	License No.	Issuing port
Action International, Inc..	12875	Tampa.
Aries International Import Services.	12704	New York.

Dated: September 26, 2005.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 05–19768 Filed 9–30–05; 8:45 am]

BILLING CODE 9110–06–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker Permit

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General Notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker permits are cancelled without prejudice.

Name	Permit No.	Issuing port
Aries International Import Services	05–026	Washington, DC.
Action International, Inc.	18–0139	Tampa.
Michael A. Marks dba Straight Forward	11120–P	San Francisco.
Panalpina, Inc	18–03–554	Tampa.
Lois B. Sproul	17–03–AWG	Atlanta.

Dated: September 26, 2005.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 05–19767 Filed 9–30–05; 8:45 am]

BILLING CODE 9110–06–P 1

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker License

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General Notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker license is canceled with prejudice.

Name	License No.	Issuing port
Pioneer International Customhouse Brokerage, Inc	09327	San Francisco.
Eric A. Guillermety-Perez	14529	San Juan.

Dated: September 26, 2005.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 05–19769 Filed 9–30–05; 8:45 am]

BILLING CODE 9410–06–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4975–N–32]

Notice of Proposed Information Collection: Comment Request; Housing Finance Agency Risk-Sharing Program

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* December 2, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410 or *Wayne_Eddins@hud.gov*.

FOR FURTHER INFORMATION CONTACT: Joseph E. Malloy, Director, Office of Multifamily Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–1142 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Housing Finance Agency Risk-Sharing Program.

OMB Control Number, if applicable: 2502–0500.

Description of the need for the information and proposed use: Section 542 of the Housing and Development Act of 1992 directs HUD to implement risk sharing with State and local housing finance agencies (HFAs). Under this program, HUD provides full mortgage insurance on multifamily housing projects whose loans are underwritten, processed, and serviced by HFAs. The HFAs will reimburse HUD a certain percentage of any loss under an insured loan depending upon the level of risk the HFA contracts to assume.

The Department requires information collection of loan origination, loan closing, loan management, and servicing in accordance with 24 CFR 266 and HUD Handbook 4590.01. This information must be available to the Department to assess HFA compliance with program regulations and guidelines.

Agency form numbers, if applicable: None.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of respondents is 808, the frequency of responses is annually, semi-annually, and on occasion, for a total of 3,554 total annual responses. The estimated time to prepare collection varies from 30 minutes to 35 hours, for total annual burden hours of 11,804.

Status of the proposed information collection: This is a reinstatement, with change, of a previously approved collection for which approval was discontinued.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: September 27, 2005.

Frank L. Davis,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 05–19756 Filed 9–30–05; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4971–N–50]

Notice of Submission of Proposed Information Collection to OMB; Application for Healthy Homes and Lead Hazard Control Program Grants

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This information collection is required in conjunction with the issuance of Notices of Funding Availability announcing grants for Healthy Homes and Lead Hazard Control Programs.

DATES: *Comments Due Date:* November 2, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2539–0015) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov*; or Lillian Deitzer at *Lillian_L_Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins or Ms. Deitzer or from HUD's Web site at *http://hlannwp031.hud.gov/po/i/icbts/collectionsearch.cfm*.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Application for Healthy Homes and Lead Hazard Control Program Grants.

OMB Approval Number: 2539–0015.

Form Numbers: HUD–96008, HUD–96009, 96012, 96013, 96014, 96015, 96016, SF–424, HUD–424B, HUD–424CBW, HUD–27061, HUD–2880, HUD–2990, HUD–2991, HUD–2993, HUD–2994, HUD–96010, SF LLL, SF–1199A, HUS–27054.

Description of the Need for the Information and its Proposed Use: This information collection is required in conjunction with the issuance of Notices of Funding Availability announcing grants for Healthy Homes and Lead Hazard Control Programs.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	Hours per Burden	×	Hours per response	=
Reporting burden	250	1.32		64.48		21,280

Total Estimated Burden Hours: 21,280.

Status: Revision of a currently approval collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: September 28, 2005.

Donna L. Eden,

Director, Office of Policy and E-Government, Office of the Chief Information Officer.

[FR Doc. 05–19757 Filed 9–30–05; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4971–N–49]

Notice of Submission of Proposed Information Collection to OMB; Multifamily Project Applications and Construction Prior to Initial Endorsement

AGENCY: Office of the Chief Information Officer, HUD

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Information provided is the application for HUD/FHA multifamily mortgage insurance. The information from sponsors and general contractors, and submitted by a HUD-approved mortgage, is needed to determine project feasibility, mortgagor/contractor acceptability, and construction cost. Documentation from operators/manager of health care facilities is also

Required as part of the application for firm commitment or mortgage insurance. Project owners/sponsors may apply for permission to commence construction prior to initial endorsement.

DATES: *Comments Due Date:* November 2, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0029) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* or Lillian Deitzer at *Lillian_L_Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins or Ms. Deitzer or from HUD's Web site at *http://hlannwp031.hud.gov/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Multifamily Project Applications and Construction Prior to Initial Endorsement.

OMB Approval Number: 2502–0029.

Form Numbers: HUD–92013, HUD–92013–NHICF, HUD–92013–SUPP, HUD–92013–E, HUD–92264, HUD–92264–A, HUD–92264–HCF, HUD–92264–T, HUD–92273, HUD–92274, HUD–92326, HUD–92329, HUD–92331, HUD–92415, and HUD–92447, HUD–92485, and FM–1006.

Description of the need for the Information and Its Proposed Use:

Frequency of Submission: On occasion, Annually, Other Required with each project application.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	1,284	0.657	....	0.446	....	437,105

Total Estimated Burden Hours: 437,105.

Status: Revision of a currently approval collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: September 27, 2005.

Donna L. Eden,

Director, Office of Policy and E-Government Office of the Chief Information Officer.

[FR Doc. E5–5348 Filed 9–30–05; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4950–N–14B]

Notice of HUD's Fiscal Year (FY) 2005 Notice of Funding Availability Policy Requirements and General Section to SuperNOFA for HUD's Discretionary Grant Programs; Housing Opportunities for Persons With AIDS (HOPWA); Second Competition—Extension of Application Deadline

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of Funding Availability (NOFA); notice of extension of application deadline.

SUMMARY: On August 22, 2005, HUD published its NOFA for the Housing Opportunity for Persons With AIDS Program, second competition for Fiscal Year 2005. Because of the effects of Hurricane Katrina, HUD is extending the application deadline for this NOFA.

DATES: The application submission date for the second HOPWA NOFA competition is October 13, 2005.

FOR FURTHER INFORMATION CONTACT: David Vos, Director, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451

Seventh Street, SW., Room 7212, Washington, DC 20410–7000; telephone 202–708–1934 (this is not a toll-free number). Persons with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: On March 21, 2005, HUD published its FY2005 SuperNOFA for HUD's Competitive Grant Programs. The Housing Opportunities for Persons with AIDS (HOPWA) Program NOFA competition, which was included in the SuperNOFA, closed on June 9, 2005. After reviewing and rating HOPWA applications submitted in response to the SuperNOFA, HUD anticipated that assistance would remain available for additional awards. As a result, on August 22, 2005 (70 FR 48970), HUD published in the **Federal Register** a NOFA for a second round of HOPWA funding. The application deadline for the second competition was October 6, 2005. Because of the widespread effects of Hurricane Katrina, HUD is extending the application deadline for the HOPWA second round competition to October 13, 2005.

Dated: September 27, 2005.

Pamela H. Patenaude,

Assistant Secretary, for Community Planning and Development.

[FR Doc. 05–19755 Filed 9–28–05; 3:27 pm]

BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Class III Gaming Compacts taking effect.

SUMMARY: Notice is given that the Tribal-State compact between the Thlopthlocco Tribal Town and the State of Oklahoma, and the Tribal-State compact between the Ponca Tribe of Oklahoma and the State of Oklahoma are considered to have been approved and are in effect.

DATES: Effective October 3, 2005.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11(d)(7)(D) of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior must publish in the **Federal Register** notice of any Tribal-State compact that is approved, or considered to have been approved for the purpose of engaging in Class III gaming activities on Indian lands. The Acting Principal Deputy Assistant Secretary-Indian Affairs, Department of the Interior, through his delegated authority did not approve or disapprove these compacts before the date that is 45 days after the date these compacts were submitted. These compacts authorize these Indian tribes to engage in certain Class III gaming activities, provides for certain geographical exclusivity, limits the number of gaming machines at existing racetracks, and prohibits non-tribal operation of certain machines and covered games. Therefore, pursuant to 25 U.S.C. 2710(d)(7)(C), these compacts are considered to have been approved, but only to the extent they are consistent with IGRA.

Dated: September 20, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05–19733 Filed 9–30–05; 8:45 am]

BILLING CODE 4310–4N–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–451 and 461 (Second Review)]

Gray Portland Cement and Cement Clinker From Japan and Mexico

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the antidumping duty orders on gray portland cement and cement clinker from Japan and Mexico.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty orders on gray portland cement and cement clinker from Japan and Mexico would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is November 22, 2005. Comments on the adequacy of responses may be filed with the Commission by December 16, 2005. 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).

DATES: Effective October 3, 2005.

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:

Background. On the dates listed below, the Department of Commerce issued antidumping duty orders on the subject imports:

Order date	Product/country	Inv. No.	FR cite
8/30/90	Gray portland cement & clinker/Mexico	731–TA–451	55 FR 35443.
5/10/91	Gray portland cement & clinker/Japan	731–TA–461	56 FR 21658.

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 06–5–140, expiration date June 30, 2008. Public reporting burden for the request is estimated to average 10 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Following five-year reviews by Commerce and the Commission, effective November 15, 2000, Commerce issued a continuation of the antidumping duty orders on imports of gray portland cement and cement clinker from Japan and Mexico (65 FR 68979). The Commission is now conducting second reviews to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions. The following definitions apply to these reviews:

(1) Subject Merchandise is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The Subject Countries in these reviews Japan and Mexico.

(3) The Domestic Like Product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original and full five-year determinations, the Commission defined a single Domestic Like Product consisting of gray portland cement and cement clinker.

(4) The Domestic Industry is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the Domestic Industry as producers of gray portland cement and cement clinker, including ''grinding only'' operations. In both original determinations, the Commission concluded that ''appropriate circumstances'' existed for a regional analysis of the industry; however, the Commission found different regions to be appropriate based on the facts of each investigation. In its full five-year review determinations, the Commission took into account the Commission's prior regional industry definitions in its analysis and found separate regional industries, which corresponded, or were similar, to those defined in the original investigations.

In its original determination concerning Mexico, two Commissioners found that either the Southern Tier Region (the States of Florida, Alabama, Mississippi, Louisiana, Texas, New Mexico, Arizona, and California) or the alternative Southern Tier Region (excluding northern California and the inland counties of the Gulf States) was appropriate and that no compelling case was made for one rather than the other. For purposes of the original determination, they used the Southern Tier Region because it was the more difficult region within which to reach an affirmative finding. One Commissioner found that the alternative Southern Tier Region was appropriate. In its five-year review determination concerning Mexico, the Commission found the regional industry to consist of producers in the Southern Tier Region. In its original determination concerning Japan, the Commission found the regional industry to consist of producers in Southern California; certain Commissioners found the regional industry to consist of producers in the State of California. In its five-year review determination concerning Japan, the Commission found the regional industry to consist of producers in the State of California. For purposes of this notice, you should report information separately on each of the following Domestic Industries: (1) Producers of gray portland cement and cement clinker, including ''grinding only'' operations, located in the Southern Tier Region; (2) producers of gray portland cement and cement clinker, including ''grinding only'' operations, located in Southern California; (3) producers of gray portland cement and cement clinker, including ''grinding only'' operations, located in the State of California; and (4) producers of gray portland cement and cement clinker, including ''grinding only'' operations, located in the United States as a whole.

(5) An Importer is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the reviews and public service list. Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission is seeking guidance as to whether a second transition five-year review is the ''same particular matter'' as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was ''personal and substantial.'' However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification. Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs

and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions. Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is November 22, 2005. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is December 16, 2005. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability to provide requested information. Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information To Be Provided in Response To this Notice of Institution: Please provide the requested information separately for each Domestic Industry, as defined by the Commission in its original and full five-year review determinations. If you are a domestic producer, union/worker group, or trade/business association; import/export Subject Merchandise from more than one Subject Country; or produce Subject Merchandise in more than one Subject Country, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent Subject Country. As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the Domestic Industries in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industries.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Country(ies) that currently export or have exported Subject Merchandise to the United States or other countries after 1999.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 2004 (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Country(ies), provide the following information on your firm's(s') operations on that product during calendar year 2004 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from the Subject Country(ies) accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of Subject Merchandise imported from each Subject Country; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from each Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Country(ies), provide the following information on your firm's(s') operations on that product during calendar year 2004 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Country(ies) accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Country(ies) accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Country(ies) after 1999, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Country(ies), and such merchandise from other countries.

(11) (*Optional*) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industries; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: September 27, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–19593 Filed 9–30–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–506]

Certain Optical Disk Controller Chips and Chipsets and Products Containing Same, Including DVD Players and PC Optical Storage Devices; Notice of Final Determination; Issuance of Limited Exclusion Order and Cease and Desist Orders; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 337) based on the infringement of one asserted claim of one asserted patent and has issued a limited exclusion order and cease and desist orders in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3012. Copies of the Commission orders, the Commission opinion in support thereof, and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 14, 2004, based on a complaint filed on behalf of Zoran Corporation and Oak Technology, Inc. both of Sunnyvale, CA (collectively ''complainants''). 69 FR 19876. The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain optical disk controller chips and chipsets and products containing same, including DVD players and PC optical storage devices, by reason of infringement of claims 1–12 of U.S. Patent No. 6,466,736 (the '736 patent), claims 1–3 of U.S. Patent No. 6,584,527 (the '527 patent), and claims 1–35 of U.S. Patent No. 6,546,440 (the '440 patent). *Id.*

The notice of investigation identified 12 respondents. 69 FR 19876. On June 7, 2004, the ALJ issued an ID (Order No. 5) terminating the investigation as to two respondents on the basis of a consent order and settlement agreement. On June 22, 2004, the ALJ issued an ID (Order No. 7) granting complainants' motion to amend the complaint and notice of investigation to add nine additional respondents. Those IDs were not reviewed by the Commission.

On December 22, 2004, the ALJ issued an ID (Order No. 33) granting complainants' motion to terminate the investigation in part with respect to claims 2–6, 8–10, and 11 of the '736 patent and claims 2–4, 6, 9, 11, 12, 15–18, 20, 22–34, and 35 of the '440 patent. On January 28, 2005, the ALJ issued an ID (Order No. 37) granting complainants' motion to terminate the investigation in part with respect to claim 12 of the '736 patent. Neither ID was reviewed by the Commission. Thus, at the time that Order No. 37 issued, the claims remaining for determination on the merits were claims 1 and 7 of the '736 patent; claims 1, 5, 7, 8, 10, 13, 14, 19, and 21 of the '440 patent; and claims 1, 2, and 3 of the '527 patent.

An eight-day evidentiary hearing was held on February 7–12, and 14–15, 2005.

On May 16, 2005, the ALJ issued his final ID, findings of fact and conclusions of law, and recommended determination on remedy and bonding. The ALJ concluded that there was a violation of section 337 based on his findings that (a) the accused products infringe claim 3 of the '527 patent, (b) the '527 patent is not unenforceable, (c) claim 3 of the '527 patent is not invalid, and (d) complainants have satisfied the domestic industry requirement with respect to the '527 patent. Although the ALJ found that the other asserted claims of the '527 patent (claims 1 and 2) are not invalid, he found that the accused products do not infringe those claims. The ALJ found no violation with respect to the other patents in issue. He found that the accused products do not infringe any asserted claim of the '440 or '736 patents and that complainants have not satisfied the domestic industry requirement with respect to those patents. He also found that the asserted claims of the '440 and '736 patents are

not invalid and that those patents are not unenforceable.

On May 27, 2005, complainants and respondents each petitioned for review of portions of the final ID. On June 6, 2005, complainants, respondents, and the IA filed responses to the petitions for review.

On July 19, 2005, the Commission determined to review the ID in part. 70 FR 42589–91. Specifically, the Commission determined to review the ID's findings of fact and conclusions of law with respect to the '527 and '440 patents. *Id.* The Commission determined not to review the ID's findings of fact and conclusions of law with respect to the '736 patent, thereby adopting them. *Id.* Accordingly, the Commission found no violation of section 337 with respect to the '736 patent. *Id.* The Commission also determined to review and modify the ID to clarify that respondents accused of infringing only the asserted claims of the '736 patent (*viz.,* respondents Audiovox Corporation; Initial Technology, Inc.; Mintek Digital, Inc.; Shinco International AV Co., Ltd.; Changzhou Shinco Digital Technology Co., Ltd.; Jiangsu Shinco Electronic Group Co., Ltd.; Terapin Technology Pte., Ltd. [formerly known as Teraoptix d/b/a Terapin Technology] of Singapore; and Terapin Technology U.S. [formerly also known as Teraoptix]) are not in violation of Section 337. *Id.*

In its notice of review, the Commission invited the parties to file written submissions on the issues under review, posed briefing questions for the parties to answer, and invited interested persons to file written submissions on the issues of remedy, the public interest, and bonding. *Id.*

All parties filed initial submissions on August 1, 2005. Also on August 1, 2005, respondents filed a letter requesting clarification of the scope of briefing question 3(a) in the Commission's notice of review, and permission to brief new issues not previously raised. On August 8, 2005, all parties filed reply submissions.

The Commission has determined to deny respondents' August 1, 2005, letter request for permission to brief new issues that were not previously raised, and respondents' August 8, 2005, request under 19 CFR 210.45(a).

Having examined the record in this investigation, including the submissions and responses thereto, the Commission has determined that there is a violation of section 337 as to claim 3 of the '527 patent, but no violation of the statute as to the remaining claims in issue of the '527 patent (*viz.,* claims 1 and 2) and no violation as to the claims in issue of the '440 patent (*viz.,* claims 1, 5, 7, 8, 10, 13, 14, 19, and 21).

The Commission has determined that respondents waived their arguments (1) that the asserted claims are invalid under 35 U.S.C. 102(f) for non-joinder of Western Digital engineers other than Shishir Shah and (2) concerning the respective dates of reduction to practice for Western Digital's HISIDE chip and the claims of the '440 and '527 patents.

The Commission has determined to adopt the ID with the following modifications and exceptions. The Commission has determined to modify the ID's construction of ''controller'' to reflect that, although the limitation ''optical drive controller'' means ''a device or group of devices to control data communications between a host computer and the optical disk drive electronics' (ID at 80), configurations wherein a ''controller requires a translator card or other intervening circuitry between the controller and the IDE bus to translate or manipulate command data'' were disclaimed during prosecution. The Commission has determined to affirm the balance of the ID's claim construction.

The Commission has determined to vacate the ID's finding that there is a conception date of the asserted claims of the '527 and '440 patents at least by April 21, 1993, (see ID at 129 n.45, 142), and has further determined to vacate the statement (ID at 142) that expressly relies on the April 21, 1993, conception date to make an alternate finding, *viz.*, ''[e]ven assuming that conception of a transport mechanism that attached a CD-ROM drive to an IDE/ATA bus was relevant, there is no contemporaneous documentation showing conception in December 1992 or a conception even before the April 1993 conception of the claimed inventions in issue.''

The Commission has determined to vacate the ALJ's infringement findings with respect to the MT1528, MT1558, and MT1668 because the record does not support such findings.

The Commission has determined to clarify that complainants met the economic prong of the domestic industry requirement based on ''substantial investment'' in ''engineering, research and development,'' rather than through licensing. The Commission has also determined to correct certain typographical errors on pages 75–76, 129, and 156 of the ID.

The Commission also made determinations on the issues of remedy, the public interest, and bonding. The Commission determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of chips or chipsets covered by claim 3 of U.S. Patent No. 6,584,527 manufactured abroad or imported by or on behalf of Mediatek, Inc. of Hsin-Chu City, Taiwan, and optical storage devices containing such covered chips or chipsets that are manufactured abroad or imported by or on behalf of Artronix Technology, Inc. of Brea, CA; ASUSTek Computer, Inc. of Taipei, Taiwan; ASUS Computer International of Fremont, CA; MSI Computer Corporation of City of Industry, CA; TEAC America Inc. of Montebello, CA; EPO Science and Technology, Inc. of Taipei, Taiwan; LITE-ON Information Technology Corp. of Taipei, Taiwan; Micro-Star International Co., Ltd. of Taipei Hsien, Taiwan; TEAC Corp. of Tokyo, Japan; or Ultima Electronics Corp. of Taipei Hsien, Taiwan. The Commission has also determined to issue cease and desist orders directed to Artronix Technology, Inc.; ASUSTek Computer, Inc.; ASUS Computer International; MSI Computer Corporation; TEAC America Inc.; EPO Science and Technology, Inc.; and LITE-ON Information Technology Corp.

The Commission also determined that the public interest factors enumerated in 19 U.S.C. 1337(d) and (f) do not preclude issuance of the remedial orders, and that the bond during the Presidential period of review shall be set at 100 percent of the entered value for any covered chips or chipsets and $4.43 per unit for any optical storage device containing covered chips or chipsets.

The authority for the Commission's determinations is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in §§ 210.45–210.51 of the Commission's Rules of Practice and Procedure (19 CFR 210.45–210.51).

Issued: September 28, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–19703 Filed 9–30–05; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearing of the Judicial Conference Advisory Committee on Rules of Civil Procedure

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Civil Procedure.

ACTION: Notice of cancellation of open hearing.

SUMMARY: The public hearing on proposed amendments to the Federal Rules of Civil Procedure, scheduled for October 26, 2005, in San Francisco, California, has been canceled. [Original notice of hearing appeared in the **Federal Register** of July 14, 2005.]

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: September 26, 2005.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 05–19679 Filed 9–30–05; 8:45 am]

BILLING CODE 2210–55–M

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Identification of Imported Explosives Materials.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until December 2, 2005. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Bangs, Explosives Industry Programs Branch, Room 5000, 650 Massachusetts Avenue, NW., Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Identification of Imported Explosives Materials.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. The information is necessary to ensure that explosive materials can be effectively traced. All licensed importers are required to identify by marking all explosive materials they import for sale or distribution. The process provides valuable information in explosion and bombing investigations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 15 respondents will spend 1 hour placing marks of identification on imported explosives.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 45 annual total burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530, or by e-mail at *brenda.e.dyer@usdoj.gov.*

Dated: September 28, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–19699 Filed 9–30–05; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Prescription Monitoring Program Questionnaire.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until December 2, 2005. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Prescription Drug Monitoring Program Questionnaire.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: States. Other: None. This questionnaire permits the Drug Enforcement Administration to compile and evaluate information regarding the design, implementation and operation of state prescription monitoring programs. Such information allows DEA to assist states in the development of new programs designed to enhance the ability of both DEA and state authorities to prevent, detect, and investigate the diversion and abuse of controlled substances.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 26 persons complete the Prescription Monitoring Program Questionnaire on paper and 25 electronically, at 5 hours per form, for an annual burden of 255 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* It is estimated that there are 255 burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: September 28, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–19735 Filed 9–30–05; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities; Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Monthly Return of Arson Offenses Known to Law Enforcement.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 70, Number 143, page 43458 on July 27, 2005, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until November 2, 2005. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Monthly Return of Arson Offenses Known to Law Enforcement.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: 1–725. Criminal Justice Information Services Division (CJIS), Federal Bureau of Investigation

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. The collection is needed to determine the number of arson offenses committed throughout the United States. The tabulated data is published in the annual, Crime in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that approximately 17,499 law enforcement employees will take approximately 9 minutes to complete the report.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 31,498 annual burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530, or by e-mail at *brenda.e.dyer@usdoj.gov*

Dated: September 27, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–19675 Filed 9–30–05; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: New Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: 2006 Survey

of Tribal Law Enforcement Record Systems.

The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics (BJS), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until December 2, 2005. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Matthew Hickman, Bureau of Justice Statistics, 810 Seventh St., NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* 2006 Survey of Tribal Law Enforcement Record Systems.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, and Local or Tribal Government. This information collection is a survey of law enforcement record systems in tribal law enforcement agencies. The information will provide statistics on tribal agencies' record systems, including protection orders, participation in the National Crime Information Center, state record systems, criminal history records, and fingerprints.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 200 respondents will complete a one hour form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 200 total annual burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–19734 Filed 9–30–05; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Advisory Council on Employee Welfare and Pension Benefit Plans Working Group on Improving Plan Communications for Health and Welfare Plan Participants; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study the issue of improving plan communications for health and welfare plan participants will hold a public teleconference meeting on October 19, 2005.

The session will take place in Room N 3437A, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. The purpose of the open meeting, which will run from 2 p.m. to approximately 4 p.m., is for Working Group members to discuss their report/recommendations for the Secretary of Labor.

Organizations or members of the public wishing to submit a written statement pertaining to the topic may do so by submitting 25 copies on or before October 12, 2005 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue, NW., Washington, DC 20210. Statements also may be submitted electronically to *good.larry@dol.gov*. Statements received on or before October 12, 2005 will be included in the record of the meeting. Individuals or representatives of organizations wishing to address the Working Group should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to 20 minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact Larry Good by October 12 at the address indicated.

Signed at Washington, DC, this 27th day of September, 2005.

Ann L. Combs,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 05–19739 Filed 9–30–05; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Advisory Council on Employee Welfare and Pension Benefit Plans Working Group on Communications to Retirement Plan Participants and Working Group on Retirement Plan Distributions and Options; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Groups assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study the issues of (1) communications to retirement plan participants and (2) retirement plan distributions will hold public teleconference meetings on October 20, 2005.

The sessions will take place in Room N 3437A, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. The purpose of the open meetings is for each Working Group to discuss its report/recommendations for the Secretary of Labor. The meetings

will run from 12 p.m. to approximately 4 p.m., with the Working Group on Communications to Retirement Plan Participants meeting first, followed by the Working Group on Retirement Plan Distributions and Options.

Organizations or members of the public wishing to submit a written statement pertaining to the topic may do so by submitting 25 copies on or before October 12, 2005 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue, NW., Washington, DC 20210. Statements also may be submitted electronically to *good.larry@dol.gov*. Statements received on or before October 12, 2005 will be included in the record of the meeting. Individuals or representatives of organizations wishing to address the Working Group should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to 20 minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact Larry Good by October 12 at the address indicated.

Signed at Washington, DC, this 27th day of September, 2005.

Ann L. Combs,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 05–19740 Filed 9–30–05; 8:45 am]

BILLING CODE 4510–29–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meeting; Regular Board of Directors Meeting

TIME AND DATE: 2 p.m., Monday, October 3, 2005.

PLACE: NeighborWorks® America, 1325 G Street NW., Suite 800, Boardroom, Washington, DC 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Jeffrey T. Bryson, General Counsel/Secretary, (202) 220–2372; *jbryson@nw.org.*

AGENDA:

I. Call to Order
II. Approval of Minutes: June 28, 2005, Annual Meeting
III. Resolution of Appreciation
IV. Finance and Budget Committee Report
V. Treasurer's Report
VI. Corporate Administration Committee Report
VII. Audit Committee Report
VIII. Creation of a Chief Financial Officer Position
IX. Appointment of Director of Finance as Primary Check Signer
X. CEO Quarterly Management Report
XI. NHSA Update
XII. Adjournment

Jeffrey T. Bryson,

General Counsel/Secretary

[FR Doc. 05–19898 Filed 9–29–05; 3:26 pm]

BILLING CODE 7570–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Extension.
2. The title of the information collection: Voluntary Reporting of Performance Indicators.
3. The form number if applicable: N/A.
4. How often the collection is required: Quarterly.
5. Who will be required or asked to report: Power reactor licensees.
6. An estimate of the number of annual responses: 416.
7. The estimated number of annual respondents: 104.
8. An estimate of the total number of hours needed annually to complete the requirement or request: Approximately 84,520 hours (83,200 reporting hours plus 1,320 recordkeeping hours for 33 recordkeepers).
9. An indication of whether Section 3507(d), Public Law 104–13 applies: N/A.
10. Abstract: As part of a joint industry-NRC initiative, the NRC receives information submitted voluntarily by power reactor licensees regarding selected performance attributes known as performance indicators (PIs). PIs are objective measures of the performance of licensee systems or programs. The NRC's reactor oversight process uses PI information, along with the results of audits and inspections, as the basis for NRC conclusions regarding plant performance and necessary regulatory response. Licensees transmit PIs electronically to reduce burden on themselves and the NRC.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC Worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by November 2, 2005. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. John A. Asalone, Office of Information and Regulatory Affairs (3150–0195), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to *John_A._Asalone@omb.eop.gov* or submitted by telephone at (202) 395–4650.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 26th day of September, 2005.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of Information Services.

[FR Doc. E5–5349 Filed 9–30–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of

information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Extension.

2. The title of the information collection: 10 CFR Part 26, ''Fitness for Duty Program.''

3. The form number if applicable: 3150–0146.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: All licensees authorized to construct or operate a nuclear power reactor; all licensees authorized to use, possess, or transport Category 1 nuclear material; and contractors/vendors who have developed a fitness-for-duty program that is formally reviewed and approved by a licensee, which meets the requirements of Part 26.

6. An estimate of the number of annual responses: 1,419 (1,350 responses + 69 recordkeepers).

7. The estimated number of annual respondents: 69.

8. An estimate of the total number of hours needed annually to complete the requirement or request: 61,143 (5,853 hours reporting [an average of 4.3 hours/response] and 55,290 hours recordkeeping [an average of 801 hours/recordkeeper]).

9. An indication of whether section 3507(d), Pub. L. 104–13 applies: N/A.

10. Abstract: 10 CFR part 26, ''Fitness for Duty Program,'' requires licensees of nuclear power plants, contractors/vendors who have developed a fitness-for-duty program that is formally reviewed by a licensee, and licensees authorized to possess, use, or transport Category 1 nuclear material to implement fitness-for-duty programs to assure that personnel are not under the influence of any substance or mentally or physically impaired, to retain certain records associated with the management of these programs, and to provide reports concerning significant events and program performance. Compliance with these program requirements is mandatory for licensees subject to 10 CFR part 26. In addition, licensees of nuclear power plants are required to comply with security order EA–03–038, which implements work hour controls for security force personnel and requires licensees to retain certain records associated with the management of this security order.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by November 2, 2005. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Office of Information and Regulatory Affairs (3150–0146), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 26th day of September, 2005.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. E5–5355 Filed 9–30–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275 and 50–323]

Pacific Gas and Electric Company Diablo Canyon Power Plant, Units 1 and 2; Notice of Partial Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Pacific Gas and Electric Company (the licensee) to partially withdraw the request of approval to adopt the extreme growth method, which was a part of its application dated March 18, 2004, and its supplements dated August 18 and 20, and September 17, 2004, for proposed amendments to Facility Operating License No. DPR–80 and Facility Operating License No. DPR–82 for the Diablo Canyon Power Plant, Unit Nos. 1 and 2, respectively, located in San Luis Obispo County, California.

The amendment request included (i) revisions to the Final Safety Analysis Report Update to incorporate the Nuclear Regulatory Commission approval of a permanently revised steam generator voltage-based repair criteria probability of prior cycle detection (POPCD) method; (ii) addition of a new reporting requirement to the DCPP Technical Specifications as TS 5.6.10.i; and (iii) approval to adopt the extreme growth method coincident with the above POPCD method. However, by letter dated September 17, 2004, the licensee requested that the extreme growth method be approved at a later time. Therefore, on October 28, 2004, the Commission issued Amendment Nos. 177 and 179, to Facility Operating License No. DPR–80 and Facility Operating License No. DPR–82 for the Diablo Canyon Power Plant, Unit Nos. 1 and 2, respectively, without reviewing the extreme growth method.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the **Federal Register** on June 22, 2004 (69 FR 34704), and a Notice of Issuance of Amendments published in the **Federal Register** on November 23, 2004 (69 FR 68190). However, by letter dated September 22, 2005, the licensee withdrew the remaining portion of the amendment request pertaining to the approval to adopt the extreme growth method. The licensee's application dated March 18, 2004, and its supplements dated August 18 and 20, and September 17, 2004, and withdrawal letter dated September 22, 2005, are available in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Numbers ML040840449, ML042380475, ML042530054, ML042680323 and ML052660327, respectively.

For further details with respect to this action, see the application for amendment dated March 18, 2004, its supplements dated August 18 and 20, and September 17, 2004, and withdrawal letter dated September 22, 2005, which withdrew the request of approval to adopt the extreme growth method. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams/html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, or (301) 415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 26th day of September, 2005.

For the Nuclear Regulatory Commission.

Girija S. Shukla,

Project Manager, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. E5–5387 Filed 9–30–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–0925]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Kerr McGee Cimarron Corporation Former Fuel Fabrication Facility in Crescent, OK

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT: Ken Kalman, Project Manager, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415–6664; fax number: (301) 415–5398 e-mail: *klk@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) is considering amending Material License No. SNM–928 issued to Kerr McGee Cimarron Corporation Cimarron or (the licensee), to authorize the deletion of License Condition 22 and revisions to License Conditions 23 and 27e of the license for its former fuel fabrication facility in Crescent, Oklahoma. NRC has prepared an Environmental Assessment (EA) in support of this amendment in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the proposed amendment is to authorize revisions to the license for the licensee's former fuel fabrication facility. Specifically, License Condition 22 will be deleted, as all requirements of this condition have been completed. License Conditions 23 and 27e will be revised. The actions required by these license conditions were addressed in the EA for approval of Cimarron's Decommissioning Plan (DP). That EA is summarized in the **Federal Register** notice of the Finding of No Significant Impact published on August 12, 1999, (64 FR 44059).

The licensee requested that License Condition 22 be deleted from the license, as the specific requirements of this license condition had been completed. License Condition 22 authorizes the licensee to breach the berms, close the two East and West Sanitary lagoons in Subarea L, and backfill the former burial ground in Subarea F. Cimarron backfilled the two sanitary lagoons in 1993. NRC staff reviewed the licensee's request and an NRC confirmatory survey of Subarea L demonstrated that all soil samples met the NRC's release criteria of License Condition 27 of Cimarron's license (SNM–928) and the regulatory limits for unrestricted use. The staff determined that all work addressed in License Condition 22 has been completed and that all the requirements of this condition have been met. Therefore, the NRC staff concluded that this condition can be deleted from the license, and will not have a significant effect on the quality of the human environment.

The licensee also requested that License Condition 23 be revised to reflect completion of some of the decommissioning activities identified in this condition. License Condition 23 authorizes the licensee to dispose of low-enriched uranium contaminated soil in an on-site burial cell in Subarea N. The licensee stated that all requirements in this license condition have been completed except for the requirement to ''periodically monitor the disposal area for subsidence, erosion, and status of the vegetative cover for at least five years, and promptly repair any problems noted.'' The NRC staff conducted a confirmatory survey of the burial cell in Subarea N. The staff determined that the buried cell had been completed in accordance with License Condition 23. All measurements were below the release criteria of Cimarron's license (SNM–928) and the regulatory limits. The NRC staff has reviewed the licensee's request and determined that the licensee has met all of the requirements of License Condition 23, except for the last two sentences of License Condition 23d. This license condition will be revised and the last two sentences will become License Condition 23a. The NRC staff has concluded that this revision to the license will not have a significant impact on the quality of the human environment, because the revision is only deleting protective actions that have already been completed.

License Condition 27e authorizes the licensee to make certain changes to the DP or Radiation Protection Plan (RPP) and associated procedures without prior NRC approval provided that those changes meet the specific criteria stated in License Condition 27e. The licensee requested that License Condition 27e be revised so that only changes to the facility or process, tests, and experiments described in the DP or the RPP are required to be reviewed by the As Low As Reasonably Achievable (ALARA) Committee. In addition, the licensee requested that the license condition be revised so changes to the associated radiation protection procedures would only require review and approval by the Radiation Safety Officer (RSO). The NRC staff has reviewed this request and found that the requested amendment to License Condition 27e should be granted. This proposed change to the license will have not have a significant effect on the quality of the human environment.

III. Finding of No Significant Impact

Based upon the analysis contained in the EA, NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment, because it is only deleting license requirements that have been completed and making changes to a License Condition 27e, which relates to approval of changes to the procedures associated with the Decommissioning Plan or Radiation Protection Procedures. Accordingly, the staff and has determined that preparation of an environmental impact statement is not warranted.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: Environmental Assessment for License Amendment 19 of Cimarron Corporations License (SNM–928) Regarding License Conditions 22, 23, and 27e (ML052060071). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's

Public Document Room (PDR) Reference staff at 1–800–397–4209, (301) 415–4737, or by e-mail to *pdr@nrc.gov*.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O–1–F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 27th day of September, 2005.

For the Nuclear Regulatory Commission.

Daniel M. Gillen,

Deputy Director, Decommissioning Directorate Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E5–5357 Filed 9–30–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Extension of the Public Comment Period for Scoping Process To Prepare an Environmental Impact Statement for the License Renewal of Nuclear Power Plants

On June 3, 2003, the U.S. Nuclear Regulatory Commission (the Commission) issued a Notice of Intent To Prepare an Environmental Impact Statement for the License Renewal of Nuclear Power Plants and To Conduct Scoping Process in the **Federal Register** (68 FR 33209). Notice is hereby given that the Commission has extended the public comment period for the scoping process on the update to the ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants,'' NUREG–1437 (May 1996) and Addendum 1 (August 1999). The comments already received by the Commission will be considered; this provides additional opportunity for public to reflect on issues that may have emerged during the period that this project was inactive. The public comment period is extended to December 30, 2005.

In 1996 and 1999, the Commission amended its environmental protection regulations in 10 CFR Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' to improve the efficiency of the environmental review process for applicants seeking to renew a nuclear power plant operating license for up to an additional 20 years. The final rules were published in the **Federal Register** on December 18, 1996 (61 FR 66546), and September 3, 1999 (64 FR 48507). The amendments are based on the analyses reported in NUREG–1437, ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants'' (May 1996) and its Addendum 1 (August 1999).

The GEIS, prepared by the U.S. Nuclear Regulatory Commission (NRC) staff and its contractors, summarizes the findings of a systematic inquiry into the environmental impacts of refurbishment activities associated with license renewal and the environmental impacts of continued operation during the renewal period (up to 20 years for each licensing action). The significance of environmental impacts were analyzed for each of nearly 100 issues. Thereafter, the NRC categorized which of these analyses could be applied to all plants and whether additional mitigation measures would be warranted for each environmental issue. Of the 92 issues analyzed, 69 issues were resolved generically, 21 require a further site-specific analysis that applicants are required to address, and 2 require a site-specific assessment by the NRC. As part of its application to renew its operating license, an applicant submits a supplemental environmental report and the NRC staff develops a site-specific supplement to the GEIS and includes a recommendation for each license renewal application. The environmental protection regulations for any NRC licensing action is contained in 10 CFR Part 51 and may be viewed on the Internet at *http://www.nrc.gov/reading-rm/doc-collections/cfr/part051/index.html*. The license renewal process also includes a safety review and inspections prior to issuance of a renewed license.

In the introductory remarks to Appendix B to Subpart A of Part 51, ''Environmental Effects of Renewing the Operating License of a Nuclear Power Plant,'' the Commission stated that, on a 10-year cycle, it intends to review the material in Table B–1 and update it, if necessary. This update effort began in 2003; the goal of the NRC staff is to complete this GEIS Update Project by the end of 2009.

The purpose of this notice is to inform the public that the NRC continues to plan to prepare an environmental impact statement (EIS), in this case it is an update to the GEIS, and to provide the public an additional opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29. The scoping process is the initial opportunity for stakeholder participation in the GEIS update and it occurs before the NRC has determined results or recommendations for the update. The environmental review process for license renewal will continue under the current regulatory framework throughout the course of this effort. If, as a result of this scoping process, it is determined that an update is not necessary, then that result will be published in the **Federal Register** as well.

The GEIS and Addendum 1 to the GEIS were prepared pursuant to 10 CFR part 51 and are available for public inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at *http://www.nrc.gov/reading-rm/adams.html*, which provides access through the NRC's Electronic Reading Room link. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail to *PDR@NRC.GOV*. The GEIS, its Addendum 1, and its supplements may also be viewed on the Internet at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437*. As indicated, the NRC prepares site-specific supplements to the GEIS for each license renewal application assessing the environmental impacts specific to that power plant location; these reports may be useful to scoping participants to understand the environmental review process and the environmental issues associated with the review for license renewal. The supplements to the GEIS also can be viewed on the Internet in the context for each project and are listed by project at *http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html*. The update of the GEIS is a generic activity; therefore, is not the appropriate forum to consider site-specific issues or concerns.

In keeping with the framework outlined under the National Environmental Policy Act, the NRC conducts this scoping process for the update to the GEIS and, thereafter, plans to prepare a draft addendum to the GEIS for public comment outlining the results of the NRC review. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the addendum to the GEIS will be used to accomplish the following:

a. Determine whether the purpose and need for the update (the proposed action) is clear.

b. Determine the scope of the addendum to the GEIS and identify

whether there are any significant issues that should be analyzed in depth.

c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant or which have been covered by prior environmental review.

d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to, but are not part of the scope of the addendum to the GEIS being considered.

e. Identify other environmental review and consultation requirements related to the proposed action.

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the addendum to the GEIS to the NRC and any cooperating agencies.

h. Describe how the addendum to the GEIS will be prepared including any contractor assistance to be used.

The NRC invites the following entities to participate in the scoping process:

a. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

b. Any affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

c. Any affected Indian tribe.

d. Any person who requests or has requested an opportunity to participate in the scoping process.

The scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC conducted four public meetings on the GEIS in July 2003. These meetings were transcribed; the transcripts are available for public inspection at the NRC PDR or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible at *http://www.nrc.gov/reading-rm/adams.html*, which provides access through the NRC's Electronic Reading Room link. Written comments already received by the Commission are available electronically and accessible through the NRC's Electronic Reading Room link in ADAMS. As described above, persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail to *PDR@NRC.GOV*.

Members of the public may send any additional written comments on the environmental scope of the GEIS Update Project to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T–6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to Room T–6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by December 30, 2005. Additional electronic comments may be sent by e-mail to the NRC at *LRGEISUpdate@nrc.gov*. Electronic submissions should be sent no later than December 30, 2005, to be considered timely in the scoping process. Comments will be available electronically and accessible through the NRC's Electronic Reading Room link at *http://www.nrc.gov/reading-rm/adams.html*.

At the conclusion of the scoping process, the NRC will prepare a summary of the determinations and conclusions reached, including the significant issues identified, and will send a copy of the summary to participants in the scoping process. The summary also will be available for inspection at the NRC PDR or through the Electronic Reading Room link. If necessary, the staff will then prepare and issue for comment the draft addendum to the GEIS, which will be the subject of a separate **Federal Register** notice, to report the results of the NRC's review. At this time, the NRC plans to conduct separate public meetings, at similar locations as the public scoping meetings, on the draft addendum to the GEIS. Copies of the draft addendum to the GEIS will be available for public inspection at the above-mentioned address, and one copy per request will be provided free of charge. After receipt and consideration of the comments on the draft, the NRC will prepare a final addendum to the GEIS, which will also be available for public inspection. Should the review indicate that one or more environmental issues enumerated in Appendix B to Subpart A of Part 51, ''Environmental Effects of Renewing the Operating License of a Nuclear Power Plant,'' requires change, then the proposed and final rule amendments will accompany the draft and final addendum to the GEIS.

For Further Information Contact: Mr. Barry Zalcman, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Mr. Zalcman may be contacted by telephone at 1–800–368–5642, extension 2419, or by e-mail at *LRGEISUpdate@nrc.gov*.

Dated at Rockville, Maryland, this 27th day of September, 2005.

For the Nuclear Regulatory Commission.

Jacob Zimmerman,

Acting Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. E5–5356 Filed 9–30–05; 8:45 am]

BILLING CODE 7590–01–P

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Columbia River Basin Fish and Wildlife Program Subbasin Plan Amendments

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power and Conservation Council; Council).

ACTION: Notice of final adoption of the subbasin plan amendments to the Council's Columbia River Basin and Wildlife Program (Fish and Wildlife Program).

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act of 1980 (U.S.C. 839 *et seq.*) (the Power Act) requires the Northwest Power and Conservation Council to adopt and periodically review and amend the Fish and Wildlife Program. The program must be designed to protect, mitigate and enhance the fish and wildlife affected by the development and operation of the hydroelectric facilities of the Columbia River and its tributaries, while also assuring the region of an adequate, efficient, economical and reliable power supply.

On August 12, 2002, pursuant to Section 4(h) of the Power Act, the Council requested in writing that state and federal fish and wildlife agencies, Indian tribes and others submit recommendations for amendments to the Fish and Wildlife Program. The Council requested recommendations for objectives and measures for the program at the subbasin level, to be submitted in

the form of a subbasin plan for each subbasin or as possible elements for a subbasin plan.

On May 28, 2004, the Council received proposed subbasin plans for 59 subbasins of the Columbia River, formally recommended for amendment into the Council's Fish and Wildlife Program. The Council then engaged in the lengthy public review process required by the Power Act for recommended program amendments, including notice and public review and comment on the recommendations and notice, comment and public hearings in all four states of the Columbia basin on proposed draft amendments based on the recommendations.

Following the required public review, the Council formally adopted as amendments into the Fish and Wildlife Program subbasin plans for 57 Columbia basin subbasins, based on the recommendations submitted. The Council made its decisions to adopt the subbasin plan amendments at its public meetings in December 2004, February 2005, May 2005 and June 2005. At its September 2005 public meeting, the Council concluded its subbasin plan program amendment process by adopting, as part of its program, a document describing the subbasin plan amendment process, making written findings explaining the Council's disposition of the amendment recommendations, and explaining how the Council responded to the public comment on the recommendations and draft program amendments. This documents also serves as a Statement of Basis and Purpose for the Council's decision.

The subbasin plans amended into the program and the program document with the findings on recommendations and responses to comments may be found on the Council's Web site, at *http://www.nwcouncil.org/fw/subbasinplanning/Default.htm*.

FOR FURTHER INFORMATION CONTACT: If you would like a copy of the subbasin plan program amendments, please go to the Council's Web site at the address above. The subbasin plan program will also soon be available on a compact disc or in printed form. For more information, please contact the Council's central office for assistance. The Council's address is 851 SW. Sixth Avenue, Suite 1100, Portland, Oregon 97204. The Council's telephone numbers are 503–222–5161 and 800–452–5161, and the FAX number is 503–820–2370. The Council's Web site is *http://www.nwcouncil.org*.

Stephen L. Crow,

Executive Director.

[FR Doc. 05–19760 Filed 9–30–05; 8:45 am]

BILLING CODE 6450–AJ–M

PEACE CORPS

Privacy Act of 1974; Systems of Records

AGENCY: Peace Corps

ACTION: Correction—Notice of Modification to Existing System of Records.

SUMMARY: Pursuant to the Privacy Act of 1974, the Peace Corps is issuing public notice that one of its systems of records is being re-numbered.

FOR FURTHER INFORMATION CONTACT: Marianne Manheim, (202) 692–1186.

SUPPLEMENTARY INFORMATION: The Peace Corps published a notice of its proposal to create a new system of records, PC–26 Antimalarial Tolerance Survey. **Federal Register**: July 16, 2004 (Volume 69, Number 136, pages 42784–42785), as corrected at **Federal Register**: August 3, 2004 (Volume 69, Number 148, page 46629). This system is being renumbered as PC–27 Antimalarial Tolerance Survey. No other modifications to the system of records are being made.

This modification is effective on the date of publication.

Dated: September 23, 2005.

Gilbert Smith,

Associate Director for Management.

[FR Doc. 05–19772 Filed 9–30–05; 8:45 am]

BILLING CODE 6015–01–M

POSTAL RATE COMMISSION

[Docket No. MC2004–3; Order No. 1444]

Petition To Reopen Record

AGENCY: Postal Rate Commission.

ACTION: Notice and order.

SUMMARY: This document provides the public with notice that a petition seeking to reopen the record in the Commission's pending reconsideration of the Bank One negotiated service agreement has been filed. It notes that the petition, if granted, could expand the scope of reconsideration. It also notes that a companion notice of inquiry has been issued and identifies several new or revised comment deadlines.

DATES: 1. October 14, 2005: Deadline for filing comments to Notice of Inquiry No. 1.

2. October 24, 2005: Deadline for reply comments to Notice of Inquiry No. 1.

3. October 31, 2005: Revised deadline for participants to reply to Petition of J.P. Morgan Chase & Co. to Reopen Record (previously September 29, 2005).

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.*

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, general counsel, at 202–789–6818.

SUPPLEMENTARY INFORMATION:

I. Procedural History

69 FR 39520 (June 30, 2004).
69 FR 41311 (July 8, 2004).
70 FR 13551 (March 21, 2005).

II. Background

On September 14, 2005, J.P. Morgan Chase & Co. (Chase) filed a petition to reopen the record in this docket so that it can provide supplemental information for the Commission's reconsideration of the Bank One Opinion and Recommended Decision Approving Negotiated Service Agreement issued December 17, 2004.[1] Chase argues that it has been denied due process, and unless it has a timely opportunity to supplement the record, a profound injustice will result.

If the Commission grants the Chase Petition, issues potentially may be considered related to negotiated service agreements based solely on pure volume-based discounts. These novel issues may not have been fully considered or litigated under the original Bank One Request.[2] The Bank One Request was filed as a request to consider a negotiated service agreement functionally equivalent to the Capital One negotiated service agreement based on a declining block rate volume discount element and an address correction cost savings element.

On September 27, 2005, the Commission issued Notice of Inquiry No. 1 Regarding Status of Settlement Agreement (NOI) seeking comments as to the status of the settlement agreement signed by a majority of the participants in the Bank One case, and seeking further background information

[1] Petition of J.P. Morgan Chase & Co. to Reopen Record, September 14, 2005 (Chase Petition). Bank One Corporation, the original party in this case, merged with J.P. Morgan Chase & Co. on July 1, 2004. The merged entity now refers to itself as J.P. Morgan Chase & Co.

[2] Request of the United States Postal Service for a Recommended Decision on Classifications, Rates and Fees to Implement Functionally Equivalent Negotiated Service Agreement with Bank One Corporation, June 21, 2004 (Bank One Request).

necessary to evaluate the Chase Petition. Two of the questions posed in the NOI, pertaining to adequacy of notice, and to the use of the Bank One record for setting standards for negotiated service agreements predicated on pure volume-based discounts, may be of interest to interested persons who have not intervened in the Bank One case. The Commission invites both participants and interested persons who have not intervened in the Bank One case to comment on these or any other questions posed in the NOI. Comments may be submitted on or before October 14, 2005. Reply comments may be submitted on or before October 24, 2005.

NOI questions 6 and 7 may be of interest to interested persons who have not intervened in the Bank One case, and are repeated below.

NOI question 6: The Commission has noted, in PRC Order No. 1443, that adequacy of notice is an extremely important issue especially where a request has been filed under expedited rules for functionally equivalent agreements. The functionally equivalent rules are meant to send a clear signal that no new major issues are present in the request. Reopening the record opens the possibility for consideration of novel issues related to pure volume-based discount negotiated service agreements. Interested persons who have not intervened in this docket potentially may allege that inadequate notice has been provided to alert them to the existence of novel and precedent setting issues. How should the Commission view this potential problem, and what possible steps can the Commission take to alleviate this situation?

NOI question 7: The Bank One negotiated service agreement is based on a declining block rate volume discount element and an address correction cost savings element. The Bank One negotiated service agreement request was filed as an agreement functionally equivalent to the Capital One negotiated service agreement, which also included volume discount and cost savings elements. The Bank One record was developed considering both elements. Reopening the Bank One record potentially will lead to the consideration of issues directly related to negotiated service agreements based solely on pure volume-based discounts. Given this potential, both participants and interested persons who have not intervened in this docket are invited to comment on the use of the Bank One docket to potentially decide issues related to negotiated service agreements based solely on pure volume-based discounts.

IV. Revised Deadline for Comments on Chase Petition

Presiding Officer's Ruling Granting the Postal Service Motion for a Stay and Establishing a Date for Replies to the J.P. Morgan Chase Petition was issued on September 15, 2005 (P.O. Ruling No. MC2004–3/9). This ruling established a September 29, 2005 date for participants to provide responses to the Chase Petition. It also stayed previously scheduled dates for comments and reply comments in regard to the Commission's reconsideration of the Bank One decision. In light of the Commission's need to obtain more information before issuing a ruling on the Chase Petition, the date for responses to the Chase Petition shall be extended until October 31, 2005.

The Secretary shall arrange for publication of this notice and order in the **Federal Register**.

III. Ordering Paragraphs

It is ordered:

1. Comments in response to Notice of Inquiry No. 1 Regarding Status of Settlement Agreement, issued September 27, 2005, may be submitted on or before October 14, 2005. Reply comments may be submitted on or before October 24, 2005. Interested persons who have chosen not to intervene in the Bank One case also are invited to provide comments.

2. The date for participants to reply to the Petition of J.P. Morgan Chase & Co. to Reopen Record previously established by P.O. Ruling No. MC2004–3/9 shall be extended until October 31, 2005.

3. The Secretary shall arrange for publication of this notice and order in the **Federal Register**.

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. 05–19707 Filed 9–30–05; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–8619; 34–52522, File No. 265–23]

Advisory Committee on Smaller Public Companies; Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Meeting of SEC Advisory Committee on Smaller Public Companies.

The Securities and Exchange Commission Advisory Committee on Smaller Public Companies is providing notice that it will hold a public meeting on Friday, October 14, 2005, at Columbia Law School, Jerome Green Hall, Room 103, 435 West 116th Street, New York, New York, at 1 p.m. The meeting will be audio webcast on the Commission's Web site at *http://www.sec.gov*.

The agenda for the meeting includes hearing oral testimony, primarily from investors in small cap companies, and considering written statements that have been filed with the Advisory Committee in connection with the meeting.

Due Date: Written statements should be received on or before October 7, 2005.

ADDRESSES: Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's Internet submission form (*http://www.sec.gov/info/smallbus/acspc.shtml*); or
- Send an e-mail message to *rule-comments@sec.gov*. Please include File Number 265–23 on the subject line; or

Paper Statements

- Send paper statements in triplicate to Jonathan G. Katz, Committee Management Officer, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549–9303.

All submissions should refer to File No. 265–23. This file number should be included on the subject line if e-mail is used. To help us process and review your statement more efficiently, please use only one method. The Commission staff will post all statements on the Advisory Committee's Web site (*http://www.sec.gov./info/smallbus/acspc.shtml*).

Statements also will be available for public inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

Persons wishing to provide oral testimony at the meeting should contact the SEC staff person listed below by October 7, 2005 and submit a written statement by the deadline for written statements. Sufficient time may not be available to accommodate all those wishing to provide oral testimony. The Co-Chairs of the Advisory Committee have reserved the right to select and limit the time of witnesses permitted to testify at the Advisory Committee meeting.

FOR FURTHER INFORMATION CONTACT: Kevin M. O'Neill, Special Counsel, at (202) 551–3260, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–3628.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.-App. 1, section 10(a), and the regulations thereunder, Gerald J. Laporte, Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: September 28, 2005.

Jonathan G. Katz,

Committee Management Officer.

[FR Doc. 05–19802 Filed 9–29–05; 12:26 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52504; File No. SR–Amex–2005–086]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Revising the Implementation Date for the ANTE System

September 23, 2005.

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 September 1, 2005, the American Stock Exchange LLC (''Amex'' 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 Amex. On September 20, 2005, the Exchange filed Amendment No. 1 to the proposed rule change.[3] Amex filed the proposal, as amended, as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [4] and Rule 19b–4(f)(6) thereunder.[5] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 clarified that the proposed rule change was being submitted under Section 19(b)(3)(A)(iii) of the Act and Rule 19b–4(f)(6) thereunder.

[4] 15 U.S.C. 78s(b)(3)(A)(iii).

[5] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Amex proposes to amend (1) Amex Rule 900–ANTE to provide a revised date for the completion of the implementation of the ANTE System (as defined herein) to all option classes; and (2) Amex Rule 935–ANTE, Commentary .01 to establish a revised date for increased floor broker functionality in the ANTE System. The text of the proposed rule change is available on Amex's Web site (*http://www.amex.com*), at Amex's Office of the Secretary, 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, Amex included statements concerning the purpose of, and basis for, the proposed rule change, as amended, and discussed any comments it received on the proposal. 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

Revised Implementation Date—Amex Rule 900–ANTE

On May 20, 2004, the Commission approved Amex's proposal to implement a new options trading platform known as the Amex New Trading Environment (''ANTE'') System.[6] On May 25, 2004, Amex began rolling out the ANTE System on its trading floor on a specialist's post-by-specialist's post basis. At that time, it was anticipated the roll-out would be completed by the end of the second quarter of 2005. The implementation date for the full roll-out of the ANTE System was subsequently extended to August 31, 2005.[7] Amex has now rolled out the ANTE System to all its option classes except two—the Nasdaq 100 Index (''NDX'') and the Mini Nasdaq Index (''MNX''). Amex represents that there are specific reasons why these products have not been rolled out on the ANTE System. The specialist in these products is concerned that the theoretical price calculator provided by the ANTE System may not accurately price the options on these indexes. The specialist is currently waiting for his own theoretical index price calculator, which has been installed, to successfully calculate prices for these indexes and the options. Amex expects that the MNX/NDX specialist will have its proprietary calculator in place by October 31, 2005.

Amex is now proposing to further revise its implementation schedule to provide that the remaining two option classes will be on the ANTE System by October 31, 2005. Maintaining two systems for the trading of options—the legacy system (XTOPS, AODB and Auto-Ex) and ANTE—is costly. As a result, the Exchange is working diligently to have all option classes on the ANTE System by October 31, 2005, so that it can retire its legacy systems.

Increased Floor Broker Functionality—Rule 935–ANTE

Amex Rule 935–ANTE(b) provides for the post trade allocation of contracts executed as the result of the submission of orders to trade with orders in the ANTE Central Book. Under this rule, if more than one ANTE Participant [8] and/or floor broker representing a customer order submits an order to trade with an order in the ANTE Central book within a period not to exceed five seconds after the initial ANTE Participant has submitted its order, all those ANTE Participants and/or floor brokers' customers will be entitled to participate in the allocation of any executed contracts. Amex represents that the ANTE System is currently unable to provide the functionality necessary for floor brokers representing customer orders in the trading crowd the ability to directly participate in the post trade allocation of orders taken off the Central Book. Commentary .01 to Amex Rule 935–ANTE provides a temporary methodology for the specialist to disengage the post trade allocation system in a specific series, which allows the floor broker to alert the specialist within the five second timeframe whenever his customer wants to participate in post trade allocation, and allows the specialist to provide for the customer's participation in post trade allocation when appropriate. The Commission approved the procedures

[6] *See* Securities Exchange Act Release No. 49747 (May 20, 2004) 69 FR 30344 (May 27, 2004) (''Initial Approval of ANTE System'').

[7] *See* Securities Exchange Act Release No. 51965 (July 1, 2005) 70 FR 40082 (July 12, 2005).

[8] Amex Rule 900–ANTE(b)(45) defines ''ANTE Participant'' as either the specialist and/or registered options trader(s) assigned to trade a specific options class on the ANTE System.

set forth in Commentary .01 as a ''reasonable, temporary solution.''[9] Commentary .01 to Amex Rule 935–ANTE also originally provided that the ANTE System will give floor brokers greater functionality accessing the Central Book on March 31, 2005 or such other date as established by the Exchange and submitted to the Commission pursuant to Section 19(b) of the Act. The Exchange subsequently established August 31, 2005, as the date the increased functionality will be available in the ANTE System. Due to a delay in the roll out of the increased floor broker functionality, the Exchange now proposes to establish October 31, 2005 as the date set forth in Commentary .01 to Amex Rule 935–ANTE for such increased functionality.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[10] in general and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, 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 of a free and open market and a national market system, and in general, to protect investors and the public interest; and is designed to prohibit unfair discrimination between customers, issuers, brokers and dealers.

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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated the proposed rule change, as amended, as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13] Amex represents that the foregoing rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, does not become operative for 30-days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the five-day pre-filing requirement and the 30-day operative delay period for ''non-controversial'' proposals and make the proposed rule change, as amended, effective and operative upon filing.

The Commission has determined to waive the five-day pre-filing requirement and the 30-day operative delay period.[14] The Commission notes that Amex has represented that the theoretical price calculators for the final two options classes are not installed and/or functioning properly and that it has not yet implemented the functionality for floor brokers representing customer orders. The Commission believes that extending the deadline for implementing Amex Rules 900– and 935–ANTE by two months should afford Amex the time needed to install and/or fix the theoretical price calculators and to implement the floor broker customer order functionality. Furthermore, the Commission believes that it is in the interest of investors and the public to delay implementation of the ANTE system until all of the components are in place and functioning properly. Therefore, the foregoing rule change has become immediately effective and operative upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16]

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.[17]

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–Amex–2005–086 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–Amex–2005–086. 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 Website (*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 Amex's Office of the Secretary. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2005–086 and should be submitted on or before October 24, 2005.

[9] *See* Initial Approval of ANTE System.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 7 CFR 240.19b–4(f)(6).

[14] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6).

[17] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change, as amended, under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on September 20, 2005, the date on which Amex submitted Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5345 Filed 9–30–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52510; File No. SR–Amex–2005–094]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Options Licensing Fees for Certain PowerShares ETF Options

September 26, 2005.

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 September 19, 2005, the American Stock Exchange, Inc. (''Amex'' 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 Amex. Amex submitted the proposed rule change under 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify its Options Fee Schedule by adopting a per-contract side licensing fee for the orders of specialists, registered options traders (''ROTs''), firms, non-member market makers, and broker-dealers in connection with transactions in certain PowerShares exchange-traded funds (''ETFs'').

The text of the proposed rule change is available on Amex's Web site *http://www.amex.com*, at Amex'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, Amex 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. Amex 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 has entered into numerous license agreements with issuers and owners of indexes for the purpose of trading options on certain ETFs and securities indexes. The requirement to pay an index licensing fee to third parties is a condition to the listing and trading of these ETF and index options. In many cases, the Exchange is required to pay a significant licensing fee to issuers or index owners that may not be reimbursed. In an effort to recoup the costs associated with certain index licenses, the Exchange has established a per-contract side licensing fee for the orders of specialists, ROTs, firms, non-member market makers, and broker-dealers collected on every transaction in certain designated products in which such market participant is a party.[5]

The purpose of the proposal is to charge per-contract side licensing fees in connection with options on the following three (3) ETFs (''PowerShares ETFs''):

(1) PowerShares Dividend Achievers Portfolio (symbol: PFM);

(2) PowerShares High Growth Rate Dividend Achievers Portfolio (symbol: PHJ); and

(3) PowerShares International Dividend Achievers Portfolio (symbol: PID)

Specifically, Amex seeks to charge options licensing fees of $0.05, $0.10, and $0.10 per contract side, in connection with options on PFM, PHJ, and PID, respectively, for specialist, ROT, firm, non-member market maker, and broker-dealer orders executed on the Exchange. In all cases, the fees set forth in the Options Fee Schedule are charged only to Exchange members through whom the orders are placed.

The proposed options licensing fees will allow the Exchange to recoup its costs in connection with index licensing fees for the trading of PowerShares ETF options. The fees will be collected on every PowerShares ETF option order of a specialist, ROT, firm, non-member market maker, and broker-dealer executed on the Exchange. The Exchange believes that collection of per-contract side licensing fees in connection with PFM, PHJ, and PID options orders placed by those market participants that are the beneficiaries of the Exchange's index license agreements is justified and consistent with the rules of the Exchange.

The Exchange notes that Amex in recent years has revised a number of fees to better align Exchange fees with the actual cost of delivering services and to reduce Exchange subsidies of such services.[6] Implementation of this proposal is consistent with the reduction and/or elimination of these subsidies. Amex believes that these fees will help to allocate to those market participants offering PowerShares ETF options a fair share of the related costs of offering such options.

In connection with the adoption of an options licensing fee for PowerShares ETF options, the Exchange notes that the proposal will better align its licensing fees with its competitors. The Exchange also maintains that charging an options licensing fee, where applicable, for all market participant orders executed on the Exchange except for customer orders is reasonable given the competitive pressures in the industry. Accordingly, the Exchange seeks, through this proposal, to better align its charges with the cost of providing these products and maintaining the trading floor and systems.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(4) of the Act,[8] in particular, regarding the equitable allocation of reasonable dues, fees, and other charges among exchange members and other persons using exchange facilities.

[18] 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).

[5] *See* File No. SR–Amex–2005–087 (became immediately effective on August 31, 2005).

[6] *See* Securities Exchange Act Release Nos. 45360 (January 29, 2002), 67 FR 5626 (February 6, 2002) and 44286 (May 9, 2001), 66 FR 27187 (May 16, 2001).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

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 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 proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [9] and subparagraph (f)(2) of Rule 19b–4 thereunder,[10] because it establishes or changes a due, fee, or other charge imposed by Amex. 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 Number SR–Amex–2005–094 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–Amex–2005–094. 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 offices of Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2005–094 and should be submitted on or before October 24, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5347 Filed 9–30–05; 8:45 am]

BILLING CODE 8010–01–P

[9] 15 U.S.C. 78s(b)(3)(a)(ii).

[10] 17 CFR 240.19b–4(f)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52509; File No. SR–DTC–2005–13]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Eliminate the Transfer Agent Drop Service

September 26, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 25, 2005, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to eliminate DTC's transfer agent drop service (''Drop Service'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Since 1996, DTC has offered the Drop Service in order to provide transfer agents located outside of New York City, New York, with a central location within Manhattan for receipt of securities from banks, broker-dealers, depositories, and shareholders. This service enabled transfer agents to comply with the New York Stock Exchange (''NYSE'') Rule 496, which required, among other things, that transfer agents for NYSE listed companies maintain an office or obtain an agent located south of Chambers Street in the Borough of Manhattan, City of New York, where securities could be delivered in person for registration of transfer and could be picked up after completion of such registration (often referred to in the industry as a ''drop''). The drop requirement was implemented when most securities were held in certificated form and were settled with physical delivery. The transfer agents' presence in lower Manhattan, where the brokers were also concentrated, facilitated the speedy processing and settlement of securities transactions.

Today most securities are held in ''street name'' at DTC with transfers of such securities occurring through automated book-entry systems at DTC without the need for the transfer of physical certificates, and very few transfers and facilitated by the drop in Manhattan. As a result, the NYSE

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by the DTC.

amended its Rule 196 to eliminate the drop requirement.[3]

DTC believes that the elimination of the NYSE's drop requirement will result in a most transfer agents withdrawing from DTC's Drop Service. Also, in light of an industry-wide move to dematerialize securities holdings, DTC seeks to discourage the use of physical certificates by eliminating processing facilities that makes the use of certificates easier. Therefore, because the Drop Service no longer serves a need for DTC participants and termination of the Drop Service will assist in furthering industry initiatives to discontinue the use of physical certificates, DTC will no longer provide the Drop Service effective September 1, 2005.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[4] and the rules and regulations thereunder applicable to DTC because it will discourage the use of inefficient and outdated securities transfer methods and services and as such will promote the prompt and accurate clearance and settlement of securities transactions. Furthermore, the proposed rule change will not adversely affect the safeguarding of securities and funds in DTC's control or custody or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC 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

No written comments relating to the proposed rule change have been solicited or received. DTC will notify the Commission of any written comments received by the DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act[5] and Rule 19b–4(f)(4)[6] thereunder because it is effecting a change in an existing service of a registered clearing agency that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of such 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 Number SR–DTC–2005–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–DTC–2005–13. 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 filings also will be available for inspection and copying at the principal office of DTC and on DTC's Web site, *http://www.dtcc.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–DTC–2005–13 and should be submitted on or before October 24, 2005.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Jonathan G. Katz,

Secretary.

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[3] Exchange Act Release No. 51973 (July 5, 2005), 70 FR 40094 (July 12, 2005), File No. SR–NYSE–2004–62.

[4] 15 U.S.C. 78q–1.

[5] 15 U.S.C. 78s(b)(3)(A)(iii).

[6] 17 CFR 240.19b–4(f)(4).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52511; File No. SR–NASD–2005–113]

Self-Regulatory Organizations; National Association of Securities Dealers; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Proactive Limit Orders

September 27, 2005.

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 September 22, 2005, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), 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 Nasdaq. Pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] Nasdaq has designated the proposed rule change as non-controversial, and therefore the proposed rule change is effective upon filing. 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 the Substance of the Proposed Rule Change

Nasdaq proposes to create a voluntary proactive limit order type that, if locked or crossed by another accessible market center, will automatically be routed to that market center for potential execution. Nasdaq intends to implement the proposed rule change promptly and

[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).

will inform market participants of the exact implementation date via a Head Trader Alert on *http://www.nasdaqtrader.com.*

The text of the proposed rule change is below. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

4701. Definitions

Unless stated otherwise, the terms described below shall have the following meaning:

(a) through (uu) No Change.

(vv) The term ''Proactive'' shall mean, for priced limit orders so designated, that if marketable upon entry into the Nasdaq Market Center, the order will first attempt to execute in the Nasdaq Market Center and thereafter be sent to available external execution venues until it is fully executed or no longer marketable. The order will thereafter be added to the Nasdaq Market Center Book. Once on the book, if another accessible execution venue displays an order that locks or crosses the Proactive Limit Order, the order will be removed from the Nasdaq Market Center book and routed to that locking or crossing execution venue for potential execution.

* * * * *

4706. Order Entry Parameters

(a) Non-Directed Orders—

(1) General. The following requirements shall apply to Non-Directed Orders Entered by Nasdaq Market Center Participants:

(A) A Nasdaq Market Center Participant may enter into the Nasdaq Market Center a Non-Directed Order in order to access the best bid/best offer as displayed in Nasdaq and other markets as set out in Rule 4714.

(B) A Non-Directed Order must be a market or limit order, must indicate whether it should be not routed to another market in accordance with Rule 4714, whether it is a buy, short sale, short-sale exempt, or long sale, and may be designated as ''Immediate or Cancel'', ''Day'', ''Good-till-Cancelled'', ''Auto-Ex'', ''Fill or Return'', ''Pegged'', ''Discretionary'', ''Sweep'', ''Total Day'', ''Total Good till Cancelled'', [or] ''Total Immediate or Cancel[,]'', [or] ''Summary[.]'', *or ''Proactive''.*

(i) through (xiii) No change.

(xiv) A limit order may be designated as ''Proactive,'' in which case the order shall be designated as Day, GTC, X, or GTX. A Proactive Order that is marketable upon entry into the Nasdaq Market Center will first attempt to execute in the Nasdaq Market Center and thereafter be sent to available external execution venues until it is fully executed or no longer marketable. The order will thereafter be added to the Nasdaq Market Center book. Once on the book, if another accessible execution venue displays an order that locks or crosses the Proactive Limit Order, the order will be removed from the Nasdaq Market Center book and routed to that locking or crossing execution venue for potential execution.

(C) through (F) No Change.

(2) No Change.

(b)–(e) No Change.

* * * * *

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 is proposing to implement the Proactive Order, an order option that will allow Nasdaq users to enter limit order(s) that execute against interest posted on the Nasdaq Market Center book, are posted on the book, and then are routed to another available market center if the limit order's price is locked or crossed by that market center.

Currently, limit orders in the Nasdaq Market Center that are locked or crossed by other market centers remain inside the Nasdaq system and are not routed based on their price being locked or crossed. Under this proposal, users would have the option of directing that if their limit orders posted on the book subsequently become locked or crossed by prices displayed in another market center, the orders will be routed to the locking/crossing market center for potential execution. Specifically, the process would operate as follows:

If marketable upon entry, the order will be executed either internally in the Nasdaq Market Center or routed to available external execution venues until it is fully executed or no longer marketable. The order will thereafter be added to the Nasdaq Market Center Book. Once on the book, if another accessible execution venue displays an order that locks or crosses the Proactive Limit Order, the order will be removed from the Nasdaq Market Center book and routed to that locking or crossing execution venue for potential execution. This proactive routing capability shall be available as an option on all Nasdaq Market Center order types that are eligible for routing to other execution venues.

Nasdaq notes that a similar order functionality is already offered by Nasdaq's Brut Facility as a Super Aggressive Cross Order.[5] Nasdaq also believes that this functionality will reduce the incidence and duration of locked or crossed markets and improve the quality of executions for Nasdaq Market Center users. Because of the similarities between the proposed functionality and orders already in use in the marketplace as well as the important market quality benefits the functionality provides, Nasdaq requests that the Commission waive the 30-day pre-operative waiting period contained in Rule 19b–4(f)(6)(iii) under the Act.[6]

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[7] in general, and with Section 15A(b)(6) of the Act,[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, remove impediments to a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, the proposal will limit the length of locked or crossed markets and improve the quality of executions for all Nasdaq Market Center participants.

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.

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.

[5] *See* NASD Rule 4903(b)(1)(C).

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] 15 U.S.C. 78o–3.

[8] 15 U.S.C. 78o–3(b)(6).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10]

Nasdaq has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed change rule would permit Nasdaq to implement an order type similar to one already in use in the marketplace that may offer market quality benefits. Therefore, the Commission designates the proposal to be effective and operative upon filing with the Commission.[11]

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 Number SR–NASD–2005–113 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–NASD–2005–113. 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 NASD. 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–NASD–2005–113 and should be submitted on or before October 24, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5346 Filed 9–30–05; 8:45 am]

BILLING CODE 8010–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] For purposes of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52515; File No. SR–NASD–2005–106]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Regarding Fees for Closed-End Funds Listing on The Nasdaq SmallCap Market

September 27, 2005.

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 August 31, 2005, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), 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 Nasdaq. 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

Nasdaq proposes to amend NASD Rules 4510 and 4520. The text of the proposed rule change is below. Proposed new language is *italicized;* proposed deletions are in [brackets].

* * * * *

4510. The Nasdaq National Market

(a)–(c) No change.

(d) Annual Fee—American Depositary Receipts (ADRs) and Closed-End Funds.

(1)–(3) No change.

(4) For the purpose of determining the total shares outstanding, fund sponsors may aggregate shares outstanding of all Closed-End Funds in the same fund family listed in The Nasdaq National Market *or The Nasdaq SmallCap Market,* as shown in the issuer's most recent periodic reports required to be filed with the appropriate regulatory authority or in more recent information held by Nasdaq. The maximum annual fee applicable to a fund family shall not exceed $75,000. For purposes of this rule, a ''fund family'' is defined as two or more Closed-End Funds that have a common investment adviser or have investment advisers who are ''affiliated persons'' as defined in Section 2(a)(3) of the Investment Company Act of 1940, as amended.

(5)–(6) No change.

(e) No change.

4520. The Nasdaq SmallCap Market

(a) Entry Fee.

(1)–(2) No change.

(3) A closed-end management investment company registered under the Investment Company Act of 1940, as amended (a ''Closed-End Fund''), that submits an application for inclusion of securities in The Nasdaq SmallCap Market shall pay to the Nasdaq Stock Market, Inc. an entry fee of $5,000 (of which $1,000 represents a non-refundable, application fee).

([3]*4*) The Board of Directors of The Nasdaq Stock Market, Inc. or its designee may, in its discretion, defer or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

waive all or any part of the entry fee prescribed herein.

([4]*5*) Total shares outstanding means the aggregate of all classes of equity securities to be included in The Nasdaq SmallCap Market as shown in the issuer's most recent periodic report or in more recent information held by Nasdaq or, in the case of new issues, as shown in the offering circular, required to be filed with the issuer's appropriate regulatory authority.

([5]*6*) An issuer that submits an application for inclusion of any class of rights in The Nasdaq SmallCap Market, shall pay, at the time of its application, a non-refundable application fee to The Nasdaq Stock Market of $1,000.

([6]*7*) The fees described in this Rule 4520(a) shall not be applicable with respect to any securities that (i) are listed on a national securities exchange but not listed on Nasdaq, or (ii) are listed on the New York Stock Exchange and Nasdaq, if the issuer of such securities transfers their listing exclusively to the Nasdaq SmallCap Market.

([7]*8*) The fees described in this Rule 4520(a) shall not be applicable to an issuer (i) whose securities are listed on the New York Stock Exchange and designated as national market securities pursuant to the plan governing New York Stock Exchange securities at the time such securities are approved for listing on Nasdaq, and (ii) that maintains such listing and designation after it lists such securities on Nasdaq.

(b) No change.

(c) Annual Fee.

(1)–(2) No change.

(3) Notwithstanding paragraph (1), a Closed-End Fund listed on The Nasdaq SmallCap Market shall pay to The Nasdaq Stock Market, Inc. an annual fee calculated based on total shares outstanding according to the following schedule:

Up to 5 million shares	*$15,000*
5+ to 10 million shares	*$17,500*
10+ to 25 million shares	*$20,000*
25+ to 50 million shares	*$22,500*
50+ to 100 million shares	*$30,000*
100+ to 250 million shares	*$50,000*
Over 250 million shares	*$75,000*

([3]*4*) The Board of Directors of The Nasdaq Stock Market, Inc. or its designee may, in its discretion, defer or waive all or any part of the annual fee prescribed herein.

([4]*5*) If a class of securities is removed from The Nasdaq SmallCap Market, that portion of the annual fees for such class of securities attributable to the months following the date of removal shall not be refunded, except such portion shall be applied to Nasdaq National Market fees for that calendar year.

([5]*6*) Total shares outstanding means the aggregate of all classes of equity securities included in The Nasdaq SmallCap Market as shown in the issuer's most recent periodic report required to be filed with the issuer's appropriate regulatory authority or in more recent information held by Nasdaq. In the case of foreign issuers, total shares outstanding shall include only those shares issued and outstanding in the United States.

(7) Notwithstanding paragraph (6), for the purpose of determining the total shares outstanding, fund sponsors may aggregate shares outstanding of all Closed-End Funds in the same fund family listed in The Nasdaq National Market and The Nasdaq SmallCap Market, as shown in the issuer's most recent periodic reports required to be filed with the appropriate regulatory authority or in more recent information held by Nasdaq. The maximum annual fee applicable to a fund family shall not exceed $75,000. For purposes of this rule, a ''fund family'' is defined as two or more Closed-End Funds that have a common investment adviser or have investment advisers who are ''affiliated persons'' as defined in Section 2(a)(3) of the Investment Company Act of 1940, as amended.

([6]*8*) In lieu of the fees described in Rule 4510(c)(1), the annual fee shall be $15,000 for each issuer (i) whose securities are listed on the New York Stock Exchange and designated as national market securities pursuant to the plan governing New York Stock Exchange securities at the time such securities are approved for listing on Nasdaq, and (ii) that maintains such listing and designation after it lists such securities on Nasdaq. Such annual fee shall be assessed on the first anniversary of the issuer's listing on Nasdaq.

(d) No change.

* * * * *

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

Currently, Closed-End Funds listing on The Nasdaq SmallCap Market (''SmallCap Market'') are required to pay entry and annual fees according to the applicable fee schedules set forth in NASD Rule 4520.[3] These entry fees range from $25,000 to $50,000 and the annual fees from $17,500 to $21,000.

Pursuant to the rule change, the entry fee for listing a Closed-End Fund on the SmallCap Market will decrease to $5,000 (of which $1,000 is a non-refundable application fee) per fund. Annual fees will be based on the total number of shares outstanding, with a minimum fee of $15,000 and a maximum fee of $75,000. For the purposes of determining the annual fee, fund sponsors will be permitted to aggregate the shares outstanding of all Closed-End Funds listed on either The Nasdaq National Market (''National Market'') or the SmallCap Market that are part of the same fund family. As a result, the annual fee may not exceed $75,000 per fund family. For the purposes of this rule, a ''fund family'' is defined as two or more Closed-End Funds that share a common investment adviser or investment advisers who are ''affiliated persons'' as defined in Section 2(a)(3) of the Investment Company Act of 1940, as amended.

Nasdaq believes there are several reasons to adopt new fees applicable to Closed-End Funds listing on the SmallCap Market. First, the new annual fee schedule would accommodate the needs of fund sponsors more effectively than the current fee schedule because sponsors often choose to issue and list multiple funds in the same family. Currently, each fund that is listed on The SmallCap Market is assessed a separate annual fee. Under the proposed rules, fund families would be permitted to aggregate shares outstanding of listed funds to determine the annual fee, subject to an annual cap of $75,000 per fund family.

Second, under the proposed rule change, funds listed on the SmallCap Market would be subject to a schedule of annual fees identical to that of funds listed on the National Market.[4] Because

[3] Closed-End Funds are evaluated for listing on the SmallCap Market under the general initial listing criteria contained in NASD Rules 4310 and 4320.

[4] Nasdaq recently adopted new listing fees for Closed-End Funds listing on the National Market. *See* Securities Exchange Act Release No. 52277

Continued

fund families would be permitted to aggregate shares outstanding across markets for the purposes of calculating the annual fee, Nasdaq believes that matching fee schedules would minimize problems that could arise if fund families listing funds on both the National Market and SmallCap Market were subject to conflicting fee schedules. Although an individual fund listing on the SmallCap Market with over 25 million total shares outstanding would be subject to an increase in annual fees under the proposed rules, Nasdaq believes the benefits of substantially lower entry fees and the ability of fund families to aggregate shares across markets outweigh the burden to funds of the limited fee increase.

Finally, in many cases where multiple funds are listed, the new fee schedule would lower fees payable by Closed-End Funds, thereby benefiting the fund investors that ultimately pay those expenses by reducing the costs associated with listing fund shares. In addition, Nasdaq believes that establishing lower fees for fund families would permit Nasdaq to compete more effectively for listings with other markets.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[5] in general, and with Section 15A(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable fees, dues, and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls. The proposed change to the entry and annual fees will apply equally to all Closed-End Funds listing on The Nasdaq SmallCap Market. Furthermore, Nasdaq believes that the proposed fees are reasonable and fall within the range of fees charged by other markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change would 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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the NYSE 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 Number SR–NASD–2005–106 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–NASD–2005–106. 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 publicly available. All submissions should refer to File Number SR–NASD–2005–106 and should be submitted on or before October 24, 2005.[7]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–5354 Filed 9–30–05; 8:45 am]

BILLING CODE 8010–01–P

(August 17, 2005), 70 FR 49347 (August 23, 2005) (SR–NASD–2005–096).

[5] 15 U.S.C. 78*o*–3.

[6] 15 U.S.C. 78*o*–3(b)(5).

[7] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5198]

60-Day Notice of Proposed Information Collection: Form DS–86, Statement of Non-Receipt of a Passport, OMB Control Number 1405–0146

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- Title of Information Collection: Statement of Non-Receipt of A Passport
- OMB Control Number: 1405–0146
- Type of Request: Extension of the currently approved collection
- Originating Office: Bureau of Consular Affairs, Department of State, Passport Services, Office of Field Operations, Field Coordination Division. CA/PPT/FO/FC.
- Form Number: DS–86
- Respondents: Individuals or Households
- Estimated Number of Respondents: 23,500
- Estimated Number of Responses: 23,500
- Average Hours Per Response: 1/12 hr. (5 min.)

• Total Estimated Burden: 2,000 hours annually
• Frequency: On occasion
• Obligation to Respond: Required to Obtain a Benefit

DATES: The Department will accept comments from the public up to 60 days from December 2, 2005.

ADDRESSES: You may submit comments by any of the following methods:
• E-mail: *Cowlishawsc@state.gov.* You must include the DS form number (if applicable), information collection title, and OMB control number in the subject line of your message.
• Mail (paper, disk, or CD-ROM submissions): Susan Cowlishaw, U.S. Department Of State, CA/PPT/FO/FC. 2100 Pennsylvania Avenue, NW., 3rd Floor/Room 3040/SA–29, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Susan Cowlishaw, U.S. Department Of State, CA/PPT/FO/FC. 2100 Pennsylvania Avenue, NW., 3rd Floor/Room 3040/SA–29, Washington, DC 20037, who may be reached on 202.261.8957 or *Cowlishawsc@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:
• Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
• Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
• Enhance the quality, utility, and clarity of the information to be collected.
• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of proposed collection:

The Statement of Non-Receipt of A Passport, Form DS–86, is used by the U.S. Department of State to collect information for the purpose of issuing a replacement passport to customers who have not received the passport for which they originally applied.

The information is used by the Department of State to ensure that no person shall bear more than one valid or potentially valid U.S. passport at any one time, except as authorized by the Department, and also aids in combating passport fraud and misuse.

Methodology:

Passport applicants who do not receive their passports are required to complete a Statement of Non-Receipt of A Passport, Form DS–86. Passport applicants can either download the form from the Internet or pick one up from an Acceptance Facility/Passport Agency. The form must be completed and signed. The form is then submitted to the Acceptance Facility/Passport Agency for passport re-issuance.

Dated: September 16, 2005.

Frank Moss,

Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 05–19748 Filed 9–30–05; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending September 9, 2005

The following Agreements were filed with the Department of Transportation under the sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2005–22408.
Date Filed: September 7, 2005.
Parties: Members of the International Air Transport Association.
Subject: Geneva, 4–8 July 2005, TC2 Europe Middle-East Resolutions, r1–r22.
Minutes: TC2 Within Middle East, Europe-Middle East (Memo 0208).
Tables: TC2 Europe-Middle East specified fare table (Memo 0104).
Intended effective date: 1 January 2006.

Docket Number: OST–2005–22412.
Date Filed: September 7, 2005.
Parties: Members of the International Air Transport Association.
Subject: TC2 Within Middle East, (Memo 0147), r1–r15
Minutes: TC2 Within Middle East, Geneva, 4–8 July 2005, (Memo 0150).
Tables: Geneva, 4–8 July 2005, TC2 Within Middle East (Memo 0054).
Technical Correction: Geneva, 4–8 July 2005, TC2 within Middle East, (Memo 0055).
Intended effective date: 1 January 2006.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 05–19701 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending September 9, 2005

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–1999–5846.

Date Filed: September 8, 2005.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 29, 2005.

Description: Supplement No. 3 of United Air Lines, Inc. to its pending application for renewal and amendment of its experimental certificate of public convenience and necessity for Route 566 (U.S.-Mexico) to include authority to carry persons, property and mail in foreign air transportation between Denver and Cozumel and between Chicago and San Jose del Cabo as well as authority to integrate this service with other services it is authorized to provide by exemptions and certificates of public convenience and necessity, pursuant to the Department's Notice dated August 23, 2005, In the Matter of Streamlining Regulatory Procedures for Licensing U.S. and Foreign Air Carriers.

Docket Number: OST–2005–22228, OST–2005–22433, OST–2005–22434, and OST–2005–22435.

Date Filed: September 9, 2005.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 30, 2005.

Description: Application of Hawaiian Airlines, Inc. requesting certificate authority from the United States to Australia and Mexico, and related integration authority as provided in the

Notice issued by the Department of Transportation on August 26, 2005

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 05–19700 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 33.4–3, Instructions for Continued Airworthiness; Aircraft Engine High Intensity Radiated Fields (HIRF) and Lightning Protection Features

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 33.4–3, Instructions for Continued Airworthiness; Aircraft Engine High Intensity Radiated Fields (HIRF) and Lightning Protection Features. This AC sets forth acceptable methods of compliance for aircraft engines with the provisions of § 33.4, Instructions for Continued Airworthiness of Title 14 of the Code of Federal Regulations (14 CFR). This AC provides guidance for developing instructions for continued airworthiness to ensure the continued airworthiness of aircraft engine HIRF and Lightning protection features.

DATES: The Engine and Propeller Directorate issued Advisory Circular 33.4–3 on September 16, 2005.

FOR FURTHER INFORMATION CONTACT: The Federal Aviation Administration, Attn: Gary Horan, Engine and Propeller Standards Staff, ANE–111, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: (781) 238–7164; fax: (781) 238–7199; e-mail: *gary.horan@faa.gov.*

We have filed in the docket all substantive comments received, and a report summarizing them. If you wish to review the docket in person, you may go to the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. If you wish to contact the above individual directly, you can use the above telephone number or e-mail address provided.

How to Obtain Copies: A paper copy of AC 33.4–3 may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC–121.23, Ardmore East Business Center, 3341 Q 75th Ave., Landover, MD 20785, telephone 301–322–5377, or by faxing your request to the warehouse at 301–386–5394. The AC will also be available on the Internet at *http://www.faa.gov/*, select ''Regulations and Policies'' then the link titled ''Advisory Circulars.''

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

Issued in Burlington, Massachusetts, on September 16, 2005.

Fran A. Favara,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 05–19598 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review, Request for Comments; Clearance of a New Information Collection Activity, Air Carriers Listing of Leading Outsource Maintenance Providers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection. The FAA will use the data from the proposed collection to target those leading outsource maintenance providers that may have a higher risk level which in turn would merit an increase of FAA surveillance.

DATES: Please submit comments by October 17, 2005.

FOR FURTHER INFORMATION CONTACT: Judith D. Street, 202–267–9895, *Judy.Street@faa.gov*, ABA–20, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Air Carriers Listing of Leading Outsource Maintenance Providers.

Type of Request: Approval for an emergency clearance of a new collection.

OMB Control Number: 2120–xxxx.

Form(s): Quarterly Outsource Maintenance Providers Utilization Report.

Affected Public: A Total of 121 Aircraft Operators.

Frequency: This information will be collected quarterly.

Estimated Average Burden Per Response: 6 minutes.

Estimated Annual Burden Hours: An estimated 48 hours annually.

Abstract: The data from this report will be used to target those leading outsource maintenance providers that may have a higher risk level which in turn would merit an increase of FAA surveillance.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: FAA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on September 27, 2005.

Judith D. Street,

FAA Information Collection Clearance Officer, Information Systems and Technology Services Staff, ABA–20.

[FR Doc. 05–19743 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–20105]

Announcement of Establishment of the Federal Motor Carrier Safety Administration Medical Review Board; Request for Nominations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of establishment of the FMCSA Medical Review Board; request for nominations.

SUMMARY: FMCSA announces the establishment of a Medical Review Board as requested by the recent passage of Safe, Accountable, Flexible, and Efficient Transportation Equity Act; A Legacy for Users (SAFETEA–LU). The Medical Review Board will provide scientific advice to The Secretary of Transportation and the Administrator of FMCSA on medical issues including the physical qualification requirements for commercial motor vehicle (CMV) operators. This announcement provides

details about the purpose and functions of the FMCSA Medical Review Board, in accordance with the Federal Advisory Committee Act (FACA). This notice also discusses the Agency's medical research priorities and solicits applications from interested physicians to serve on the Medical Review Board. The Secretary of Transportation will appoint five physicians to the Medical Review Board, and the board will begin work in fiscal year 2006.

DATES: Applications must be received by October 30, 2005. FMCSA will periodically call for applications as deemed necessary.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, Physical Qualifications Division, 202–366–4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

The physical qualification regulations for CMV drivers in interstate commerce are found in 49 CFR 391.41. Section 391.43 contains instructions to medical examiners for performing physical examinations of CMV drivers. FMCSA medical standards and guidelines are critical medical program components in accomplishing FMCSA's mission to reduce crashes, injuries, and fatalities involving large trucks and buses.

The Agency has current statutory authority under 49 U.S.C. 31502 and 31136 to determine the physical qualifications of interstate CMV drivers. Congress passed the SAFETEA–LU of 2005 (Pub. L. 109–59), Section 31149 requires FMCSA to establish the Medical Review Board to provide scientific advice on matters related to CMV driver health and safety.

II. Medical Review Board Charter [This Is the Text of the Medical Review Board Charter That DOT/FMCSA Has Filed With the General Services Administration]

(a) Purpose

This charter establishes the Federal Motor Carrier Safety Administration Medical Review Board Advisory Committee (Medical Review Board) and provides for its operation in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), DOT Order 1120.3B, and the requirements prescribed in Title 41, Code of Federal Regulations Part 102–3 and Title 49, Code of Federal Regulations, Part 95. The purpose of the FMCSA Medical Review Board is to establish a nationally recognized standing board of medical experts to provide scientific advice to FMCSA on ongoing medical issues, including identification of appropriate physical qualifications of commercial motor vehicle drivers, medical standards and guidelines, educational curriculum for training medical examiners who certify drivers meet the physical qualification standards, and functional tests for drivers with certain disabilities. The Medical Review Board will be charged initially with the review of all current FMCSA medical standards, as well as proposing new science-based standards and guidelines to ensure that drivers operating CMVs in interstate commerce, as defined in 49 CFR 390.5, are physically capable of doing so.

(b) Scope

The FMCSA Medical Review Board provides information, advice and recommendations to the Secretary of Transportation and the Administrator of FMCSA on matters relating to all aspects of development and implementation of science-based physical qualification standards applicable to interstate CMV drivers. The Medical Review Board does not hold regulatory development responsibilities, manage programs or make decisions affecting such programs. The Medical Review Board provides a forum for the development, consideration, and communication of information from a knowledgeable, scientific perspective.

(c) Objectives and Duties

Consistent with the scope of activities described above, the Medical Review Board is authorized to:

1. Undertake such information gathering activities as necessary to define issues for consideration by the Medical Review Board, develop positions on those issues, and communicate the Medical Review Board's position thereon to the Secretary of Transportation and the Administrator of FMCSA;
2. Provide FMCSA with ongoing medical expertise to shape decisions about the health and wellness of CMV drivers, including physical qualifications, medical advisory criteria and safety research;
3. Advise FMCSA on the development of uniform driver physical qualification (medical) standards and CMV driver health and wellness;
4. Advise FMCSA on the development of scientific guidelines, criteria, and procedures to facilitate implementation of the physical qualification standards by qualified medical examiners;
5. Provide advice and recommendations for the development of a functional capacity test for individuals with certain impairments;
6. Provide advice on conduct and conclusions of FMCSA medical research and on policies or issues related to CMV driver physical qualifications standards; and
7. Provide advice and recommendations for the establishment and maintenance of medical examiner training and certification processes.

(d) Designated Federal Officer and Sponsor

The Designated Federal Officer (DFO) for this advisory committee and its subcommittees is the Associate Administrator, Policy and Program Development, or his or her designee. The Committee sponsor is the Director, Office of Bus and Truck Standards and Operations, or his or her designee. FMCSA's Office of Bus and Truck Standards and Operations shall furnish support services for the operation of the Medical Review Board. The DFO shall designate the facilitator of the Medical Review Board, who shall be an FMCSA employee.

(e) Membership

The Medical Review Board shall be composed of 5 non-Federal Government employee members, each of whom shall be appointed by the Secretary of Transportation upon the recommendation of the Administrator of FMCSA. The members serve in a representative capacity, and are not special government employees. Criteria for appointment include: Medical expertise in a medical specialty, an understanding of research methods, knowledge of transportation medical issues, experience on panels that develop medical standards, a record of scientific collaboration and professional service, and experience developing teaching programs. Medical specialties include, but will not be limited to, Cardiovascular and Cerebrovascular Diseases, Endocrine Diseases, Injury, Medicolegal Issues, Neurological Disorders, and Psychiatric Diseases. The facilitator acts as chairperson and impartial mediator to assist in reconciling opposing interests and points of view among committee members.

(f) Appointments

Each member shall be appointed for a two-year term, with each member eligible for reappointment, based on FMCSA's needs and any medical

standards research in progress at the time. After the first two years, the terms shall be staggered, with three positions expiring after one year (subject to a two year renewal) and two positions expiring after two years (subject to a two year renewal). The Medical Review Board will operate continuously with 5 active members. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve out the predecessor's term. Notwithstanding the above, the Secretary or his or her designee may terminate a member at his or her discretion.

(g) Meetings

The DFO anticipates calling Medical Review Board meetings at least three times each fiscal year (excluding the initial year). The agenda for all meetings shall be set by the DFO. The following procedures shall govern the conduct of all FMCSA Medical Review Board meetings:

Meetings shall be open to the general public, except as provided under FACA. Interested persons shall be permitted to attend, appear before, or file statements with the Medical Review Board, as practicable.

Notice of each meeting shall be published in the **Federal Register** at least 15 calendar days prior to the date of the meeting. Notice shall include the agenda.

The DFO or designee shall attend and preside at each meeting.

The DFO or designee shall adjourn any meeting when he or she determines it to be in the public interest.

Detailed minutes of each meeting shall be certified by the DFO and maintained by the sponsor. The minutes shall contain:

1. The date, time, and place of the meeting;
2. A record of all attendees at the meeting;
3. A complete and accurate description of all matters discussed and conclusions reached;
4. Copies of all reports received, issued, or approved by the Committee; and
5. A description of public participation, including oral or written statements.

The minutes, as certified, shall be available for public inspection and copying in the office of the sponsor. Public availability of minutes or other documents received or generated by the Committee are subject to applicable limitations and exceptions prescribed in the Freedom of Information Act (5 U.S.C. 552).

(h) Travel and Expenses

Committee members are not officers or employees of the Federal Government and, while attending meetings or otherwise engaged in the business of the Committee, are authorized travel and subsistence or per diem allowances (as appropriate) in accordance with Federal Government regulations. All travel by individual members when engaged in official Committee business shall be approved in advance by the DFO, and arranged and funded by the sponsor.

(i) Estimated Cost and Support

The estimated annual direct operating cost of the Medical Review Board is $96,596.00, which includes travel and subsistence costs of members, printing and miscellaneous costs. The amount of person hours to support the Medical Review Board is an estimated 5,200 per year.

(j) Report to the Secretary

Within 90 days following the last meeting of each fiscal year, the DFO shall submit to the Secretary and the FMCSA Administrator an annual report describing the Committee's membership, activities, and accomplishments for the past calendar year. The DFO shall provide the Secretary and FMCSA Administrator with any interim reports as requested. The DFO may direct the committee to prepare these and any other reports.

(k) Effective Date

The charter was filed on September 20, 2005. The Medical Review Board will terminate two years after this date unless prior to that time the charter is extended in accordance with FACA and other applicable requirements.

III. Research Decision Model

The prioritization of FMCSA medical standards review and development work will be based on a scientific grid analysis model. This decision model scores the relevance of a selected medical standard or guideline (or absence of standard or guideline) using five factors. These five factors, calculated using a weighted calculation method, are: Crash risk (direct measurable risk for CMV crash); Departmental and Agency priorities (e.g., legal requirement); age of guidelines; adequacy of guidance (for selected medical topic); and epidemiologic prevalence in general population (or in CMV driver population if available).

The Agency has developed the initial schedule for medical standards and guidelines review and development, and will direct the Medical Review Board to evaluate the review and development schedule on a semi-annual basis. These scientific reviews will be comprehensive or expedited. Preliminary schedule of medical research topics, based on the research decision model, follows:

Quarter 1 2006—Drug/Alcohol (comprehensive); Diabetes Mellitus (expedited)

Quarter 2 2006—Sleep; Neurology (comprehensive); Cardiovascular (expedited)

Quarter 3 2006—Musculoskeletal (comprehensive); Vision (expedited)

Quarter 4 2006—Psychiatry; Renal (comprehensive); Infectious Disease (expedited)

Quarter 1 2007—Injury (comprehensive); Hearing; Post Surgical (expedited)

Quarter 2 2007—Medicolegal; Pulmonary comprehensive)

The decision model details and schedule of research activities will be made available to the public, in accordance with FACA.

IV. Request for Applications

FMCSA seeks physicians from many different medical specialties to develop science-based CMV physical qualification standards, medical advisory criteria and safety policies. As members of the Agency's first Medical Review Board, physicians will provide expert guidance on medical guidelines and standards. The Agency is committed to appointing physicians with diverse professional backgrounds, as well as a broad array of gender, ethnicity, demographic and socioeconomic factors. To be eligible for appointment, physicians must have a current U.S. medical license and current board certification in a specialty area directly related to medical certification requirements, be able to attend three to four meetings a year in Washington, DC and via teleconference, and spend approximately five hours per month providing additional consultation. Interested physicians should have a commitment to transportation safety and health, an understanding of research methods, knowledge of transportation medical issues, experience on panels that develop medical standards, a record of collaboration and professional service, and experience developing teaching programs. For application information, please contact Laurie Conly at 571–633–0152, or via e-mail at *contactmrb@fmcsa.dot.gov.* FMCSA will accept applications through October 30, 2005, and will periodically call for

applications as the Medical Review Board work continues.

V. Conclusion

The Department and the Agency are committed to making our Nation's highways safer by ensuring CMVs are being operated by medically qualified drivers.

Issued on: September 27, 2005.

Warren E. Hoemann,

Deputy Administrator.

[FR Doc. 05–19726 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favour of relief.

Eureka & Palisade Railroad—Locomotive Number 4

[Docket Number FRA–2005–21966]

The Eureka & Palisade Railroad (EPR), a three-foot gage insular railroad, seeks a waiver of compliance from the requirements of Title 49 Code of Federal Regulations (CFR) § 230.17 One thousand four hundred seventy-two (1472) service day inspection for their locomotive number (EPR) 4. This locomotive was built by the Baldwin Locomotive Works, Philadelphia, Pennsylvania in 1875, and is one of only three remaining narrow gage ''American'' type (with a wheel arrangement of 4–4–0) steam locomotives. The others are in the Smithsonian Institute in Washington, DC (Jupiter) and the California State Railroad Museum (Sonoma). The Eureka is the only one operational.

The EPR is not engaged in general railroad transportation, providing only railroad tourist excursions on a limited schedule. The Eureka is normally on static display with limited operations on railroads, such as the Durango & Silverton Narrow Gage Railroad for special events such as their ''Railfest''.

This waiver requests relief from the requirements of 49 CFR part 230 Inspection and Maintenance Standards for Steam Locomotives, specifically 49 CFR 230.17(a) General. FRA requires that before any steam locomotive is initially put in service or brought out of retirement, and after every 1472 service days or 15 years, which ever is earlier, a 1472 Service day inspection shall be performed. In the Eureka's case, only 126 service days have accumulated over the past 15 years, as the locomotive is only used one or two weeks per year. The locomotive is given the required annual inspections, stored in side a building, with the washout plugs removed to promote airflow and mitigate rust and wastage. The required new FRA Form 4 (boiler specification) was prepared, and is on file with the FRA. The thickness of the sheets was verified using non-destructive inspection methods, and a new front tube sheet was installed, with other minor repairs, at the time the tubes were installed.

In summary, the EPR requests that this petition be granted because the tubes have very little service time, the number 4's dry indoor storage conditions are nearly ideal for locomotive storage, and the financial burden on the individual that owns the locomotive to perform 1472 Service day inspection on a locomotive with only 126 service days since a major overhaul.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA–2005–21966) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room Pl–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room Pl–401 (Plaza Level), 400 Seventh Street SW., Washington. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19377–78). The statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC. on September 27, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05–19736 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–22554; Notice 1]

Michelin North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Michelin North America, Inc. (Michelin) has determined that certain tires it produced in 2005 do not comply with S4.3(d) and S4.3(e) of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, ''New pneumatic tires.'' Michelin has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.''

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Michelin has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Michelin's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Michelin produced approximately 9,816 BFGoodrich Radial T/A tires during the period from February 20, 2005 through April 7, 2005 that do not comply with FMVSS No. 109, S4.3(d) and S4.3(e). S4.3 of FMVSS No. 109 requires that ''each tire shall have permanently molded into or onto both sidewalls * * * (d) The generic name of each cord material used in the plies * * * of the tire'' and ''(e) Actual number of plies in the sidewall, and the actual number of plies in the tread area if different.'' The noncompliant tires

were marked ''tread plies 2 polyester + 2 steel; sidewall plies 2 polyester + 1 nylon.'' The correct marking should read ''tread plies 2 polyester + 2 steel + 1 nylon; sidewall plies 2 polyester.''

Michelin believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Michelin states that NHTSA has consistently found that ply labeling noncompliances are inconsequential to motor vehicle safety and has consistently granted inconsequential noncompliance petitions on that basis. Michelin also states that all load and inflation pressure markings are present and the noncompliant tires meet or exceed all of the FMVSS No. 109 minimum performance requirements.

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL–401, 400 Seventh Street, SW., Washington, DC, 20590–0001. Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at *http://dms.dot.gov.* Click on ''Help'' to obtain instructions for filing the document electronically. Comments may be faxed to 1–202–493–2251, or may be submitted to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: November 2, 2005.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at CFR 1.50 and 501.8.

Issued on: September 27, 2005.

Ronald L. Medford,

Senior Associate Administrator for Vehicle Safety.

[FR Doc. 05–19667 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 26, 2005.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before November 2, 2005 to be assured of consideration.

United States Mint

OMB Number: 1505–0195.

Type of Review: Revision.

Title: Race and National Origin Identification.

Form: Department of Treasury form TDF 35–08.

Description: This form will be used to collect applicant race and national origin information electronically. The data will be used to help Treasury Bureaus identify barriers to selection and determine the demographics of the overall applicant pool.

Respondents: Individuals and households.

Estimated Number of Respondents: 160,000.

Estimated Total Reporting Burden: 8,000 hours.

Clearance Officer: Tracey Orrison (202) 622–0814, Department of the Treasury, 1750 Pennsylvania Avenue, NW., Suite 13446, Washington, DC 20220.

OMB Reviewer: Alexander T. Hunt (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. 05–19668 Filed 9–30–05; 8:45 am]

BILLING CODE 4811–16–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 26, 2005.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before November 2, 2005 after publication in the **Federal Register** to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0238.

Type of Review: Extension.

Title: Certain Gambling Winnings.

Form: IRS form W–2G.

Description: IRC section 6041 requires payers of certain gambling winnings to report them to IRS. If applicable, section 3402(g) and section 3406 requires tax withholding on these winnings. IRS uses the information to ensure taxpayer income reporting compliance.

Respondents: Business or other for-profit, not-for-profit institutions, State, Local or Tribal Government.

Estimated Total Burden Hours: 1,272,479 hours.

OMB Number: 1545–0928.

Type of Review: Extension.

Title: REG–124667–02 (Final) Disclosure of Relative Values of Optional Forms of Benefit; EE–35–85 (Final) Income Tax: Taxable Years Beginning after December 31, 1953; OMB Control Number Under the Paperwork Reduction Act; Survivor Benefits, Distribution Restriction and Various Other Issues Under the Retirement Equity Act of 1984.

Description: These final regulations are required my statute and must be provided by employers to retirement plan participants to inform participants of their rights under the plan or under the law. Failure to timely notify participant of their rights may be result in loss of plan benefits.

Respondents: Business or other for profit, not-for-profit institutions.

Estimated Total Burden Hours: 385,000 hours.

OMB Number: 1545–1424.

Type of Review: Extension.

Title: Cancellation of Debt.

Form: IRS form1099–C.

Description: Form 1099–C is used for reporting canceled debt, as required by section 6050P of the Internal Revenue Code. It is used to verify that debtors are correctly reporting their income.

Respondents: Business or other for-profit, Not-for-profit institutions and Federal Government.

Estimated Total Burden Hours: 110,159 hours.

OMB Number: 1545–1492.

Type of Review: Extension

Title: Request for Closing Agreement Relating to Advance Refunding Issue Under Section 148 and 7121 and Revenue Procedure 96–41.

Form: IRS form 10001.

Description: Form 10001 is used in conjunction with a closing agreement program involving certain issuers of tax-exempt advance refunding bonds. Revenue Procedures 96–41 established this voluntary compliance program and prescribed the filing of Form 10001 to request a closing agreement.

Respondents: Not-for-profit institutions, State, Local or Tribal Government.

Estimated Total Burden Hours: 300 hours.

OMB Number: 1545–1150.

Type of Review: Extension.

Title: Short Form Return of Organization Exempt From Income Tax.

Form: IRS from 990–EZ.

Description: Form 990–EZ is needed to determine that IRS section 501(a) tax-exempt organizations fulfill the operating conditions with in the limitations of their tax exemption. IRS uses the information from this form to determine if the filers are operating within the rules of their exemption.

Respondents: Not-for-profit institutions.

Estimated Total Burden Hours: 7,005,220 hours.

Clearance Officer: Glenn P. Kirkland (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. 05–19669 Filed 9–30–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Proposed Collection; Comment Request

September 27, 2005.

The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Currently, the Office of the Procurement Executive within the Department of the Treasury is soliciting comments concerning the OMB Control Number 1505–0080, Post-Contract Award Information. Comments regarding this information collection should be addressed to the Treasury Department Clearance Officer, Department of the Treasury, Office of the Procurement Executive, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, (202) 622–6760.

DATES: Written comments should be received on or before December 2, 2005 to be assured of consideration.

Departmental Offices (DO)

OMB Number: 1505–0080.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Title: Post-Contract Award Information.

Description: This notice provides a request to continue including the designated OMB Control Number on information requested from contractors. The information requested is specific to each contract, and is required for Treasury to evaluate properly the progress made and/or management controls used by contractors providing supplies or services to the Government and to determine contractors' compliance with the contracts, in order to protect the Government's interest.

Current Actions: There are no changes being made to the notice at this time.

Respondents: Businesses and individuals contracting with the Department of the Treasury.

Estimated Number of Respondents: 3,414.

Estimated Average Time Per Respondent: 14 hours.

Estimated Total Burden Hours: 47,796.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchases of services to provide information.

Clearance Officer: Jean Carter (202) 622–6760, Department of the Treasury, Office of the Procurement Executive, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, *jean.carter@do.treas.gov.*

Thomas A. Sharpe, Jr.,

Senior Procurement Executive and Deputy Chief Acquisition Officer, U.S. Department of the Treasury.

[FR Doc. 05–19682 Filed 9–30–05; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Proposed Collection; Comment Request

September 27, 2005.

The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Currently, the Office of the Procurement Executive within the Department of the Treasury is soliciting comments concerning the OMB Control Number 1505–0081, Solicitation of Proposal Information for Award of Public Contracts. Comments regarding this information collection should be addressed to the Treasury Department Clearance Officer, Department of the Treasury, Office of the Procurement Executive, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, (202) 622–6760.

Dates: Written comments should be received on or before December 2, 2005 to be assured of consideration.

Departmental Offices (DO)

OMB Number: 1505–0081.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Title: Solicitation of Proposal Information for Award of Public Contracts.

Description: This notice provides a request to continue including the designated OMB Control Number on information requested from prospective contractors. The information requested is specific to each acquisition solicitation, and is required for Treasury to evaluate properly the capabilities and experiences of potential contractors who desire to provide the supplies and/or services to be acquired. Evaluation will be used to determine which proposals most benefit the Government.

Current Actions: There are no changes being made to the notice at this time.

Respondents: Businesses and individuals seeking contracting opportunities with the Department of the Treasury.

Estimated Number of Respondents: 14,172.

Estimated Average Time Per Respondent: 29 hours.

Estimated Total Burden Hours: 410,988.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchases of services to provide information.

Clearance Officer: Jean Carter (202) 622–6760, Department of the Treasury, Office of the Procurement Executive, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, *jean.carter@do.treas.gov.*

Thomas A. Sharpe, Jr.,

Senior Procurement Executive and Deputy Chief Acquisition Officer, U.S. Department of the Treasury.

[FR Doc. 05–19687 Filed 9–30–05; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Public Meeting of the President's Advisory Panel on Federal Tax Reform

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice advises all interested persons of a public meeting of the President's Advisory Panel on Federal Tax Reform.

DATES: The meeting will be held on Tuesday, October 11, 2005, and will begin at 11 a.m.

ADDRESSES: The meeting will be held at the Renaissance Washington, DC Hotel, 999 Ninth Street, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: The Panel staff at (202) 927–2TAX (927–2829) (not a toll-free call) or e-mail *info@taxreformpanel.gov* (please do not send comments to this box). Additional information is available at *http://www.taxreformpanel.gov*.

SUPPLEMENTARY INFORMATION: *Purpose:* The October 11 meeting is the eleventh meeting of the Advisory Panel. Due to exceptional circumstances concerning scheduling, this Notice is being published at this time. At this meeting, the Panel will continue to discuss issues associated with reform of the tax code.

Comments: Interested parties are invited to attend the meeting; however, no public comments will be heard at the meeting. Any written comments with respect to this meeting may be mailed to The President's Advisory Panel on Federal Tax Reform,1440 New York Avenue, NW., Suite 2100, Washington, DC 20220. All written comments will be made available to the public.

Records: Records are being kept of Advisory Panel proceedings and will be available at the Internal Revenue Service's FOIA Reading Room at 1111 Constitution Avenue, NW., Room 1621, Washington, DC 20024. The Reading Room is open to the public from 9 a.m. to 4 p.m., Monday through Friday except holidays. The public entrance to the reading room is on Pennsylvania Avenue between 10th and 12th streets. The phone number is (202) 622–5164 (not a toll-free number). Advisory Panel documents, including meeting announcements, agendas, and minutes, will also be available on *http://www.taxreformpanel.gov*.

Dated: September 29, 2005.

Mark S. Kaizen,

Designated Federal Officer.

[FR Doc. 05–19847 Filed 9–30–05; 8:45 am]

BILLING CODE 4811–33–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0609]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to this notice. This notice solicits comments for information needed to survey veteran enrollees' health status and reliance on VA's health care services.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 2, 2005.

ADDRESSES: Submit written comments on the collection of information to Ann Bickoff, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *ann.bickoff@hq.med.va.gov.* Please refer to ''OMB Control No. 2900–0609'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann W. Bickoff at (202) 273–8310 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden 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 through the use of automated collection techniques or the use of other forms of information technology.

Title: Survey of Veteran Enrollees' Health and Reliance Upon VA, VA Form 10–21034g.

OMB Control Number: 2900–0609.

Type of Review: Extension of a currently approved collection.

Abstract: Public Law 104–262, The Veterans Health Care Eligibility Reform Act of 1996, requires VA implement a priority-based enrollment system. VA must enroll veterans by specified priorities as far down the priorities as the available resources permit. The number of priority levels to which VHA will be able to deliver care will be a function of annual funding levels and utilization of health care services by enrollees. Additionally, eligibility reform has brought about the ever-increasing need for VA to plan and budget for the evolving clinical care needs of its extremely dynamic enrollee population at risk of need or use of VA care.

There is no valid, recent information available in administrative databases on all enrollees' health status, income, and their reliance upon the VA system. The magnitude of changes each year in enrollees, their characteristics, and system policies make annual surveys necessary to capture this critical information for input into VHA's Health Care Services Demand Model. The survey will provide VA with current information for sound decisions that affect the entire VA health care delivery system and the veterans it serves. VA Form 10–21034g will be used to provide the survey data on morbidity and reliance that is critical to obtaining accurate projections of VA's ability to service veterans who are seeking VA health care services. The projections will also be used to support VA's Capital Asset Realignment for Enhanced Services initiative and will also served as the basis for VA's new emphasis on population-based budget formulation, policy scenario testing, and strategic planning.

Affected Public: Individuals or Households.

Estimated Annual Burden: 10,500 hours.

Estimated Average Burden Per Respondent: 12 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 42,000.

Dated: September 21, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. 05–19651 Filed 9–30–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0630]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information used by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a claimant's eligibility for temporary lodging while undergoing extensive treatment or procedures.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 2, 2005.

ADDRESSES: Submit written comments on the collection of information to Ann Bickoff, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *ann.bickoff@hq.med.va.gov*. Please refer to ''OMB Control No. 2900–0630'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann Bickoff at (202) 273–8310.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub.L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden 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 through the use of automated collection techniques or the use of other forms of information technology.

Title: Regulation on Application for Fisher Houses and Other Temporary Lodging and VHA Fisher House Application, VA Form 10–0408.

OMB Control Number: 2900–0630.

Type of Review: Extension of a currently approved collection.

Abstract: VA provides temporary lodging to veterans receiving VA medical care or Compensation and Pension examinations and to family members or other persons accompanying the veteran. Application for temporary lodging may be by letter, telephone, e-mail, facsimile or in person at the VA healthcare facility of jurisdiction. VA Form 10–0408 is use to collect data during the application process to determine the claimant's eligibility for temporary lodging. Temporary lodging services are provided on a first come, first served basis.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 83,333 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 250,000.

Estimated Total Annual Responses: 500,000.

Dated: September 19, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. 05–19652 Filed 9–30–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0119]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521) this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 2, 2005.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–6950 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0119.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0119'' in any correspondence.

SUPPLEMENTARY INFORMATION: *Title:* Report of Treatment in Hospital, VA FL 29–551.

OMB Control Number: 2900–0119.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form Letter 29–551 is used collect information from hospitals were a claimant's was treated. VA uses the data to determine the insured's eligibility for disability insurance benefits.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 15, 2005 at page 7796.

Affected Public: Individuals or households.

Estimated Annual Burden: 4,055 hours.

Estimated Average Burden Per Respondent: 12 minutes.

Frequency of Response: On Occasion.

Estimated Number of Respondents: 20,277.

Dated: September 20, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. 05–19653 Filed 9–30–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0408]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 2, 2005.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374 or FAX (202) 565–5950 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0408.''

Send comments and recommendations concerning any aspect of the information collection to VA's Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0408'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Titles:

a. Manufactured Home Loan Claim Loan Guaranty (Manufactured Home Unit Only), (Section 3720, Chapter 37, Title 38 U.S.C.), VA Form 26–8629.

b. Manufactured Home Loan Claim Under Loan Guaranty (Manufactured Home Unit and Lot or Lot Only), (Section 3712, Chapter 37, Title 38 U.S.C.), VA Form 26–8630.

OMB Control Number: 2900–0408.

Type of Review: Extension of a currently approved collection.

Abstract: Holders of foreclosed VA guaranteed manufactured home unit and guaranteed combination manufactured home complete VA Forms 26–8629 and 26–8630 as a prerequisite payment of claims. The holder record accrued interest, various expenses of liquidation and claim balance on the forms to determine the amount claimed and submit with supporting documentation to VA. VA uses the data to determine the proper claim payment due to the holder.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 13, 2005 at page 19557.

Affected Public: Business or other for-profit and Individuals or households.

Estimated Annual Burden: 36 hours.

a. Manufactured Home Loan Claim Loan Guaranty (Manufactured Home Unit Only), (Section 3720, Chapter 37, Title 38 U.S.C.), VA Form 26–8629—33 hours.

b. Manufactured Home Loan Claim Under Loan Guaranty (Manufactured Home Unit and Lot or Lot Only), (Section 3712, Chapter 37, Title 38 U.S.C.), VA Form 26–8630—3 hours.

Estimated Average Burden Per Respondent:

a. Manufactured Home Loan Claim Loan Guaranty (Manufactured Home Unit Only), (Section 3720, Chapter 37, Title 38 U.S.C.), VA Form 26–8629—20 minutes.

b. Manufactured Home Loan Claim Under Loan Guaranty (Manufactured Home Unit and Lot or Lot Only), (Section 3712, Chapter 37, Title 38 U.S.C.), VA Form 26–8630—20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 110.

Dated: September 19, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. 05–19654 Filed 9–30–05; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 70, No. 190

Monday, October 3, 2005

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.

DEPARTMENT OF THE TREASURY

Fiscal Service

Guidance on Cashing and Accepting for Deposit Federal Emergency Management Agency (FEMA) Disaster Assistance Checks and Government Benefit Checks Issued by the U.S. Treasury; Hurricane Katrina

Correction

In notice document 05–18968 appearing on page 55224 in the issue of Tuesday, September 20, 2005, make the following correction:

In the third column, in the fifth line from the top, ''prudent to'' should read ''prudent efforts to''.

[FR Doc. C5–18968 Filed 9–30–05; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
October 3, 2005

Part II

Department of Housing and Urban Development

Final Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program for Fiscal Year 2006; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4995–N–03]

Final Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program for Fiscal Year 2006

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Final Fair Market Rents (FMRs) for Fiscal Year 2006.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 (USHA) requires the Secretary to publish FMRs periodically, but not less than annually, adjusted to be effective on October 1 of each year. The primary uses of FMRs are to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serve as a rent ceiling in the HOME rental assistance program. Today's notice provides final FY2006 FMRs for all areas that reflect the estimated 40th and 50th percentile rent levels trended to April 1, 2006. Today's notice, however, does not include final determinations on 50th percentile rent levels, as proposed in HUD's notice published on August 25, 2005. The 30-day public comment period on that notice ended September 26, 2005, and HUD is evaluating the public comments. A notice that provides final determinations on 50th percentile FMRs will be issued subsequently, and as further discussed in Section VII of this notice.

This notice also invokes the Secretary's authority to waive regulatory requirements for exception FMRs in areas affected by Hurricane Katrina and by displacement of residents of the affected area.

DATES: The FMRs published in this notice are effective on October 1, 2005.

FOR FURTHER INFORMATION CONTACT: For technical information on the methodology used to develop FMRs or a listing of all FMRs, please call the HUD USER information line at (800) 245–2691 or access the information on the HUD Web site, *http://www.huduser.org/datasets/fmr.html.* FMRs are listed at the 40th or 50th percentile in Schedule B. For informational purposes, a table of 40th percentile recent mover rents for those areas currently at the 50th percentile FMRs will be provided on the same Web site noted above. Any questions related to use of FMRs or voucher payment standards should be directed to the respective local HUD program staff. Questions on how to conduct FMR surveys or further methodological explanations may be addressed to Marie L. Lihn or Lynn A. Rodgers, Economic and Market Analysis Division, Office of Economic Affairs, Office of Policy Development and Research, telephone (202) 708–0590. Questions about disaster-related FMR exceptions should be referred to the respective local HUD office. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339. (Other than the HUD USER information line and TTY numbers, telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Background

Section 8 of the U.S. Housing Act of 1937 (USHA) (42 U.S.C. 1437f) authorizes housing assistance to aid lower-income families in renting safe and decent housing. Housing assistance payments are limited by FMRs established by HUD for different areas. In the Housing Choice Voucher program, the FMR is the basis for determining the ''payment standard amount'' used to calculate the maximum monthly subsidy for an assisted family (see 24 CFR 982.503). In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities. In addition, all rents subsidized under the Housing Choice Voucher program must meet reasonable rent standards. The final FY2006 FMRs are the first to be calculated using the revised Office of Management and Budget (OMB) statistical area definitions that were issued in 2003. The new definitions are county-based.

Electronic Data Availability: This **Federal Register** notice is available electronically from the HUD news page: *http://www.hudclips.org.* **Federal Register** notices also are available electronically from the U.S. Government Printing Office Web site: *http://www.gpoaccess.gov/fr/index.html.* Information on how FMRs are determined, including detailed calculations, is available at: *http://www.huduser.org/fmr/fmr.html.*

II. Procedures for the Development of FMRs

Section 8(c) of the USHA requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. Section 8(c) states in part as follows:

> Proposed fair market rentals for an area shall be published in the **Federal Register** with reasonable time for public comment and shall become effective upon the date of publication in final form in the **Federal Register.** Each fair market rental in effect under this subsection shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply, of rents for existing or newly constructed rental dwelling units, as the case may be, of various sizes and types in this section.

The Department's regulations at 24 CFR part 888 provide that HUD will develop proposed FMRs, publish them for public comment, provide a public comment period of at least 30 days, analyze the comments, and publish final FMRs. (See 24 CFR 888.115.) Final FY2006 FMRs are published on or before October 1, 2005, as required by section 8(c)(1) of the USHA.

III. Proposed FY2006 FMRs

On June 2, 2005 (70 FR 32402), HUD published proposed FY2006 FMRs. In the proposed FY2006 FMRs notice, HUD advised that the assessment, as directed by HUD's regulations, on eligibility or ineligibility for 50th percentile FMRs would be addressed by a subsequent notice. The subsequent notice on 50th percentile FMRs was published on August 25, 2005, and is further discussed in Section VII of this notice.

As noted in the preamble to the proposed FMRs, the FMRs for FY2006 were based on a change in metropolitan area definitions. HUD is using the county-based statistical areas as defined by OMB, with some modifications. The only modifications made are to permit OMB-defined metropolitan areas to be divided into more than one FMR area when necessary to minimize changes in FMRs due solely to the use of the new definitions. All proposed metropolitan FMR areas consist of areas within new OMB metropolitan areas. In general, any parts of old metropolitan areas, or formerly nonmetropolitan counties, that would have more than a 5 percent increase or decrease in their FMRs as a result of implementing the new OMB metropolitan definitions are defined as separate FMR areas.

During the comment period, which ended August 1, 2005, HUD received 58 public comments on the proposed

FY2006 FMRs. Over one-half of the comments concerned the changes in FMRs as a result of using the new OMB metropolitan definitions. Other comments opposed reductions in their FMRs as a result of recent Random Digit Dialing (RDD) surveys. Low FMRs were cited as a reason for program difficulties. Most of the public comments received lacked the data needed to support FMR changes. The comments received are discussed in more detail later in this notice.

All RDD results are being implemented with the exception of the reduction for New Orleans. This area experienced such massive losses to its rental housing inventory that the survey results are no longer valid.

IV. FMR Methodology

As detailed in the June 2, 2005, notice, the FY2006 FMRs are based on current OMB metropolitan area definitions. These definitions have the advantages that they are based on more current (2000 Census) data, use a more relevant commuting interchange, and generally provide a better measure of current housing market relationships. HUD had three objectives in defining FMR areas for FY2006: (1) To incorporate new OMB metropolitan area definitions so the FMR estimation system can employ new data collected using those definitions; (2) to better reflect current housing markets; and (3) to minimize the number of large changes in FMRs due to use of the new OMB definitions. The proposed FMR area definitions were developed to achieve these objectives as follows:

- FMRs were calculated for each of the new OMB metropolitan areas using 2000 Census data.
- Subparts of any of the new areas that had separate FMRs under the old OMB definitions were identified, and 2000 Census Base Rents for these subparts were calculated. Only the subparts within the new OMB metropolitan area were included in this calculation (e.g., counties that had been excluded from the new OMB metropolitan area were not included).
- Metropolitan subparts of new areas that had previously had separate FMRs were assigned their own FMRs if their 2000 Census Base Rents differed by more than 5 percent from the new OMB area 2000 Census Base Rent.
- Formerly metro counties removed from metro areas get their own FMRs.
- Proposed FY2006 FMRs were calculated using the same information used to compute FY2005 Final FMRs plus additional update factors.

A. Data Sources

FY2005 and FY2006 FMRs for most areas were based on 2000 Census data updated with more current survey data. At HUD's request, the Census Bureau prepared a special publicly releasable Census file that permits almost exact replication of HUD's 2000 Base Rent calculations except for areas with few rental units. This data set is located on HUD's HUDUSER Web site at: *http://www.huduser.org/datasets/fmr/CensusRentData/.* The area-specific data and computations used to calculate final FY2006 FMRs and FMR area definitions can be found at *http://www.huduser.org/datasets/fmr/fmrs/.*

B. FMR Updates From 2005 to 2006

The 2000 to 2005 update factors in the Revised Final FY2005 FMRs, published February 28, 2005 (70 FR 9778), are used to update the metropolitan area to the new OMB definition, as modified by HUD. All new FMR areas that are part of a new metropolitan area are updated with the same 2005-to-2006 metropolitan area update factor, except where RDDs were performed at the subarea level.

Specifically, local Consumer Price Index (CPI) data is used to move rents from the end of 2003 to the end of 2004 and the same 15-month trending factor is then applied. Regional RDD surveys were used to provide update factors for areas without local CPI estimates. Regional RDDs, however, were not conducted in 2004 in anticipation of the arrival of American Community Survey (ACS) data. Data from the 2004 ACS was not available in time for inclusion in the final FY2006 FMR publication. Therefore, for proposed FY2006 FMRs, census region CPI data for Class B and C size cities is being used to update areas without local CPI update factors. Once full-scale ACS data collections start to become available in the latter part of 2006, sample sizes will be large enough to estimate FMRs for the larger metropolitan areas on an annual basis and for other areas on a two-to four-year basis.

C. Additional RDD Surveys and Other Data

RDDs covering 18 additional areas were conducted by HUD in the July-August 2005 period and completed in time for use in this publication. In addition, one PHA survey was submitted. The first column of the following table identifies the RDD survey area. The second column shows the proposed FY2006 FMR as published on June 2, 2005. The third column shows the final FY2006 FMR. The fourth column shows whether or not the RDD results were statistically different enough to justify replacing the updated Census or other survey estimates with the RDD results. The survey results were as follows:

TABLE 1.—RESULTS OF RECENT RDD RENT SURVEYS

Area surveyed	Proposed FY2006 FMR	Final FY2006 FMR	RDD result
New Bedford, MA HMFA	694	753	Increase.
Taunton-Mansfield-Norton, MA HMFA	940	992	Increase.
Providence-Fall River, RI-MA HMFA	891	965	No Change.*
Davidson County, NC	543	543	No Change.
Lincoln County, NC	549	549	No Change.
Rowan County, NC	564	593	Increase.
Aguadilla, PR HMFA	321	352	Increase.*
Fajardo, PR MSA	403	403	No Change.
Arroyo-Patillas, PR HMFA	312	352	No Change.*
Mayaguez, PR MSA	400	400	No Change.
Ponce, PR MSA	349	423	Increase.
San German-Cabo Rojo, PR MSA	364	364	No Change.
San Juan Guaynabo, PR HMFA	403	403	No Change.
Arecibo, PR HMFA	330	352	No Change.*
Caguas, PR HMFA	362	362	No Change.
Barranquitas-Aibonito-Quebradillas, PR HMFA	324	352	No Change.*
Yauco, PR	349	352	No Change.*

TABLE 1.—RESULTS OF RECENT RDD RENT SURVEYS—Continued

Area surveyed	Proposed FY2006 FMR	Final FY2006 FMR	RDD result
Nonmetropolitan Counties, PR	309	352	Increase.

*Providence increased as a result of becoming a 50th percentile FMR area. Other ''No change'' areas increased as a result of the state minimum FMRs. Aguadilla had an increase resulting from the RDD and a further increase resulting from applying the state minimum.

HUD is directed by statute to use the most recent data available in its FMR publications. These RDD survey results are being implemented in the revised final FY2006 FMR publication consistent with that requirement.

The RDD surveys conducted in Puerto Rico included a number of additional housing quality questions that were used to address the concerns of HUD and the Puerto Rico Housing Authority. Only one question produced increases in FMR estimates; it was related to whether a housing unit had hot and cold running water. Screening RDD results based on that housing quality question increased FMR estimates in some areas. The Puerto Rico RDD results had small recent mover samples, and none of the areas had high recent mover bonuses. For FMR computation purposes, FMR estimates were based on a mix of stayer rents inflated by the average Puerto Rico recent-mover-to-stayer ratio and recent mover rents. Using this approach, three areas had increases based on RDD results, and nine areas showed no change, but there were increases over the proposed FMRs for five areas that would otherwise be below the state minimum FMR.

HUD also reviewed a survey submitted by the St. Mary's County (MD) PHA and data on two-bedroom rents submitted by the Housing Authority of the County of Santa Clara. Neither of these submissions provided data that was statistically representative of their rental markets. HUD plans to conduct surveys of both areas within the next few months to address their concerns.

D. Large Bedroom Rents

FMR estimates are calculated for two-bedroom units. This is the most common type of rental unit and, therefore, the easiest to accurately survey and analyze. After each Decennial Census, rent ratios between two-bedroom units and other unit sizes are calculated. These ratios are then used to calculate FMRs in future years after a two-bedroom FMR is calculated. This is done because it is much easier to obtain accurate two-bedroom estimates, and then to use pre-established cost relationships with other bedroom sizes to update those rent estimates, than it is to develop independent FMR estimates for each bedroom size. A publicly releasable version of the data file that permits derivations of rent ratios from the 2000 Census, as well as demonstrations of how the data are used, are available at *http://www.huduser.org/datasets/fmr/fmr.html.*

The rents for three-bedroom and larger units continue to reflect HUD's policy to set higher rents for these units than would result from using normal market rents. This adjustment is intended to increase the likelihood that the largest families, who have the most difficulty in leasing units, will be successful in finding eligible program units. The adjustment adds bonuses of 8.7 percent to the unadjusted three-bedroom FMR estimates and adds 7.7 percent to the unadjusted four-bedroom FMR estimates. The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. FMRs for single-room occupancy units are 0.75 times the zero-bedroom (efficiency) FMR.

A further adjustment is made for areas with local bedroom-size intervals above or below what are considered to be reasonable ranges or where sample sizes are inadequate to accurately measure bedroom rent differentials. Experience has shown that highly unusual bedroom ratios typically reflect inadequate sample sizes or peculiar local circumstances that HUD would not want to utilize in setting FMRs (*e.g.*, luxury efficiency apartments in New York City that rent for more than typical one-bedroom units). Bedroom interval ranges were established based on an analysis of the range of such intervals for all areas with large enough samples to permit accurate bedroom ratio determinations. The final ranges used were: Efficiency units are constrained to fall between 0.65 and 0.83 of the two-bedroom FMR, one-bedroom units must be between 0.76 and 0.90 of the two-bedroom unit, three-bedroom units must be between 1.10 and 1.34 of the two-bedroom unit, and four-bedroom units must be between 1.14 and 1.63 of the two-bedroom unit. Bedroom rents for a given FMR area were then adjusted if the differentials between bedroom-size FMRs were inconsistent with normally observed patterns (*e.g.*, efficiency rents were not allowed to be higher than one-bedroom rents and four-bedroom rents were set at a minimum of 3 percent higher than three-bedroom rents).

For nonmetropolitan counties with few rental units and small Census recent-mover rent samples, Census-defined county group data were used in determining rents for each bedroom size. This adjustment was made to protect against unrealistically high or low FMRs due to insufficient sample sizes. The areas covered by this new estimation method had less than 200 two-bedroom Census-tabulated observations.

E. State Minimums

In response to comments received on the FY2005 and the proposed FY2006 FMRs, a state minimum policy similar to that used prior to FY2005 has been implemented. The rationale for having a state minimum FMR is that some low-income, low-rent nonmetropolitan counties have Census-based FMR estimates that appear to be below long-term operating costs for standard quality rental units and raise concerns about housing quality. Housing quality problems are limited in most parts of the country and have little impact on FMR estimates. The exception to this generality within the continental United States occurs in some nonmetropolitan areas with unusually low rents. State minimum FMRs have been set at the respective state-wide median nonmetropolitan rent level, but are not allowed to exceed the U.S. median nonmetropolitan rent level. This change primarily affects small nonmetropolitan counties in the South with low rents.

V. Public Comments

Form letters were received from the tenants and landlords of Section 8 housing in Taunton, MA. Taunton used to be part of the Boston metropolitan area and is now part of the Providence

metropolitan area. The 2000 Census data shows that Taunton's rents are more than 5 percent higher than those for the Providence metropolitan area. Taunton is therefore established as a separate FMR area, the Taunton-Mansfield-Norton, MA HMFA, but the Taunton comments objected to the fact that its FMRs were decreased because it had been removed from the Boston metropolitan area. The social services office and the town government of Mansfield also submitted comments stating that FMRs were too low and would hinder Mansfield in meeting the Massachusetts State requirement for a 10 percent affordable housing stock. New Bedford was not significantly affected by the geography change, but requested a survey because it believed its proposed FMRs are too low. RDD surveys of the Taunton-Mansfield-Norton and New Bedford subareas of Providence were conducted. Both areas received higher FMRs as a result of the surveys.

The Milford Housing Authority (representing the Eastern Worcester, MA HMFA) also submitted comments objecting to the significant FMR reduction that resulted from its being removed from the Boston metropolitan area and placed in the Worcester, MA metropolitan area. A few tenants also filed comments requesting that Milford remain part of Boston. Data from the 2000 Census showed that Eastern Worcester's rents are more than 5 percent higher than those for the Worcester metropolitan area, and there is a separate FMR area, Eastern Worcester County, MA HMFA. No change in the proposed FMRs was warranted. The Citizens Housing and Planning Association of MA requested that HUD use the city-town building blocks in Census Bureau NECTA area definitions rather than county-based areas.

The Lexington and Lincolnton public housing agencies (PHAs) of North Carolina, representing Davidson and Lincoln counties, respectively, protested the large FMR decreases that resulted from these counties being removed from metropolitan areas under the new OMB definitions and being redefined as nonmetropolitan counties with their own FMRs. Davidson County formerly was in the Greensboro-Winston-Salem-High Point MSA and Lincoln was in the Charlotte-Gastonia-Rock Hill MSA. Surveys were conducted of these two counties, as well as Rowan County, which was also formerly part of the Charlotte metropolitan area. Only Rowan County received a survey-based increase.

The Chatham County Housing Authority protested the change in area definitions for what had been the Raleigh-Durham-Chapel Hill metropolitan area. This metropolitan area was split into three metropolitan areas, and Chatham County was defined to be part of the new Durham HMFA. The Homeless Services Network, serving the Charlotte-Gastonia-Concord, NC-SC HMFA, also protested the reduced FMRs that were proposed for some counties in the newly defined areas. In each of these instances, the 2000 Census data and OMB definitions used supported the proposed FMR area definitions and the FMR estimates.

The South Carolina Regional Housing Authority Number 1 opposed the creation of a new one-county metropolitan area, the Anderson, SC MSA. It also complained about inconsistencies and inequities in FMRs among nonmetropolitan counties. A number of other criticisms of very low nonmetropolitan FMRs were raised in other comments both this year and last year. Many of the concerns about nonmetropolitan FMRs are addressed by state minimum FMRs.

A number of other comments were received on the new metropolitan area definitions. Island County, WA, formerly part of the Seattle metropolitan area but now a nonmetropolitan county, submitted a request that it be made part of the Mount Vernon-Anacortes, WA MSA. Island County, however, failed to meet the OMB commutation test to become part of that metropolitan area. Simpson Property Group, LP argued that Broomfield County, CO should be placed in the Boulder metropolitan area rather than the Denver metropolitan area. This request is not supported by the data used to determine to which area a county is most closely aligned. Lafayette, IN, and Rochester, MN, both expressed concern that adding a nonmetropolitan county reduced their FMRs. Rochester, MN, reiterated its comments filed for the FY2005 FMRs that the reduction in the FMRs for the large bedroom-size rents was based on flawed Census 2000 data and HUD should not increase all bedroom FMRs at the same rate. No acceptable factual data were submitted to support this group of requests or to indicate why 2000 Census data should not be used.

Comments on proposed San Francisco FMRs were filed by the local housing authority, the Mayor, the Housing Rights Committee, and U.S. Representative Tom Lantos. All protested the low FMRs, which were reduced last year, and all expressed concern that San Francisco's tight rental market was not adequately measured by the FMR methodology, which found the same large decreases in rents in 2004 as indicated by earlier private market apartment complex surveys. The Mayor requested reinstitution of high exception rents for San Francisco. Available data from private market apartment complex surveys, however, show little increase in rents through the middle of 2005. San Francisco indicated it preferred to conduct its own survey.

Comments on Puerto Rico's FMRs were submitted by the Departmento de la Viviendo, a housing management corporation, and the Affordable Housing Management Association. They stated that Puerto Rico has a unique rental housing market and requested that its FMRs be based on construction and operating costs rather than the costs of existing housing. Concern was expressed that low FMRs adversely affected the Moderate Rehabilitation program. It was argued that it was inconsistent for Puerto Rico to have lower FMRs than the Virgin Islands.

HUD did not accept any of the Puerto Rico arguments as a valid basis for changing FMRs, but did conduct surveys that resulted in higher FMRs for some areas. Market rents for many Moderate Rehabilitation units are higher than typical rent levels, but this is not a basis for changing FMRs. The Virgin Islands has income and rents that current and past survey data show are far higher than Puerto Rico's. The statutory guidance on FMRs explicitly differentiates between new construction rents and rents for existing structures, and indicates that rents for existing structures are to be based on rents for existing rental housing dwelling units. An extensive survey of all Puerto Rico FMR areas was conducted during the summer of 2005. Puerto Rico's FMRs were calculated so as to take into consideration all available data that might result in upward housing quality or other adjustments to rents, and the final FMRs are considerably above the normal points in which FMRs are located within overall rent distributions.

Many areas expressed concern with FMR reductions resulting from either recent RDDs or modifications to their area definition. These include the Oklahoma City Housing Authority, the Chicago Area Fair Housing Alliance, the Village of North Syracuse Housing Authority, and the Bloomington Housing Authority. The Oklahoma and Chicago concerns were not supported by factual data and are inconsistent with survey data. The North Syracuse problem can be addressed using the HUD exception policy. HUD plans to conduct a survey of Bloomington, but this was delayed until the fall because

the respective PHA agreed with HUD staff that conducting a survey during the summer of 2005 was undesirable because it would have omitted the significant impact of college student renters.

The National Association of Home Builders (NAHB), the Public Housing Authorities Directors Association (PHADA), the National Association of Affordable Housing Lenders (NAAHL), and the National Association of Housing and Redevelopment Officials (NAHRO) provided comments for their constituents. NAHB stressed that there should be a strict floor on FMR reductions, no more than five percent, including RDD survey results. HUD disagrees that there should be constraints on increases or decreases, since these are based on factual rent relationships and only affect prospective voucher leases.

NAAHL commented that the application of the five percent rule is uneven because it did not limit decreases for FMRs of counties that were removed from metropolitan areas. They suggested that areas with large decreases should be held harmless. PHADA also expressed concern for formerly metropolitan counties with large decreases. HUD disagrees that its treatment of nonmetropolitan county FMRs is inconsistent with its treatment of metropolitan areas. Metropolitan areas with more than a five percent increase or decrease as a result of the new definitions were assigned FMRs calculated based on their own data. Counties that were removed from FMR areas were also given FMRs based on their own data. The only difference is that use of FMR area data produced larger decreases for some of the counties removed from metropolitan areas.

NAHRO asserted that recent RDD results that produced a much higher number of FMR reductions than increases point to a problem with this methodology. HUD does not agree. Data from Census Bureau and private market rental surveys show that rental vacancy levels have been unusually high the past few years and that rent changes in many areas are minimal or negative. Census surveys show the same pattern of results. Given this information, it was to be expected that FMR surveys would produce more decreases than increases if a representative selection of FMR areas was surveyed.

A better explanation of the utility component of the gross rent in the FMR was also requested. This has been provided in HUD's new FMR documentation system at *http://www.huduser.org/datasets/fmr/fmrs.html.*

VI. Manufactured Home Space Surveys

The FMR used to establish payment standard amounts for the rental of manufactured home spaces in the Housing Choice Voucher program is 40 percent of the FMR for a two-bedroom unit. HUD will consider modification of the manufactured home space FMRs where public comments present statistically valid survey data showing the 40th percentile manufactured home space rent (including the cost of utilities) for the entire FMR area. No new exception requests were filed.

All approved exceptions to these rents that were in effect in FY2005 were updated to the midpoint of FY2006 using the same data used to estimate the Housing Choice Voucher program FMRs. If the result of this computation was higher than 40 percent of the rebenchmarked two-bedroom rent, the exception remains and is listed in Schedule D. The FMR area definitions used for the rental of manufactured home spaces are the same as the area definitions used for the other FMRs.

VII. 50th Percentile FMR Area Designation

An interim rule published on October 2, 2000 (65 FR 58870), established 50th percentile FMRs for 39 FMR areas. That notice required a periodic review of areas eligible for 50th percentile FMRs. The notice published on August 25, 2005 (70 FR 50138), provided updated information on which areas met the 50th percentile FMR eligibility criteria and requested public comments on the proposed changes. Because FY2006 FMRs have to be issued for effect before public comments on the August 25, 2005, notice can be considered, the FMRs published in this notice do not implement any of the proposed FMR reductions from the 50th to the 40th percentile level. This notice does, however, provide 50th percentile FMRs for the newly eligible areas designated in the August 25, 2005, notice.

HUD asks that areas please take special note that unless information is submitted that changes the results of the eligibility determinations issued in the August 25, 2005, notice, the proposed reductions in FMRs from the 50th to the 40th percentile for selected areas will be implemented in a subsequent notice. HUD intends to issue this subsequent notice as quickly as possible after review and consideration of the public comments on the August 25, 2005, notice.

Because the results of the 50th percentile FMR eligibility analysis contained in the August 25, 2005, notice are not being fully implemented at this time, all areas that had 50th percentile FMRs in the June 2, 2005, notice of proposed FY2006 FMRs continue to have them in this notice. In addition, the 10 newly designated areas that qualified for 50th percentile FMRs are assigned them in this notice. Again, however, HUD anticipates that the subsequent notice to be issued on 50th percentile FMRs will be limited to the areas listed as eligible for 50th percentile FMRs in the August 25, 2005, notice and not the June 2, 2005, notice. Table 2 identifies the 10 new areas (which were identified in the August 25, 2005, notice).

TABLE 2.—PROPOSED FY2006 40TH PERCENTILE FMR AREAS THAT SHOULD BE ASSIGNED 50TH PERCENTILE FMRS

Baltimore-Towson, MD MSA	Providence-Fall River, RI-MA HMFA.
Hartford-West Hartford-East Hartford, CT HMFA	Riverside-San Bernardino-Ontario, CA MSA.
Honolulu, HI MSA	Sarasota-Bradenton-Venice, FL MSA.
Milwaukee-Waukesha-West Allis, WI MSA	Tacoma, WA HMFA.
New Haven-Meriden, CT HMFA	Tucson, AZ MSA.

Riverside-San Bernardino-Ontario, CA, in addition to becoming a 50th percentile FMR area, has an additional FMR increase based on RDD results. At the 50th percentile standard, the RDD survey conducted showed a statistically significant increase in the 50th percentile FMR estimate for the area that is reflected in this publication.

VIII. Katrina Disaster Area FMRs

The Secretary of HUD has authority to modify FMRs to meet changes in rents resulting from declared Federal disasters. HUD's past natural disaster policy has been to allow PHAs in Federal Emergency Management Agency (FEMA)-designated disaster areas to request exception FMRs of 110 percent of published FMRs, and to allow them to retain use of those FMRs for a two-

year period. The Department is fully aware that the Katrina disaster is much larger in scope than previous disasters and that the FMRs in this publication are based on pre-Katrina data. Communities far outside FEMA-designated disaster areas are being significantly impacted by displacees seeking housing. HUD's Office of Public and Indian Housing will be issuing a notice within the next few weeks that addresses how PHAs may obtain disaster-related exception FMRs to meet local needs.

IX. HUD Rental Housing Survey Guides

HUD recommends the use of professionally conducted RDD telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of $20,000 to $30,000. Areas with 500 or more program units usually meet this criterion, and areas with fewer units may meet it if local rents are thought to be significantly different than the FMR proposed by HUD. In addition, HUD has developed a simplified version of the RDD survey methodology for smaller, nonmetropolitan PHAs. This methodology is designed to be simple enough to be done by the PHA itself, rather than by professional survey organizations.

PHAs in nonmetropolitan areas may, in certain circumstances, do surveys of groups of counties; all county-group surveys have to be approved in advance by HUD. PHAs are cautioned that the resulting FMRs will not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on its relationship to the combined rent of the group of FMR areas.

PHAs that plan to use the RDD survey technique may obtain a copy of the appropriate survey guide by calling HUD USER on (800) 245–2691. Larger PHAs should request ''Random Digit Dialing Surveys; A Guide to Assist Larger Housing Agencies in Preparing Fair Market Rent Comments.'' Smaller PHAs should obtain ''Rental Housing Surveys; A Guide to Assist Smaller Housing Agencies in Preparing Fair Market Rent Comments.'' These guides are also available on the Internet at *http://www.huduser.org/datasets/fmr.html.*

HUD prefers, but does not mandate, the use of RDD telephone surveys, or the more traditional method described in the small PHA survey guide. Other survey methodologies are acceptable if they provide statistically reliable, unbiased estimates of the 40th percentile gross rent. Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn to be statistically representative of the entire rental housing stock of the FMR area. In particular, surveys must include units of all rent levels and be representative by structure type (including single-family, duplex, and other small rental properties), age of housing unit, and geographic location. The decennial Census should be used as a starting point and means of verification for determining whether the sample is representative of the FMR area's rental housing stock. All survey results must be fully documented.

A PHA or contractor that cannot obtain the recommended number of sample responses after reasonable efforts should consult with HUD before abandoning its survey; in such situations HUD is prepared to relax normal sample size requirements.

Accordingly, the FMR Schedules, which will not be codified in 24 CFR part 888, are amended as follows:

Dated: September 27, 2005.

Roy A. Bernardi,

Deputy Secretary.

Fair Market Rents for the Housing Choice Voucher Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. Metropolitan Areas—FMRs are market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental-housing units are in direct competition. The FY2006 FMRs reflect a change in metropolitan area definition where HUD is using Core-Based Statistical Areas (CBSA), that are made up of one or more counties, as defined by OMB, with some modifications. HUD is generally assigning separate FMRs to the component counties of CBSA Micropolitan Areas.

b. Modifications to OMB Definitions—Following OMB guidance, the estimation procedure for the FY2006 FMRs incorporates the 2003 OMB definitions of metropolitan areas based on the new CBSA standards as implemented with 2000 Census data, but makes adjustments to the definitions to separate subparts of these areas where FMRs would otherwise change significantly if the new area definitions were used without modification. In CBSAs where sub-areas are established, it is HUD's view that the geographic extent of the housing markets are not yet the same as the geographic extent of the CBSAs, but may become so as the social and economic integration of the CBSA component areas increases. Modifications to metropolitan CBSA definitions are made according to a formula as described below:

Metropolitan Areas CBSAs (referred to as Metropolitan Statistical Areas or MSAs) may be modified to allow for sub-area FMRs within MSAs based on the boundaries of old FMR areas (OFAs) within the boundaries of new MSAs. (OFAs are the FMR areas defined for the FY2005 FMRs. Collectively, they include old-definition MSAs/PMSAs, metro counties deleted from old-definition MSAs/PMSAs by HUD for FMR purposes, and counties and county parts outside of old-definition MSAs/PMSAs referred to as non-metropolitan counties.) Sub-areas of MSAs are assigned their own FMRs when the sub-area 2000 Census Base Rent differs by at least 5 percent from (*i.e.*, is at most 95 percent or at least 105 percent of) the MSA 2000 Census Base Rent. MSA subareas, and the remaining portions of MSAs after sub-areas have been determined, are referred to as HMFAs to distinguish these areas from OMB's official definition of MSAs.

The specific counties and New England towns and cities within each state in MSAs and HMFAs are listed in the FMR tables.

2. Bedroom Size Adjustments

Schedules B shows the FMRs for 0-bedroom through 4-bedroom units. The FMRs for unit sizes larger than 4 bedrooms are calculated by adding 15 percent to the 4-bedroom FMR for each extra bedroom. For example, the FMR for a 5-bedroom unit is 1.15 times the 4-bedroom FMR, and the FMR for a 6-bedroom unit is 1.30 times the 4-bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the 0-bedroom FMR.

3. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each state. The exception FMRs for manufactured home spaces in Schedule D are listed alphabetically by state.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one state can be identified by consulting the listings for each applicable state.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

BILLING CODE 4210–32–P

SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

ALABAMA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anniston-Oxford, AL MSA	346	382	474	626	736	Calhoun
Auburn-Opelika, AL MSA	342	407	525	691	709	Lee
Birmingham-Hoover, AL HMFA	469	521	581	737	759	Bibb, Blount, Jefferson, St. Clair, Shelby
Chilton County, AL HMFA	298	413	459	577	661	Chilton
Columbus, GA-AL MSA	454	479	548	729	863	Russell
Decatur, AL MSA	378	424	488	638	662	Lawrence, Morgan
Dothan, AL HMFA	337	396	449	574	656	Geneva, Houston
Florence-Muscle Shoals, AL MSA	399	400	486	620	768	Colbert, Lauderdale
Gadsden, AL MSA	315	398	484	620	640	Etowah
Henry County, AL HMFA	284	392	435	520	536	Henry
Huntsville, AL MSA	419	456	538	737	809	Limestone, Madison
Mobile, AL MSA	469	502	567	743	877	Mobile
Montgomery, AL MSA	450	532	599	794	1049	Autauga, Elmore, Lowndes, Montgomery
Tuscaloosa, AL MSA	391	452	586	753	776	Greene, Hale, Tuscaloosa
Walker County, AL HMFA	372	373	447	558	610	Walker

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Baldwin	433	521	619	821	940	Barbour	363	364	437	541	557
Bullock	322	365	447	536	577	Butler	322	365	447	536	577
Chambers	361	392	435	590	609	Cherokee	380	381	458	545	563
Choctaw	361	381	435	552	737	Clarke	282	391	435	521	765
Clay	362	363	435	538	669	Cleburne	365	366	439	538	669
Coffee	348	397	450	616	790	Conecuh	361	381	435	552	737
Coosa	353	391	435	589	662	Covington	362	363	435	593	612
Crenshaw	322	365	447	536	577	Cullman	379	390	457	615	632
Dale	336	388	435	628	762	Dallas	289	402	446	562	603
DeKalb	325	345	435	579	595	Escambia	361	366	435	542	667
Fayette	285	331	435	634	766	Franklin	284	367	435	586	764
Jackson	361	392	435	554	764	Lamar	291	361	435	581	763
Macon	324	349	450	600	620	Marengo	361	384	435	563	579
Marion	282	330	435	553	764	Marshall	385	412	465	628	691
Monroe	361	392	435	602	665	Perry	361	384	435	563	579
Pickens	291	361	435	581	763	Pike	347	373	435	559	576
Randolph	362	363	435	538	669	Sumter	291	372	435	581	763
Talladega	368	369	442	596	779	Tallapoosa	347	356	436	615	714
Washington	361	381	435	552	737	Wilcox	361	381	435	552	737
Winston	290	331	435	521	536						

ALASKA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anchorage, AK HMFA	646	734	921	1326	1615	Anchorage
Fairbanks, AK MSA	540	649	830	1202	1269	Fairbanks North Star
Matanuska-Susitna Borough, AK HMFA	524	611	779	1108	1345	Matanuska-Susitna

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

ALASKA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aleutians East	673	765	970	1199	1236
Bethel	771	966	1172	1402	2058
Denali	569	702	876	1230	1385
Haines	569	702	876	1230	1385
Kenai Peninsula	508	581	707	969	1241
Kodiak Island	648	759	999	1436	1519
Nome	675	867	995	1201	1237
Northwest Arctic	673	765	970	1199	1236
Sitka	646	745	889	1295	1560
Southeast Fairbanks	569	702	876	1230	1385
Wade Hampton	673	765	970	1199	1236
Yakutat	673	765	970	1199	1236

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aleutians West	673	765	970	1199	1236
Bristol Bay	673	765	970	1199	1236
Dillingham	673	765	970	1199	1236
Juneau	687	842	1059	1431	1783
Ketchikan Gateway	606	774	930	1355	1633
Lake and Peninsula	673	765	970	1199	1236
North Slope	695	812	1067	1276	1313
Prince of Wales-Outer Ketchikan	673	765	970	1199	1236
Skagway-Hoonah-Angoon	673	765	970	1199	1236
Valdez-Cordova	569	702	876	1230	1385
Wrangell-Petersburg	673	765	970	1199	1236
Yukon-Koyukuk	673	765	970	1199	1236

ARIZONA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Flagstaff, AZ MSA	675	803	907	1166	1471	Coconino
*Phoenix-Mesa-Scottsdale, AZ MSA	544	638	770	1122	1338	Maricopa, Pinal
Prescott, AZ MSA	551	569	719	1048	1079	Yavapai
*Tucson, AZ MSA	486	571	746	1076	1209	Pima
Yuma, AZ MSA	476	562	672	953	1168	Yuma

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Apache	348	426	504	699	886
Gila	447	524	689	946	974
Greenlee	426	473	594	816	924
**Mohave	551	589	695	981	1114
Santa Cruz	491	492	623	908	935

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Cochise	410	475	596	823	1011
Graham	466	502	562	777	894
La Paz	476	477	572	809	833
Navajo	418	446	589	793	940

ARKANSAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fayetteville-Springdale-Rogers, AR HMFA	420	443	554	807	829	Benton, Madison, Washington
Fort Smith, AR-OK HMFA	335	381	474	631	688	Crawford, Sebastian
Franklin County, AR HMFA	297	388	456	578	705	Franklin
Grant County, AR HMFA	370	382	466	675	695	Grant
Hot Springs, AR MSA	358	445	553	690	712	Garland
Jonesboro, AR HMFA	408	428	490	677	698	Craighead
Little Rock-North Little Rock, AR HMFA	466	529	590	790	815	Faulkner, Lonoke, Perry, Pulaski, Saline
Memphis, TN-MS-AR HMFA	527	572	636	847	874	Crittenden
Pine Bluff, AR MSA	354	420	526	631	748	Cleveland, Jefferson, Lincoln
Poinsett County, AR HMFA	296	383	456	607	726	Poinsett
Texarkana, TX-Texarkana, AR MSA	422	426	525	641	697	Miller

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

ARKANSAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Arkansas	348	367	456	662	681
Baxter	351	408	493	663	836
Bradley	339	345	456	565	599
Carroll	401	402	482	608	846
Clark	363	368	474	611	629
Cleburne	414	414	497	681	875
Conway	379	390	456	628	683
Dallas	295	409	456	581	739
Drew	338	433	521	655	913
Greene	295	412	456	667	687
Hot Spring	380	381	456	598	617
Independence	317	378	456	590	640
Jackson	307	403	456	643	663
Lafayette	360	412	473	566	676
Lee	324	366	456	608	706
Logan	296	383	456	652	730
Mississippi	322	359	470	620	748
Montgomery	355	413	520	654	673
Newton	382	383	460	594	667
Phillips	378	381	456	594	612
Polk	379	411	456	593	721
Prairie	379	380	456	571	590
St. Francis	387	401	468	660	820
Searcy	382	383	460	594	667
Sharp	379	380	456	581	600
Union	390	410	469	608	789
White	391	392	471	640	658
Yell	377	397	456	625	645

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ashley	355	368	483	579	637
Boone	386	387	465	596	669
Calhoun	295	409	456	581	739
Chicot	339	345	456	565	599
Clay	367	369	456	584	622
Columbia	300	386	462	567	649
Cross	383	384	461	672	734
Desha	339	345	456	580	599
Fulton	363	364	456	599	668
Hempstead	357	400	468	561	644
Howard	348	404	456	587	606
Izard	363	364	456	599	668
Johnson	295	406	456	608	726
Lawrence	297	364	456	561	741
Little River	360	412	473	577	676
Marion	378	380	456	600	661
Monroe	379	380	456	571	590
Nevada	360	412	473	566	676
Ouachita	295	410	456	627	736
Pike	360	412	473	566	676
Pope	344	369	478	674	693
Randolph	296	371	456	545	800
Scott	379	380	456	631	799
Sevier	380	393	456	630	730
Stone	363	364	456	599	668
Van Buren	296	346	456	565	729
Woodruff	379	380	456	571	590

CALIFORNIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bakersfield, CA MSA	485	524	624	902	1081	Kern
Chico, CA MSA	473	562	678	956	1141	Butte
El Centro, CA MSA	471	533	657	904	1152	Imperial
Fresno, CA MSA	540	595	702	1021	1100	Fresno
Hanford-Corcoran, CA MSA	495	527	612	892	1075	Kings
Los Angeles-Long Beach, CA HMFA	789	952	1189	1597	1921	Los Angeles
Madera, CA MSA	496	521	664	965	995	Madera
Merced, CA MSA	458	523	635	906	1057	Merced
Modesto, CA MSA	564	623	734	1053	1216	Stanislaus
Napa, CA MSA	754	845	1098	1519	1725	Napa
**Oakland-Fremont, CA HMFA	943	1130	1339	1865	2288	Alameda, Contra Costa
*Orange County, CA HMFA	1034	1161	1392	1992	2288	Orange

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

CALIFORNIA continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
**Oxnard-Thousand Oaks-Ventura, CA MSA	1042	1156	1462	2127	2453	Ventura
Redding, CA MSA	464	540	657	959	1155	Shasta
*Riverside-San Bernardino-Ontario, CA MSA	715	781	911	1294	1512	Riverside, San Bernardino
**Sacramento--Arden-Arcade--Roseville, CA HMFA	742	846	1008	1469	1712	El Dorado, Placer, Sacramento
Salinas, CA MSA	827	931	1069	1510	1582	Monterey
San Benito County, CA HMFA	588	796	885	1254	1552	San Benito
**San Diego-Carlsbad-San Marcos, CA MSA	836	954	1158	1688	2036	San Diego
San Francisco, CA HMFA	998	1227	1536	2051	2167	Marin, San Francisco, San Mateo
**San Jose-Sunnyvale-Santa Clara, CA HMFA	939	1103	1302	1870	2051	Santa Clara
San Luis Obispo-Paso Robles, CA MSA	641	758	923	1345	1384	San Luis Obispo
Santa Barbara-Santa Maria-Goleta, CA MSA	828	924	1037	1366	1559	Santa Barbara
Santa Cruz-Watsonville, CA MSA	873	1030	1343	1933	1992	Santa Cruz
Santa Rosa-Petaluma, CA MSA	749	912	1151	1633	1910	Sonoma
Stockton, CA MSA	602	686	846	1162	1463	San Joaquin
Vallejo-Fairfield, CA MSA	796	857	983	1378	1698	Solano
Visalia-Porterville, CA MSA	481	538	625	894	918	Tulare
Yolo, CA HMFA	679	719	879	1281	1362	Yolo
Yuba City, CA MSA	437	493	606	882	944	Sutter, Yuba

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alpine	498	559	713	1017	1047	Amador	537	629	826	1200	1237
Calaveras	548	548	659	961	1060	Colusa	500	502	653	843	1146
Del Norte	490	496	642	935	964	Glenn	428	439	578	752	772
Humboldt	455	533	701	1005	1113	Inyo	450	471	613	893	1053
Lake	449	527	686	994	1107	Lassen	437	513	674	980	1010
Mariposa	498	559	713	1017	1047	Mendocino	502	620	753	1028	1321
Modoc	434	479	627	893	927	Mono	586	705	901	1234	1583
Nevada	563	657	866	1251	1522	Plumas	445	521	687	1002	1206
Sierra	527	615	811	1149	1422	Siskiyou	389	466	596	848	874
Tehama	407	463	604	878	1054	Trinity	441	463	608	834	925
Tuolumne	484	576	744	1028	1059						

COLORADO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boulder, CO MSA	702	813	1020	1487	1783	Boulder
Colorado Springs, CO HMFA	536	601	759	1083	1281	El Paso
*Denver-Aurora, CO MSA	616	702	889	1262	1471	Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Park
Fort Collins-Loveland, CO MSA	533	639	775	1128	1315	Larimer
Grand Junction, CO MSA	484	485	582	847	1024	Mesa
Greeley, CO MSA	517	547	670	978	1153	Weld
Pueblo, CO MSA	455	479	630	825	934	Pueblo
Teller County, CO HMFA	561	656	863	1257	1514	Teller

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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COLORADO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alamosa	366	453	503	684	884
Baca	385	452	503	716	773
Chaffee	406	512	624	909	936
Conejos	385	452	503	716	773
Crowley	411	424	516	676	831
Delta	477	487	574	788	812
Eagle	807	942	1240	1560	2130
Garfield	619	704	781	964	993
Gunnison	501	551	716	991	1257
Huerfano	385	452	503	716	773
Kiowa	411	424	516	676	831
Lake	612	771	931	1159	1634
Las Animas	367	486	539	695	717
Logan	418	419	534	695	805
Moffat	392	429	538	705	945
Montrose	411	539	625	829	1028
Otero	392	414	503	697	717
Phillips	411	424	516	676	831
Prowers	386	453	503	682	884
Rio Grande	386	452	503	730	775
Saguache	385	452	503	716	773
San Miguel	657	788	1007	1468	1513
Summit	707	831	1086	1546	1906
Yuma	411	424	516	676	831

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Archuleta	487	573	721	877	1132
Bent	411	424	516	676	831
Cheyenne	411	424	516	676	831
Costilla	385	452	503	716	773
Custer	434	507	668	935	1076
Dolores	489	573	663	878	1133
Fremont	387	463	594	852	977
Grand	485	554	704	1024	1055
Hinsdale	612	771	931	1159	1634
Jackson	543	627	696	897	1083
Kit Carson	411	424	516	676	831
La Plata	534	652	746	1047	1191
Lincoln	411	424	516	676	831
Mineral	612	771	931	1159	1634
Montezuma	427	500	577	689	920
Morgan	464	502	560	746	901
Ouray	612	771	931	1159	1634
Pitkin	852	996	1311	1821	2302
Rio Blanco	543	627	696	897	1083
Routt	629	744	968	1158	1700
San Juan	489	573	663	878	1133
Sedgwick	411	424	516	676	831
Washington	411	424	516	676	831

CONNECTICUT

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bridgeport, CT HMFA	627	810	966	1154	1402	Fairfield County towns of Bridgeport town, Easton town, Fairfield town, Monroe town, Shelton town, Stratford town, Trumbull town
Colchester-Lebanon, CT HMFA	644	756	992	1186	1224	New London County towns of Colchester town, Lebanon town
Danbury, CT HMFA	821	992	1148	1374	1801	Fairfield County towns of Bethel town, Brookfield town, Danbury town, New Fairfield town, Newtown town, Redding town, Ridgefield town, Sherman town
*Hartford-West Hartford-East Hartford, CT HMFA	669	801	979	1176	1460	Hartford County towns of Avon town, Berlin town, Bloomfield town, Bristol town, Burlington town, Canton town, East Granby town, East Hartford town, East Windsor town, Enfield town, Farmington town, Glastonbury town, Granby town, Hartford town, Hartland town, Manchester town, Marlborough town, New Britain town, Newington town, Plainville town, Rocky Hill town, Simsbury town, Southington town, South Windsor town, Suffield town, West Hartford town, Wethersfield town, Windsor town, Windsor Locks town

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

CONNECTICUT continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Middlesex County towns of Chester town, Cromwell town, Durham town, East Haddam town, East Hampton town, Haddam town, Middlefield town, Middletown town, Portland town Tolland County towns of Andover town, Bolton town, Columbia town, Coventry town, Ellington town, Hebron town, Mansfield town, Somers town, Stafford town, Tolland town, Union town, Vernon town, Willington town
Milford-Ansonia-Seymour, CT HMFA	756	877	981	1249	1371	New Haven County towns of Ansonia town, Beacon Falls town, Derby town, Milford town, Oxford town, Seymour town
*New Haven-Meriden, CT HMFA	732	830	1003	1201	1372	New Haven County towns of Bethany town, Branford town, Cheshire town, East Haven town, Guilford town, Hamden town, Madison town, Meriden town, New Haven town, North Branford town, North Haven town, Orange town, Wallingford town, West Haven town, Woodbridge town
Norwich-New London, CT HMFA	593	704	815	998	1102	New London County towns of Bozrah town, East Lyme town, Franklin town, Griswold town, Groton town, Ledyard town, Lisbon town, Lyme town, Montville town, New London town, North Stonington town, Norwich town, Old Lyme town, Preston town, Salem town, Sprague town, Stonington town, Voluntown town, Waterford town
Southern Middlesex County, CT HMFA	740	780	992	1273	1451	Middlesex County towns of Clinton town, Deep River town, Essex town, Killingworth town, Old Saybrook town, Westbrook town
Stamford-Norwalk, CT HMFA	987	1202	1502	1957	2364	Fairfield County towns of Darien town, Greenwich town, New Canaan town, Norwalk town, Stamford town, Weston town, Westport town, Wilton town
Waterbury, CT HMFA	505	653	777	930	968	New Haven County towns of Middlebury town, Naugatuck town, Prospect town, Southbury town, Waterbury town, Wolcott town

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Litchfield County, CT	555	723	854	1097	1233	Barkhamsted town, Bethlehem town, Bridgewater town, Canaan town, Colebrook town, Cornwall town, Goshen town, Harwinton town, Kent town, Litchfield town, Morris town, New Hartford town, New Milford town, Norfolk town, North Canaan town, Plymouth town, Roxbury town, Salisbury town, Sharon town, Thomaston town, Torrington town, Warren town, Washington town, Watertown town, Winchester town, Woodbury town
Windham County, CT	510	618	744	936	993	Ashford town, Brooklyn town, Canterbury town, Chaplin town, Eastford town, Hampton town, Killingly town, Plainfield town, Pomfret town, Putnam town, Scotland town, Sterling town, Thompson town, Windham town, Woodstock town

DELAWARE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Dover, DE MSA	566	616	682	892	1198	Kent

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

DELAWARE continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
**Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA.	694	792	947	1158	1397	New Castle

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Sussex	525	572	635	869	894

DISTRICT OF COLUMBIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Washington-Arlington-Alexandria, DC-VA-MD HMFA	948	1080	1225	1580	2068	District of Columbia

FLORIDA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baker County, FL HMFA	327	453	503	735	755	Baker
Cape Coral-Fort Myers, FL MSA	592	639	728	989	1018	Lee
Deltona-Daytona Beach-Ormond Beach, FL MSA	483	564	702	908	934	Volusia
Fort Walton Beach-Crestview-Destin, FL MSA	477	558	628	916	1006	Okaloosa
Gainesville, FL MSA	498	550	626	915	943	Alachua, Gilchrist
Jacksonville, FL HMFA	565	643	749	940	1077	Clay, Duval, Nassau, St. Johns
Lakeland, FL MSA	449	496	571	724	850	Polk
**Miami-Fort Lauderdale-Miami Beach, FL MSA	702	805	967	1305	1497	Broward, Miami-Dade, Palm Beach
Naples-Marco Island, FL MSA	667	765	861	1070	1114	Collier
Ocala, FL MSA	476	491	576	756	779	Marion
Orlando, FL MSA	630	684	782	979	1153	Lake, Orange, Osceola, Seminole
Palm Bay-Melbourne-Titusville, FL MSA	469	574	676	911	1015	Brevard
Panama City-Lynn Haven, FL MSA	492	519	594	820	912	Bay
Pensacola-Ferry Pass-Brent, FL MSA	479	522	579	839	1015	Escambia, Santa Rosa
Port St. Lucie-Fort Pierce, FL MSA	556	557	706	933	962	Martin, St. Lucie
Punta Gorda, FL MSA	496	520	674	984	1184	Charlotte
*Sarasota-Bradenton-Venice, FL MSA	625	685	824	1052	1156	Manatee, Sarasota
Tallahassee, FL HMFA	501	556	687	916	943	Gadsden, Jefferson, Leon
**Tampa-St. Petersburg-Clearwater, FL MSA	622	696	838	1079	1316	Hernando, Hillsborough, Pasco, Pinellas
Vero Beach, FL MSA	459	554	706	879	904	Indian River
Wakulla County, FL HMFA	471	512	569	748	772	Wakulla

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bradford	327	454	503	623	643	Calhoun	419	420	503	634	723
Citrus	425	461	511	741	892	Columbia	370	428	506	631	888
DeSoto	419	429	504	608	625	Dixie	415	453	503	628	700
Flagler	509	588	739	1035	1103	Franklin	418	420	503	633	721
Glades	439	468	532	650	694	Gulf	419	420	503	634	723
Hamilton	415	453	503	628	700	Hardee	419	455	504	618	636
Hendry	398	476	531	638	787	Highlands	450	453	542	701	838
Holmes	417	443	503	654	687	Jackson	352	452	503	623	727
Lafayette	415	453	503	628	700	Levy	417	447	503	642	661

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

FLORIDA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Liberty	419	420	503	634	723
Monroe	665	810	997	1451	1553
Putnam	417	453	503	604	622
Suwannee	333	454	503	634	695
Union	389	448	503	665	686
Washington	335	381	503	721	741
Madison	419	420	503	634	723
Okeechobee	448	464	540	727	749
Sumter	416	453	503	660	883
Taylor	417	452	503	602	618
Walton	444	458	536	662	682

GEORGIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany, GA MSA	427	456	535	718	741	Baker, Dougherty, Lee, Terrell, Worth
Athens-Clarke County, GA MSA	458	509	639	851	878	Clarke, Madison, Oconee, Oglethorpe
**Atlanta-Sandy Springs-Marietta, GA HMFA	677	735	818	1014	1136	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Heard, Henry, Jasper, Newton, Paulding, Pickens, Pike, Rockdale, Spalding, Walton
Augusta-Richmond County, GA-SC MSA	461	500	562	753	791	Burke, Columbia, McDuffie, Richmond
Brunswick, GA MSA	430	468	519	740	911	Brantley, Glynn, McIntosh
Butts County, GA HMFA	347	463	535	781	929	Butts
Chattanooga, TN-GA MSA	469	496	584	719	845	Catoosa, Dade, Walker
Columbus, GA-AL MSA	454	479	548	729	863	Chattahoochee, Harris, Marion, Muscogee
Dalton, GA HMFA	438	476	526	651	670	Whitfield
Gainesville, GA MSA	600	629	725	890	1032	Hall
Haralson County, GA HMFA	381	399	458	667	808	Haralson
Hinesville-Fort Stewart, GA HMFA	433	471	524	737	839	Liberty
Lamar County, GA HMFA	403	405	486	641	853	Lamar
Long County, GA HMFA	387	420	467	640	659	Long
Macon, GA MSA	449	487	542	668	696	Bibb, Crawford, Jones, Monroe, Twiggs
Meriwether County, GA HMFA	396	401	478	576	594	Meriwether
Murray County, GA HMFA	411	444	494	591	608	Murray
Rome, GA MSA	413	421	543	666	688	Floyd
Savannah, GA MSA	561	607	676	897	926	Bryan, Chatham, Effingham
Valdosta, GA MSA	444	445	535	725	748	Brooks, Echols, Lanier, Lowndes
Warner Robins, GA MSA	491	500	594	862	991	Houston

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Appling	380	413	458	558	575
Bacon	381	398	458	583	664
Banks	394	427	473	575	816
Berrien	376	376	458	567	585
Bulloch	421	436	516	619	636
Camden	470	471	568	826	997
Charlton	381	398	458	583	664
Clay	380	412	458	588	722
Coffee	379	393	458	570	698
Cook	380	388	458	623	805
Atkinson	381	398	458	583	664
Baldwin	355	428	531	634	654
Ben Hill	300	386	461	558	573
Bleckley	322	376	458	567	649
Calhoun	380	412	458	588	722
Candler	380	413	458	558	575
Chattooga	299	365	458	549	799
Clinch	381	398	458	583	664
Colquitt	381	411	458	548	689
Crisp	380	383	458	578	596

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

GEORGIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Decatur	339	394	519	621	690
Dooly	381	393	458	578	780
Elbert	381	397	458	575	593
Evans	380	413	458	558	575
Franklin	394	427	473	575	816
Glascock	328	348	458	548	644
Grady	298	411	458	635	656
Habersham	450	452	541	648	949
Hart	381	412	458	547	803
Jackson	471	512	569	691	902
Jefferson	328	365	458	548	644
Johnson	343	421	469	606	633
Lincoln	381	397	458	575	593
Macon	381	393	458	578	780
Mitchell	299	379	458	549	762
Morgan	409	410	506	606	623
Pierce	381	398	458	583	664
Pulaski	347	406	458	666	699
Quitman	380	412	458	588	722
Randolph	380	412	458	588	722
Screven	328	348	458	548	644
Stephens	304	423	469	561	579
Sumter	356	400	492	589	864
Taliaferro	381	397	458	575	593
Taylor	381	393	458	578	780
Thomas	417	453	503	646	883
Toombs	298	412	458	638	706
Treutlen	347	406	458	613	701
Turner	381	403	458	581	709
Upson	321	435	495	592	609
Warren	381	397	458	575	593
Wayne	328	371	458	605	804
Wheeler	347	406	458	613	701
Wilcox	347	406	458	613	701
Wilkinson	343	421	469	606	633

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Dodge	361	363	458	613	630
Early	380	412	458	588	722
Emanuel	299	347	458	558	714
Fannin	308	428	474	567	681
Gilmer	445	483	538	710	857
Gordon	445	449	576	689	711
Greene	381	397	458	575	593
Hancock	381	397	458	575	593
Irwin	381	403	458	581	709
Jeff Davis	380	413	458	558	575
Jenkins	328	348	458	548	644
Laurens	381	414	458	615	746
Lumpkin	400	520	617	833	924
Miller	353	411	458	573	683
Montgomery	347	406	458	613	701
Peach	413	414	499	714	751
Polk	374	417	508	626	647
Putnam	345	349	458	665	685
Rabun	447	464	539	695	838
Schley	381	393	458	578	780
Seminole	353	411	458	573	683
Stewart	380	412	458	588	722
Talbot	437	439	529	652	671
Tattnall	382	412	458	604	661
Telfair	347	406	458	613	701
Tift	396	429	475	607	701
Towns	447	464	539	692	838
Troup	439	444	556	703	726
Union	447	464	539	692	838
Ware	380	409	458	587	616
Washington	328	377	458	560	644
Webster	381	393	458	578	780
White	401	500	555	700	843
Wilkes	381	397	458	575	593

HAWAII

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Honolulu, HI MSA	836	997	1205	1757	2069	Honolulu

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HAWAII continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hawaii	627	753	845	1191	1306	Kalawao	677	780	917	1159	1320
Kauai	739	832	1096	1375	1497	Maui	921	1021	1187	1588	1701

IDAHO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boise City-Nampa, ID HMFA	480	570	672	977	1039	Ada, Boise, Canyon, Owyhee
Coeur d'Alene, ID MSA	480	519	624	907	1015	Kootenai
Gem County, ID HMFA	421	509	566	823	847	Gem
Idaho Falls, ID MSA	408	430	549	753	945	Bonneville, Jefferson
Lewiston, ID-WA MSA	424	440	551	782	953	Nez Perce
Logan, UT-ID MSA	440	475	594	797	984	Franklin
Pocatello, ID MSA	352	409	527	762	893	Bannock, Power

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	409	426	537	727	866	Bear Lake	350	404	516	733	865
Benewah	471	479	602	860	887	Bingham	354	392	503	692	715
Blaine	681	740	821	1166	1439	Bonner	476	500	613	867	893
Boundary	471	479	602	860	887	Butte	389	417	532	752	894
Camas	417	456	569	750	802	Caribou	350	404	516	733	865
Cassia	417	456	569	750	802	Clark	389	417	532	752	894
Clearwater	417	431	534	771	889	Custer	389	417	532	752	894
Elmore	354	413	543	689	843	Fremont	389	417	532	752	894
Gooding	417	456	569	750	802	Idaho	407	436	574	687	812
Jerome	417	456	569	750	802	Latah	419	437	528	770	891
Lemhi	389	417	532	752	894	Lewis	417	431	534	771	889
Lincoln	417	456	569	750	802	Madison	391	392	503	730	795
Minidoka	326	429	503	666	685	Oneida	350	404	516	733	865
Payette	352	424	539	682	891	Shoshone	416	417	503	662	702
Teton	389	417	532	752	894	Twin Falls	376	457	579	746	883
Valley	409	426	537	727	866	Washington	409	426	537	727	866

ILLINOIS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington-Normal, IL MSA	448	495	625	836	1045	McLean
Bond County, IL HMFA	355	379	492	715	841	Bond
Champaign-Urbana, IL MSA	429	522	614	771	1059	Champaign, Ford, Piatt
*Chicago-Naperville-Joliet, IL HMFA	701	802	901	1102	1244	Cook, DuPage, Kane, Kendall, Lake, McHenry, Will
Danville, IL MSA	340	406	523	626	664	Vermilion
Davenport-Moline-Rock Island, IA-IL MSA	409	457	575	733	764	Henry, Mercer, Rock Island
DeKalb County, IL HMFA	504	569	748	970	1190	DeKalb
Decatur, IL MSA	354	421	534	712	734	Macon
Grundy County, IL HMFA	506	593	777	978	1317	Grundy

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ILLINOIS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Kankakee-Bradley, IL MSA	471	513	677	878	941	Kankakee
Macoupin County, IL HMFA	408	409	492	613	635	Macoupin
Peoria, IL MSA	398	471	586	755	857	Marshall, Peoria, Stark, Tazewell, Woodford
Rockford, IL MSA	431	486	616	806	830	Boone, Winnebago
Springfield, IL MSA	381	448	579	756	844	Menard, Sangamon
**St. Louis, MO-IL HMFA	513	559	694	905	967	Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	320	380	492	639	660	Alexander	401	408	492	648	714
Brown	319	388	492	657	677	Bureau	347	403	533	657	720
Carroll	373	421	530	660	679	Cass	389	391	492	625	645
Christian	321	412	492	636	743	Clark	318	444	492	716	739
Clay	322	402	492	657	676	Coles	340	435	523	737	918
Crawford	321	379	492	647	678	Cumberland	340	424	512	681	898
De Witt	404	405	494	645	755	Douglas	332	417	512	729	751
Edgar	320	374	492	619	638	Edwards	401	408	492	648	714
Effingham	432	433	521	658	696	Fayette	408	419	492	681	702
Franklin	318	391	492	611	863	Fulton	342	408	492	629	780
Gallatin	401	408	492	648	714	Greene	339	377	495	627	659
Hamilton	401	408	492	648	714	Hancock	410	411	492	591	612
Hardin	401	408	492	648	714	Henderson	339	397	492	621	742
Iroquois	366	406	492	619	726	Jackson	332	406	511	696	866
Jasper	319	396	492	647	666	Jefferson	420	431	514	647	666
Jo Daviess	386	414	492	656	676	Johnson	401	408	492	648	714
Knox	338	395	520	691	712	La Salle	406	438	577	728	936
Lawrence	319	374	492	654	675	Lee	353	434	522	697	811
Livingston	365	448	563	672	700	Logan	420	421	504	692	793
McDonough	332	391	492	631	825	Marion	359	411	492	629	693
Mason	319	404	492	691	713	Massac	409	410	492	716	739
Montgomery	409	410	492	590	731	Morgan	345	402	529	656	713
Moultrie	327	386	503	634	770	Ogle	415	443	581	760	812
Perry	319	417	492	594	764	Pike	319	390	492	661	681
Pope	401	408	492	648	714	Pulaski	401	408	492	648	714
Putnam	332	388	511	646	706	Randolph	320	373	492	652	800
Richland	367	444	492	677	811	Saline	320	413	492	666	863
Schuyler	319	390	492	661	681	Scott	339	377	495	627	659
Shelby	408	409	492	641	726	Stephenson	369	431	568	679	701
Union	409	410	492	603	749	Wabash	401	408	492	648	714
Warren	320	374	492	614	700	Washington	340	390	492	632	651
Wayne	319	387	492	626	645	White	401	408	492	648	714
Whiteside	376	443	546	676	695	Williamson	321	375	492	709	731

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

INDIANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anderson, IN MSA	487	488	586	754	785	Madison
Bloomington, IN HMFA	458	524	621	873	936	Monroe
Carroll County, IN HMFA	355	417	547	720	741	Carroll
Cincinnati-Middleton, OH-KY-IN HMFA	427	506	655	877	910	Dearborn, Franklin, Ohio
Columbus, IN MSA	564	566	679	832	891	Bartholomew
Elkhart-Goshen, IN MSA	465	519	641	806	844	Elkhart
Evansville, IN-KY HMFA	374	437	543	670	728	Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA	446	474	592	738	759	Allen, Wells, Whitley
Gary, IN HMFA	478	596	727	869	896	Lake, Newton, Porter
Gibson County, IN HMFA	421	422	505	646	888	Gibson
Greene County, IN HMFA	390	391	503	730	755	Greene
Indianapolis, IN HMFA	489	567	673	871	921	Boone, Brown, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby
Jasper County, IN HMFA	480	481	598	780	804	Jasper
Kokomo, IN MSA	469	474	602	768	790	Howard, Tipton
Lafayette, IN HMFA	466	550	676	880	1007	Benton, Tippecanoe
Louisville, KY-IN HMFA	411	473	563	785	834	Clark, Floyd, Harrison
Michigan City-La Porte, IN MSA	404	466	592	786	809	LaPorte
Muncie, IN MSA	484	495	598	806	846	Delaware
Owen County, IN HMFA	431	433	519	657	911	Owen
Putnam County, IN HMFA	486	487	586	700	789	Putnam
South Bend-Mishawaka, IN HMFA	464	516	621	797	820	St. Joseph
Sullivan County, IN HMFA	326	382	503	602	619	Sullivan
Terre Haute, IN HMFA	359	409	527	650	748	Clay, Vermillion, Vigo
Washington County, IN HMFA	383	428	503	619	824	Washington

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	418	453	503	658	776	Blackford	430	432	518	659	712
Cass	366	394	518	660	681	Clinton	447	474	579	723	758
Crawford	359	409	503	622	659	Daviess	418	421	503	654	802
Decatur	487	489	587	761	784	DeKalb	415	444	564	776	797
Dubois	338	406	520	710	731	Fayette	345	427	530	702	722
Fountain	370	444	503	673	704	Fulton	430	447	518	731	754
Grant	441	442	534	674	786	Henry	458	460	551	709	792
Huntington	395	470	556	694	840	Jackson	471	472	574	738	895
Jay	326	400	503	682	703	Jefferson	375	402	529	633	783
Jennings	364	429	561	679	935	Knox	350	398	503	623	777
Kosciusko	383	447	587	747	869	LaGrange	465	466	559	674	748
Lawrence	367	433	565	675	695	Marshall	399	460	572	754	777
Martin	359	395	503	620	724	Miami	327	385	504	734	791
Montgomery	372	439	558	759	800	Noble	496	497	597	713	734
Orange	325	382	503	633	691	Parke	418	421	503	634	798
Perry	327	383	503	653	674	Pike	327	387	504	652	673
Pulaski	435	436	525	697	719	Randolph	418	419	503	717	740
Ripley	481	482	581	700	801	Rush	455	456	548	657	720
Scott	371	415	525	678	785	Spencer	327	387	504	652	673

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

INDIANA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Starke	436	461	527	697	733	Steuben	422	481	632	762	784
Switzerland	397	431	567	710	792	Union	357	436	550	685	707
Wabash	328	383	503	688	783	Warren	359	440	552	679	788
Wayne	361	425	532	722	744	White	383	529	587	701	991

IOWA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ames, IA MSA	508	536	662	947	1121	Story
Benton County, IA HMFA	323	381	498	620	830	Benton
Bremer County, IA HMFA	328	404	503	602	814	Bremer
Cedar Rapids, IA HMFA	387	450	593	840	955	Linn
Davenport-Moline-Rock Island, IA-IL MSA	409	457	575	733	764	Scott
Des Moines, IA MSA	460	549	669	857	955	Dallas, Guthrie, Madison, Polk, Warren
Dubuque, IA MSA	372	400	526	707	770	Dubuque
Iowa City, IA HMFA	440	519	653	951	1059	Johnson
Jones County, IA HMFA	414	415	498	698	720	Jones
Omaha-Council Bluffs, NE-IA HMFA	467	531	662	884	909	Harrison, Mills, Pottawattamie
Sioux City, IA-NE-SD MSA	387	455	597	752	774	Woodbury
Washington County, IA HMFA	329	397	504	643	773	Washington
Waterloo-Cedar Falls, IA HMFA	373	459	549	674	825	Black Hawk, Grundy

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	340	379	498	608	679	Adams	340	379	498	608	679
Allamakee	353	388	498	645	687	Appanoose	323	378	498	629	689
Audubon	372	382	498	655	685	Boone	371	447	570	742	799
Buchanan	413	414	498	642	660	Buena Vista	387	391	512	614	705
Butler	353	388	498	645	687	Calhoun	394	395	498	640	669
Carroll	338	394	520	620	640	Cass	371	452	569	698	751
Cedar	352	388	512	662	716	Cerro Gordo	376	418	550	683	702
Cherokee	372	382	498	655	685	Chickasaw	353	388	498	645	687
Clarke	338	387	508	608	678	Clay	323	377	498	605	757
Clayton	353	388	498	645	687	Clinton	323	378	498	635	725
Crawford	372	393	498	655	685	Davis	340	379	498	608	679
Decatur	340	379	498	608	679	Delaware	352	388	512	662	716
Des Moines	385	421	533	670	755	Dickinson	323	398	498	630	873
Emmet	350	377	498	610	716	Fayette	353	388	498	645	687
Floyd	350	377	498	623	641	Franklin	360	396	498	636	667
Fremont	371	452	569	698	751	Greene	372	382	498	655	685
Hamilton	387	388	498	627	656	Hancock	360	396	498	636	667
Hardin	425	427	511	611	650	Henry	419	421	504	721	742
Howard	353	388	498	645	687	Humboldt	394	395	498	640	669
Ida	372	382	498	655	685	Iowa	385	407	505	661	682
Jackson	352	388	512	662	716	Jasper	388	423	556	707	738

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

IOWA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Jefferson	416	423	501	631	767
Kossuth	360	396	498	636	667
Louisa	382	427	528	683	723
Lyon	350	377	498	610	716
Marion	371	456	569	703	723
Mitchell	360	396	498	636	667
Monroe	340	379	498	608	679
Muscatine	380	470	584	719	775
Osceola	350	377	498	610	716
Palo Alto	350	377	498	610	716
Pocahontas	394	395	498	640	669
Ringgold	340	379	498	608	679
Shelby	371	452	569	698	751
Tama	385	407	505	661	682
Union	340	379	498	608	679
Wapello	356	414	546	651	679
Webster	380	387	502	694	717
Winneshiek	324	379	498	647	877
Wright	394	395	498	640	669

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Keokuk	340	379	498	608	679
Lee	363	422	498	631	649
Lucas	340	379	498	608	679
Mahaska	367	417	531	636	840
Marshall	380	441	550	707	812
Monona	372	382	498	655	685
Montgomery	371	452	569	698	751
O'Brien	350	377	498	610	716
Page	322	379	498	594	612
Plymouth	413	414	498	671	691
Poweshiek	346	404	532	680	701
Sac	372	382	498	655	685
Sioux	404	410	498	673	693
Taylor	340	379	498	608	679
Van Buren	340	379	498	608	679
Wayne	340	379	498	608	679
Winnebago	360	396	498	636	667
Worth	360	396	498	636	667

KANSAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Franklin County, KS HMFA	429	430	533	679	726	Franklin
*Kansas City, MO-KS HMFA	510	612	703	951	1000	Johnson, Leavenworth, Linn, Miami, Wyandotte
Lawrence, KS MSA	484	498	640	934	1124	Douglas
St. Joseph, MO-KS MSA	333	412	512	645	764	Doniphan
Sumner County, KS HMFA	322	378	497	669	778	Sumner
Topeka, KS MSA	426	464	568	720	757	Jackson, Jefferson, Osage, Shawnee, Wabaunsee
**Wichita, KS HMFA	439	492	635	816	930	Butler, Harvey, Sedgwick

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allen	374	379	497	659	717
Atchison	390	434	532	775	934
Barton	323	389	497	661	855
Brown	390	434	532	775	934
Chautauqua	359	400	497	640	697
Cheyenne	372	378	497	636	655
Clay	385	423	520	667	822
Coffey	347	379	497	632	652
Cowley	332	406	497	630	648
Decatur	372	378	497	636	655
Edwards	323	381	497	647	763

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Anderson	359	400	497	640	697
Barber	323	381	497	647	763
Bourbon	360	383	497	718	809
Chase	347	379	497	632	652
Cherokee	414	429	497	696	854
Clark	429	433	527	641	704
Cloud	386	393	497	653	674
Comanche	323	381	497	647	763
Crawford	352	412	542	730	814
Dickinson	324	377	497	598	738
Elk	359	400	497	640	697

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

KANSAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ellis	356	404	531	734	769	Ellsworth	386	393	497	653	674
Finney	437	437	564	685	867	Ford	455	456	549	676	722
Geary	352	417	512	678	758	Gove	372	378	497	636	655
Graham	372	378	497	636	655	Grant	429	433	527	641	704
Gray	429	433	527	641	704	Greeley	429	433	527	641	704
Greenwood	347	379	497	632	652	Hamilton	429	433	527	641	704
Harper	323	381	497	647	763	Haskell	429	433	527	641	704
Hodgeman	429	433	527	641	704	Jewell	386	393	497	653	674
Kearny	429	433	527	641	704	Kingman	323	381	497	647	763
Kiowa	323	381	497	647	763	Labette	323	387	497	673	693
Lane	429	433	527	641	704	Lincoln	386	393	497	653	674
Logan	372	378	497	636	655	Lyon	324	378	497	664	786
McPherson	414	414	497	651	669	Marion	347	379	497	632	652
Marshall	385	423	520	667	822	Meade	429	433	527	641	704
Mitchell	386	393	497	653	674	Montgomery	356	398	497	611	761
Morris	385	423	520	667	822	Morton	429	433	527	641	704
Nemaha	390	434	532	775	934	Neosho	322	387	497	591	869
Ness	429	433	527	641	704	Norton	372	378	497	636	655
Osborne	372	378	497	636	655	Ottawa	386	393	497	653	674
Pawnee	323	381	497	647	763	Phillips	372	378	497	636	655
Pottawatomie	336	465	516	657	757	Pratt	324	379	497	644	760
Rawlins	372	378	497	636	655	Reno	353	393	516	707	728
Republic	386	393	497	653	674	Rice	360	393	497	659	679
Riley	405	438	543	791	953	Rooks	372	378	497	636	655
Rush	323	381	497	647	763	Russell	372	378	497	636	655
Saline	410	412	542	722	744	Scott	429	433	527	641	704
Seward	372	458	529	650	787	Sheridan	372	378	497	636	655
Sherman	366	378	497	624	643	Smith	372	378	497	636	655
Stafford	323	381	497	647	763	Stanton	429	433	527	641	704
Stevens	429	433	527	641	704	Thomas	370	377	497	632	651
Trego	372	378	497	636	655	Wallace	372	378	497	636	655
Washington	386	393	497	653	674	Wichita	429	433	527	641	704
Wilson	359	399	497	639	695	Woodson	359	400	497	640	697

KENTUCKY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bowling Green, KY MSA	391	467	568	757	892	Edmonson, Warren
Cincinnati-Middleton, OH-KY-IN HMFA	427	506	655	877	910	Boone, Bracken, Campbell, Gallatin, Kenton, Pendleton
Clarksville, TN-KY HMFA	466	485	563	814	838	Christian, Trigg
Elizabethtown, KY MSA	362	404	487	693	853	Hardin, Larue
Evansville, IN-KY HMFA	374	437	543	670	728	Henderson, Webster
Grant County, KY HMFA	396	478	608	748	838	Grant

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

KENTUCKY continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Huntington-Ashland, WV-KY-OH MSA	354	419	503	620	641	Boyd, Greenup
Lexington-Fayette, KY MSA	420	504	622	836	862	Bourbon, Clark, Fayette, Jessamine, Scott, Woodford
Louisville, KY-IN HMFA	411	473	563	785	834	Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer, Trimble
Meade County, KY HMFA	399	400	479	615	689	Meade
Nelson County, KY HMFA	342	413	499	727	786	Nelson
Owensboro, KY MSA	350	390	513	712	754	Daviess, Hancock, McLean

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	325	361	429	523	583	Allen	281	365	429	573	741
Anderson	415	444	586	847	1010	Ballard	352	389	480	615	693
Barren	297	347	450	561	618	Bath	337	365	450	562	581
Bell	282	385	429	512	628	Boyle	361	400	525	629	649
Breathitt	356	374	429	533	557	Breckinridge	352	354	455	608	627
Butler	385	457	556	731	753	Caldwell	356	357	429	543	617
Calloway	427	428	515	634	904	Carlisle	352	389	480	615	693
Carroll	423	424	527	697	757	Carter	282	375	435	518	586
Casey	325	361	429	523	583	Clay	278	385	429	512	527
Clinton	325	361	429	523	583	Crittenden	356	357	429	560	636
Cumberland	325	361	429	523	583	Elliott	377	378	455	578	683
Estill	356	357	429	548	722	Fleming	337	365	450	562	581
Floyd	325	364	429	563	649	Franklin	425	451	593	804	827
Fulton	352	389	480	615	693	Garrard	364	407	488	583	854
Graves	344	346	429	512	625	Grayson	357	358	429	559	656
Green	323	358	429	519	579	Harlan	355	382	429	528	667
Harrison	370	372	486	637	658	Hart	319	348	429	547	637
Hickman	352	389	480	615	693	Hopkins	356	356	429	538	752
Jackson	356	374	429	519	534	Johnson	280	365	429	585	601
Knott	356	374	429	537	557	Knox	281	339	429	605	625
Laurel	356	386	429	527	720	Lawrence	278	325	429	573	590
Lee	356	374	429	537	557	Leslie	356	374	429	537	557
Letcher	356	374	429	533	557	Lewis	337	365	450	562	581
Lincoln	310	424	470	563	744	Livingston	355	356	429	552	627
Logan	381	414	460	630	698	Lyon	419	426	505	655	679
McCracken	322	405	498	668	688	McCreary	356	385	429	553	568
Madison	367	390	499	704	825	Magoffin	356	360	429	528	552
Marion	352	354	455	608	627	Marshall	385	386	465	606	788
Martin	356	360	429	528	552	Mason	289	370	447	652	749
Menifee	337	365	450	562	581	Mercer	390	415	471	620	730
Metcalfe	319	348	429	547	637	Monroe	319	348	429	547	637
Montgomery	346	403	532	635	654	Morgan	337	365	450	562	581
Muhlenberg	354	355	429	545	559	Nicholas	439	440	576	706	778
Ohio	354	377	429	569	625	Owen	471	537	613	825	1075
Owsley	356	374	429	537	557	Perry	356	375	429	513	629

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

KENTUCKY continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Pike	363	364	438	526	541
Pulaski	305	337	429	529	561
Rockcastle	356	374	429	519	534
Russell	325	361	429	523	583
Taylor	282	386	429	553	726
Union	380	381	459	559	588
Wayne	281	343	429	556	573
Wolfe	356	374	429	537	557
Powell	326	411	503	602	620
Robertson	337	365	450	562	581
Rowan	380	421	468	587	606
Simpson	385	452	594	738	761
Todd	419	426	505	655	679
Washington	352	354	455	608	627
Whitley	329	347	457	546	562

LOUISIANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Alexandria, LA MSA	374	405	482	627	645	Grant, Rapides
**Baton Rouge, LA HMFA	495	532	619	800	955	Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, West Feliciana
Houma-Bayou Cane-Thibodaux, LA MSA	416	419	520	683	778	Lafourche, Terrebonne
Iberville Parish, LA HMFA	354	355	427	578	596	Iberville
Lafayette, LA MSA	431	494	548	703	892	Lafayette, St. Martin
Lake Charles, LA MSA	405	456	555	685	964	Calcasieu, Cameron
Monroe, LA MSA	368	416	517	686	708	Ouachita, Union
New Orleans-Metairie-Kenner, LA MSA	537	595	696	894	924	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany
Shreveport-Bossier City, LA MSA	419	482	563	714	737	Bossier, Caddo, De Soto

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Acadia	346	346	421	532	610
Assumption	393	394	473	577	593
Beauregard	357	366	431	628	755
Caldwell	332	355	421	533	594
Claiborne	386	392	464	554	607
East Carroll	332	355	421	533	594
Franklin	332	355	421	533	594
Jackson	332	355	421	533	594
La Salle	319	344	421	533	645
Madison	332	355	421	533	594
Natchitoches	403	404	484	580	749
Richland	332	355	421	533	594
St. James	402	469	575	706	727
St. Mary	381	388	466	609	629
Tensas	332	355	421	533	594
Vernon	345	380	421	611	730
Webster	338	339	429	578	597
Winn	350	379	421	531	565
Allen	349	350	421	612	679
Avoyelles	272	371	421	573	685
Bienville	386	392	464	554	607
Catahoula	319	344	421	533	645
Concordia	319	344	421	546	645
Evangeline	348	350	421	539	554
Iberia	399	409	482	595	694
Jefferson Davis	349	351	421	533	547
Lincoln	413	426	496	645	667
Morehouse	357	359	446	535	579
Red River	386	392	464	554	607
Sabine	386	392	464	554	607
St. Landry	275	330	421	568	605
Tangipahoa	363	422	531	636	755
Vermilion	350	351	421	577	597
Washington	349	353	421	561	578
West Carroll	332	355	421	533	594

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MAINE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bangor, ME HMFA	450	517	642	824	892	Penobscot County towns of Bangor city, Brewer city, Eddington town, Glenburn town, Hampden town, Hermon town, Holden town, Kenduskeag town, Milford town, Old Town city, Orono town, Orrington town, Penobscot Indian Island Reservation, Veazie town
Cumberland County, ME (part) HMFA	478	570	735	878	1125	Cumberland County towns of Baldwin town, Bridgton town, Brunswick town, Harpswell town, Harrison town, Naples town, New Gloucester town, Pownal town, Sebago town
Lewiston-Auburn, ME MSA	370	464	567	718	796	Androscoggin County towns of Auburn city, Durham town, Greene town, Leeds town, Lewiston city, Lisbon town, Livermore town, Livermore Falls town, Mechanic Falls town, Minot town, Poland town, Sabattus town, Turner town, Wales town
Penobscot County, ME (part) HMFA	457	458	551	689	845	Penobscot County towns of Alton town, Argyle UT, Bradford town, Bradley town, Burlington town, Carmel town, Carroll plantation, Charleston town, Chester town, Clifton town, Corinna town, Corinth town, Dexter town, Dixmont town, Drew plantation, East Central Penobscot UT, East Millinocket town, Edinburg town, Enfield town, Etna town, Exeter town, Garland town, Greenbush town, Howland town, Hudson town, Kingman UT, Lagrange town, Lakeville town, Lee town, Levant town, Lincoln town, Lowell town, Mattawamkeag town, Maxfield town, Medway town, Millinocket town, Mount Chase town, Newburgh town, Newport town, North Penobscot UT, Passadumkeag town, Patten town, Plymouth town, Prentiss UT, Seboeis plantation, Springfield town, Stacyville town, Stetson town, Twombly UT, Webster plantation, Whitney UT, Winn town, Woodville town
Portland, ME HMFA	606	720	933	1176	1260	Cumberland County towns of Cape Elizabeth town, Casco town, Cumberland town, Falmouth town, Freeport town, Frye Island town, Gorham town, Gray town, Long Island town, North Yarmouth town, Portland city, Raymond town, Scarborough town, South Portland city, Standish town, Westbrook city, Windham town, Yarmouth town York County towns of Buxton town, Hollis town, Limington town, Old Orchard Beach town
Sagadahoc County, ME HMFA	576	576	691	834	1197	Sagadahoc County towns of Arrowsic town, Bath city, Bowdoin town, Bowdoinham town, Georgetown town, Perkins UT, Phippsburg town, Richmond town, Topsham town, West Bath town, Woolwich town
York County, ME (part) HMFA	526	546	695	831	908	York County towns of Acton town, Alfred town, Arundel town, Biddeford city, Cornish town, Dayton town, Kennebunk town, Kennebunkport town, Lebanon town, Limerick town, Lyman town, Newfield town, North Berwick town, Ogunquit town, Parsonsfield town, Saco city, Sanford town, Shapleigh town, Waterboro town, Wells town
York-Kittery-South Berwick, ME HMFA	785	790	947	1379	1503	York County towns of Berwick town, Eliot town, Kittery town, South Berwick town, York town

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Aroostook County, ME	349	430	516	673	742	Allagash town, Amity town, Ashland town, Bancroft town, Blaine town, Bridgewater town, Caribou city, Cary plantation, Castle Hill town, Caswell town, Central Aroostook UT, Chapman town, Connor UT, Crystal town, Cyr plantation, Dyer Brook town, Eagle Lake town, Easton town, Fort Fairfield town, Fort Kent town, Frenchville town, Garfield plantation, Glenwood plantation, Grand Isle town, Hamlin town, Hammond town, Haynesville town, Hersey town, Hodgdon town, Houlton town, Island Falls town, Limestone town, Linneus town, Littleton town, Ludlow town, Macwahoc plantation, Madawaska town, Mapleton town, Mars Hill town, Masardis town, Merrill town, Monticello town, Moro plantation, Nashville plantation, New Canada town, New Limerick town, New Sweden town, Northwest Aroostook UT, Oakfield town, Orient town, Oxbow plantation, Penobscot Indian Island Reservation, Perham town, Portage Lake town, Presque Isle city, Reed plantation, St. Agatha town, St. Francis town, St. John plantation, Sherman town, Smyrna town, South Aroostook UT, Square Lake UT, Stockholm town, Van Buren town, Wade town, Wallagrass town, Washburn town, Westfield town, Westmanland town, Weston town, Winterville plantation, Woodland town
Franklin County, ME	434	468	570	681	884	Avon town, Carrabassett Valley town, Carthage town, Chesterville town, Coplin plantation, Dallas plantation, East Central Franklin UT, Eustis town, Farmington town, Industry town, Jay town, Kingfield town, Madrid town, New Sharon town, New Vineyard town, North Franklin UT, Phillips town, Rangeley town, Rangeley plantation, Sandy River plantation, South Franklin UT, Strong town, Temple town, Weld town, West Central Franklin UT, Wilton town, Wyman UT
Hancock County, ME	474	546	636	895	922	Amherst town, Aurora town, Bar Harbor town, Blue Hill town, Brooklin town, Brooksville town, Bucksport town, Castine town, Central Hancock UT, Cranberry Isles town, Dedham town, Deer Isle town, Eastbrook town, East Hancock UT, Ellsworth city, Franklin town, Frenchboro town, Gouldsboro town, Great Pond town, Hancock town, Lamoine town, Mariaville town, Mount Desert town, Northwest Hancock UT, Orland town, Osborn town, Otis town, Penobscot town, Sedgwick town, Sorrento town, Southwest Harbor town, Stonington town, Sullivan town, Surry town, Swans Island town, Tremont town, Trenton town, Verona town, Waltham town, Winter Harbor town
Kennebec County, ME	375	450	560	764	816	Albion town, Augusta city, Belgrade town, Benton town, Chelsea town, China town, Clinton town, Farmingdale town, Fayette town, Gardiner city, Hallowell city, Litchfield town, Manchester town, Monmouth town, Mount Vernon town, Oakland town, Pittston town, Randolph town, Readfield town,

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Rome town, Sidney town, Unity UT, Vassalboro town, Vienna town, Waterville city, Wayne town, West Gardiner town, Windsor town, Winslow town, Winthrop town
Knox County, ME	429	567	647	876	1011	Appleton town, Camden town, Criehaven UT, Cushing town, Friendship town, Hope town, Isle au Haut town, Matinicus Isle plantation, North Haven town, Owls Head town, Rockland city, Rockport town, St. George town, South Thomaston town, Thomaston town, Union town, Vinalhaven town, Warren town, Washington town
Lincoln County, ME	518	556	671	811	835	Alna town, Boothbay town, Boothbay Harbor town, Bremen town, Bristol town, Damariscotta town, Dresden town, Edgecomb town, Hibberts gore, Jefferson town, Monhegan plantation, Newcastle town, Nobleboro town, Somerville town, South Bristol town, Southport town, Waldoboro town, Westport town, Whitefield town, Wiscasset town
Oxford County, ME	361	480	553	737	924	Andover town, Bethel town, Brownfield town, Buckfield town, Byron town, Canton town, Denmark town, Dixfield town, Fryeburg town, Gilead town, Greenwood town, Hanover town, Hartford town, Hebron town, Hiram town, Lincoln plantation, Lovell town, Magalloway plantation, Mexico town, Milton UT, Newry town, North Oxford UT, Norway town, Otisfield town, Oxford town, Paris town, Peru town, Porter town, Roxbury town, Rumford town, South Oxford UT, Stoneham town, Stow town, Sumner town, Sweden town, Upton town, Waterford town, West Paris town, Woodstock town
Piscataquis County, ME	450	513	635	806	862	Abbot town, Atkinson town, Beaver Cove town, Blanchard UT, Bowerbank town, Brownville town, Dover-Foxcroft town, Greenville town, Guilford town, Kingsbury plantation, Lake View plantation, Medford town, Milo town, Monson town, Northeast Piscataquis UT, Northwest Piscataquis UT, Parkman town, Sangerville town, Sebec town, Shirley town, Southeast Piscataquis UT, Wellington town, Willimantic town
Somerset County, ME	360	446	529	747	792	Anson town, Athens town, Bingham town, Brighton plantation, Cambridge town, Canaan town, Caratunk town, Central Somerset UT, Cornville town, Dennistown plantation, Detroit town, Embden town, Fairfield town, Harmony town, Hartland town, Highland plantation, Jackman town, Madison town, Mercer town, Moose River town, Moscow town, New Portland town, Norridgewock town, Northeast Somerset UT, Northwest Somerset UT, Palmyra town, Pittsfield town, Pleasant Ridge plantation, Ripley town, St. Albans town, Seboomook Lake UT, Skowhegan town, Smithfield town, Solon town, Starks town, The Forks plantation, West Forks plantation
Waldo County, ME	504	541	652	799	850	Belfast city, Belmont town, Brooks town, Burnham town, Frankfort town, Freedom town, Islesboro town, Jackson town, Knox town, Liberty town, Lincolnville town, Monroe town, Montville town, Morrill town, Northport town, Palermo town, Prospect town, Searsmont town, Searsport town,

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MAINE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Washington County, ME	434	468	559	693	755	Stockton Springs town, Swanville town, Thorndike town, Troy town, Unity town, Waldo town, Winterport town Addison town, Alexander town, Baileyville town, Baring plantation, Beals town, Beddington town, Calais city, Centerville town, Charlotte town, Cherryfield town, Codyville plantation, Columbia town, Columbia Falls town, Cooper town, Crawford town, Cutler town, Danforth town, Deblois town, Dennysville town, East Central Washington UT, East Machias town, Eastport city, Grand Lake Stream plantation, Harrington town, Jonesboro town, Jonesport town, Lubec town, Machias town, Machiasport town, Marshfield town, Meddybemps town, Milbridge town, Northfield town, North Washington UT, Passamaquoddy Indian Township Reservation, Passamaquoddy Pleasant Point Reservation, Pembroke town, Perry town, Princeton town, Robbinston town, Roque Bluffs town, Steuben town, Talmadge town, Topsfield town, Vanceboro town, Waite town, Wesley town, Whiting town, Whitneyville town

MARYLAND

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Baltimore-Towson, MD MSA	700	791	950	1220	1507	Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's, Baltimore city
Columbia city, MD HMFA	1068	1110	1288	1750	2039	Columbia city
Cumberland, MD-WV MSA	354	429	503	679	792	Allegany
Hagerstown-Martinsburg, MD-WV MSA	442	506	629	874	971	Washington
**Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	694	792	947	1158	1397	Cecil
Salisbury, MD HMFA	430	534	628	778	892	Wicomico
Somerset County, MD HMFA	424	451	531	657	863	Somerset
*Washington-Arlington-Alexandria, DC-VA-MD HMFA	948	1080	1225	1580	2068	Calvert, Charles, Frederick, Montgomery, Prince George's

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Caroline	480	497	581	786	807
Garrett	327	405	503	649	860
St. Mary's	608	631	822	1080	1422
Worcester	518	539	624	911	970
Dorchester	362	436	555	749	770
Kent	541	542	652	800	1074
Talbot	565	566	681	921	973

MASSACHUSETTS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Barnstable Town, MA MSA	619	725	954	1138	1174	Barnstable County towns of Barnstable Town city, Bourne town, Brewster town, Chatham town, Dennis town, Eastham town, Falmouth town, Harwich town, Mashpee town, Orleans town, Provincetown town, Sandwich town, Truro town, Wellfleet town,

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Yarmouth town
Berkshire County, MA (part) HMFA.....	491	551	636	871	895	Berkshire County towns of Alford town, Becket town, Clarksburg town, Egremont town, Florida town, Great Barrington town, Hancock town, Monterey town, Mount Washington town, New Ashford town, New Marlborough town, North Adams city, Otis town, Peru town, Sandisfield town, Savoy town, Sheffield town, Tyringham town, Washington town, West Stockbridge town, Williamstown town, Windsor town
Boston-Cambridge-Quincy, MA-NH HMFA.....	1063	1128	1324	1584	1740	Essex County towns of Amesbury town, Beverly city, Danvers town, Essex town, Gloucester city, Hamilton town, Ipswich town, Lynn city, Lynnfield town, Manchester-by-the-Sea town, Marblehead town, Middleton town, Nahant town, Newbury town, Newburyport city, Peabody city, Rockport town, Rowley town, Salem city, Salisbury town, Saugus town, Swampscott town, Topsfield town, Wenham town Middlesex County towns of Acton town, Arlington town, Ashby town, Ashland town, Ayer town, Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Holliston town, Hopkinton town, Hudson town, Lexington town, Lincoln town, Littleton town, Malden city, Marlborough city, Maynard town, Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town, Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown city, Wayland town, Weston town, Wilmington town, Winchester town, Woburn city Norfolk County towns of Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin city, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Plainville town, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, Wrentham town Plymouth County towns of Carver town, Duxbury town, Hanover town, Hingham town, Hull town, Kingston town, Marshfield town, Norwell town, Pembroke town, Plymouth town, Rockland town, Scituate town, Wareham town Suffolk County towns of Boston city, Chelsea city, Revere city, Winthrop town
Brockton, MA HMFA.....	842	876	1103	1319	1653	Norfolk County towns of Avon town Plymouth County towns of Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, Hanson town, Lakeville town, Marion town, Mattapoisett town, Middleborough town, Plympton town, Rochester town, West Bridgewater town, Whitman town
Eastern Worcester County, MA HMFA.....	724	809	1065	1273	1869	Worcester County towns of Berlin town, Blackstone town, Bolton town, Harvard town, Hopedale town, Lancaster town,

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Mendon town, Milford town, Millville town, Southborough town, Upton town
Easton-Raynham, MA HMFA	833	1103	1283	1534	2218	Bristol County towns of Easton town, Raynham town
Fitchburg-Leominster, MA HMFA	563	646	811	993	1079	Worcester County towns of Ashburnham town, Fitchburg city, Gardner city, Leominster city, Lunenburg town, Templeton town, Westminster town, Winchendon town
Franklin County, MA (part) HMFA	471	550	681	908	1097	Franklin County towns of Ashfield town, Bernardston town, Buckland town, Charlemont town, Colrain town, Conway town, Deerfield town, Erving town, Gill town, Greenfield town, Hawley town, Heath town, Leverett town, Leyden town, Monroe town, Montague town, New Salem town, Northfield town, Orange town, Rowe town, Shelburne town, Shutesbury town, Warwick town, Wendell town, Whately town
Lawrence, MA-NH HMFA	677	862	1042	1244	1283	Essex County towns of Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen city, North Andover town, West Newbury town
Lowell, MA HMFA	738	883	1135	1355	1487	Middlesex County towns of Billerica town, Chelmsford town, Dracut town, Dunstable town, Groton town, Lowell city, Pepperell town, Tewksbury town, Tyngsborough town, Westford town
New Bedford, MA HMFA	514	658	753	902	1217	Bristol County towns of Acushnet town, Dartmouth town, Fairhaven town, Freetown town, New Bedford city
Pittsfield, MA HMFA	464	542	672	864	890	Berkshire County towns of Adams town, Cheshire town, Dalton town, Hinsdale town, Lanesborough town, Lee town, Lenox town, Pittsfield city, Richmond town, Stockbridge town
*Providence-Fall River, RI-MA HMFA	757	827	965	1155	1472	Bristol County towns of Attleboro city, Fall River city, North Attleborough town, Rehoboth town, Seekonk town, Somerset town, Swansea town, Westport town
Springfield, MA HMFA	529	629	799	956	1110	Franklin County towns of Sunderland town Hampden County towns of Agawam city, Blandford town, Brimfield town, Chester town, Chicopee city, East Longmeadow town, Granville town, Hampden town, Holland town, Holyoke city, Longmeadow town, Ludlow town, Monson town, Montgomery town, Palmer town, Russell town, Southwick town, Springfield city, Tolland town, Wales town, Westfield city, West Springfield town, Wilbraham town Hampshire County towns of Amherst town, Belchertown town, Chesterfield town, Cummington town, Easthampton city, Goshen town, Granby town, Hadley town, Hatfield town, Huntington town, Middlefield town, Northampton city, Pelham town, Plainfield town, Southampton town, South Hadley town, Ware town, Westhampton town, Williamsburg town, Worthington town
Taunton-Mansfield-Norton, MA HMFA	644	812	992	1217	1313	Bristol County towns of Berkley town, Dighton town, Mansfield town, Norton town, Taunton city
Western Worcester County, MA HMFA	400	549	616	735	944	Worcester County towns of Athol town, Hardwick town, Hubbardston town, New Braintree town, Petersham town, Phillipston town, Royalston town, Warren town
Worcester, MA HMFA	612	704	857	1025	1087	Worcester County towns of Auburn town, Barre town,

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MASSACHUSETTS continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Boylston town, Brookfield town, Charlton town, Clinton town, Douglas town, Dudley town, East Brookfield town, Grafton town, Holden town, Leicester town, Millbury town, Northborough town, Northbridge town, North Brookfield town, Oakham town, Oxford town, Paxton town, Princeton town, Rutland town, Shrewsbury town, Southbridge town, Spencer town, Sterling town, Sturbridge town, Sutton town, Uxbridge town, Webster town, Westborough town, West Boylston town, West Brookfield town, Worcester city

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Dukes County, MA	742	942	1121	1340	1381	Aquinnah town, Chilmark town, Edgartown town, Gosnold town, Oak Bluffs town, Tisbury town, West Tisbury town
Nantucket County, MA	867	1200	1332	1593	1641	Nantucket town

MICHIGAN

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ann Arbor, MI MSA	669	750	913	1149	1182	Washtenaw
Barry County, MI HMFA	368	464	567	817	899	Barry
Battle Creek, MI MSA	422	484	592	721	742	Calhoun
Bay City, MI MSA	390	436	530	708	728	Bay
Cass County, MI HMFA	411	469	519	688	799	Cass
**Detroit-Warren-Livonia, MI HMFA	619	686	826	986	1017	Lapeer, Macomb, Oakland, St. Clair, Wayne
Flint, MI MSA	494	521	626	776	800	Genesee
*Grand Rapids-Wyoming, MI HMFA	528	564	679	866	908	Kent
**Holland-Grand Haven, MI MSA	560	578	675	983	1081	Ottawa
Ionia County, MI HMFA	392	455	555	664	740	Ionia
Jackson, MI MSA	442	493	588	731	753	Jackson
Kalamazoo-Portage, MI MSA	472	504	612	813	849	Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA	490	532	659	835	905	Clinton, Eaton, Ingham
Livingston County, MI HMFA	670	706	831	1198	1458	Livingston
**Monroe, MI MSA	630	632	761	1008	1099	Monroe
**Muskegon-Norton Shores, MI MSA	421	436	565	754	776	Muskegon
Newaygo County, MI HMFA	432	456	521	705	725	Newaygo
Niles-Benton Harbor, MI MSA	415	465	567	693	890	Berrien
Saginaw-Saginaw Township North, MI MSA	408	467	590	707	726	Saginaw

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alcona	356	412	504	679	719	Alger	332	422	503	620	698
**Allegan	520	551	654	848	891	Alpena	397	451	503	695	768
Antrim	440	441	532	739	933	Arenac	400	422	503	673	745
Baraga	332	422	503	620	698	Benzie	544	545	660	824	848
Branch	422	450	592	710	730	Charlevoix	461	499	553	795	821
Cheboygan	355	413	510	685	720	Chippewa	336	418	516	625	701

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MICHIGAN continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clare	369	383	503	678	698
Delta	349	415	503	662	702
Emmet	387	476	593	799	846
Gogebic	347	415	503	615	731
Gratiot	420	421	503	670	749
Houghton	358	418	503	654	749
Iosco	410	435	503	731	759
Isabella	417	451	503	724	790
Keweenaw	347	415	503	615	731
Leelanau	544	545	660	824	848
Luce	347	424	503	660	719
Manistee	405	419	550	658	738
Mason	327	384	503	658	723
Menominee	418	419	503	663	885
Missaukee	390	469	553	727	799
Montmorency	356	413	516	680	719
Ogemaw	387	406	503	650	719
Osceola	417	418	503	689	868
Otsego	415	485	638	765	804
Roscommon	417	420	503	653	804
Sanilac	419	452	503	708	728
Shiawassee	363	446	556	766	853
Wexford	355	469	547	724	798

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Crawford	355	413	515	679	719
Dickinson	327	397	503	607	826
Gladwin	400	422	503	673	745
Grand Traverse	556	557	698	914	942
Hillsdale	355	437	521	733	801
Huron	418	421	503	667	810
Iron	347	415	503	615	731
Kalkaska	436	474	526	639	659
Lake	385	421	503	658	792
Lenawee	420	527	647	826	901
Mackinac	336	418	517	624	679
Marquette	326	423	503	633	688
Mecosta	371	441	534	710	936
Midland	412	469	578	796	851
Montcalm	391	454	519	701	722
Oceana	367	425	507	613	654
Ontonagon	347	415	503	615	731
Oscoda	356	412	504	679	719
Presque Isle	356	412	504	679	719
St. Joseph	419	467	551	680	763
Schoolcraft	347	424	503	660	719
Tuscola	366	418	530	636	761

MINNESOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Duluth, MN-WI MSA	351	427	539	677	862	Carlton, St. Louis
Fargo, ND-MN MSA	373	443	563	812	939	Clay
Grand Forks, ND-MN MSA	363	456	559	708	963	Polk
La Crosse, WI-MN MSA	359	420	553	734	901	Houston
**Minneapolis-St. Paul-Bloomington, MN-WI MSA	619	725	882	1168	1318	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright
Rochester, MN HMFA	520	556	730	947	988	Dodge, Olmsted
St. Cloud, MN MSA	428	472	565	799	928	Benton, Stearns
Wabasha County, MN HMFA	358	398	510	638	896	Wabasha

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aitkin	361	424	557	695	752
Beltrami	349	413	525	722	921
Blue Earth	411	514	594	855	1045
Cass	326	417	503	634	653
Clearwater	352	397	503	635	882

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Becker	326	386	503	630	654
Big Stone	326	397	503	643	665
Brown	372	423	508	608	625
Chippewa	385	419	503	602	621
Cook	326	414	503	630	649

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MINNESOTA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Cottonwood	368	402	503	641	671
Douglas	355	423	532	771	843
Fillmore	346	417	520	679	851
Goodhue	402	472	620	789	854
Hubbard	352	397	503	635	882
Jackson	368	402	503	641	671
Kandiyohi	405	415	515	694	715
Koochiching	326	417	503	634	653
Lake	326	414	503	630	649
Le Sueur	447	461	555	773	797
Lyon	384	431	530	661	680
Mahnomen	352	397	503	635	882
Martin	417	418	503	730	752
Mille Lacs	423	435	573	710	788
Mower	337	394	503	625	644
Nicollet	466	478	562	737	760
Norman	331	396	503	640	750
Pennington	328	387	503	635	694
Pipestone	368	402	503	641	671
Red Lake	331	396	503	640	750
Renville	404	421	519	678	698
Rock	368	402	503	641	671
Sibley	404	421	519	678	698
Stevens	327	410	503	606	818
Todd	363	408	504	608	808
Wadena	363	408	504	608	808
Watonwan	368	402	503	641	671
Winona	367	433	565	781	991

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Crow Wing	372	435	574	736	861
Faribault	368	402	503	641	671
Freeborn	326	382	503	600	791
Grant	326	397	503	643	665
Itasca	340	420	523	633	743
Kanabec	393	461	606	756	817
Kittson	331	396	503	640	750
Lac qui Parle	385	419	503	602	621
Lake of the Woods	352	397	503	635	882
Lincoln	385	419	503	602	621
McLeod	468	469	581	832	859
Marshall	331	396	503	640	750
Meeker	404	447	519	678	698
Morrison	336	400	517	618	907
Murray	368	402	503	641	671
Nobles	331	414	503	667	688
Otter Tail	328	390	503	613	632
Pine	403	437	564	737	760
Pope	326	397	503	643	665
Redwood	385	419	503	602	621
Rice	489	511	672	803	933
Roseau	326	388	503	627	734
Steele	391	474	599	754	982
Swift	326	397	503	643	665
Traverse	326	397	503	643	665
Waseca	361	424	557	666	696
Wilkin	326	397	503	643	665
Yellow Medicine	385	419	503	602	621

MISSISSIPPI

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Gulfport-Biloxi, MS MSA	497	526	615	801	823	Hancock, Harrison, Stone
Hattiesburg, MS MSA	389	444	528	769	794	Forrest, Lamar, Perry
Jackson, MS HMFA	468	528	613	737	760	Copiah, Hinds, Madison, Rankin
Marshall County, MS HMFA	295	369	455	664	685	Marshall
Memphis, TN-MS-AR HMFA	527	572	636	847	874	DeSoto
Pascagoula, MS MSA	427	489	587	808	867	George, Jackson
Simpson County, MS HMFA	377	398	455	545	787	Simpson
Tate County, MS HMFA	356	413	459	643	806	Tate
Tunica County, MS HMFA	388	467	598	718	881	Tunica

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MISSISSIPPI continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	313	433	481	577	826
Amite	364	409	455	550	625
Benton	415	465	515	618	634
Calhoun	373	384	455	610	763
Chickasaw	343	421	493	591	621
Claiborne	378	379	455	571	669
Clay	377	379	455	663	684
Covington	378	379	455	571	669
Greene	345	369	455	594	626
Holmes	383	443	493	590	618
Issaquena	383	443	493	590	618
Jasper	358	386	455	547	582
Jefferson Davis	378	379	455	571	669
Kemper	378	420	483	632	654
Lauderdale	383	429	503	691	713
Leake	358	386	455	547	582
Leflore	295	346	455	604	711
Lowndes	397	407	477	693	715
Monroe	377	402	455	569	609
Neshoba	294	397	455	541	796
Noxubee	383	397	462	633	675
Panola	295	409	455	545	628
Pike	377	409	455	599	617
Prentiss	296	344	455	546	562
Scott	378	402	455	545	587
Smith	358	386	455	547	582
Tallahatchie	307	344	455	604	632
Tishomingo	295	384	455	571	591
Walthall	364	409	455	550	625
Washington	313	408	481	624	763
Webster	373	384	455	610	763
Winston	343	421	493	591	621
Yazoo	377	399	455	543	561

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alcorn	378	408	455	632	800
Attala	373	384	455	610	763
Bolivar	370	418	481	577	846
Carroll	307	344	455	604	632
Choctaw	373	384	455	610	763
Clarke	378	420	483	632	654
Coahoma	387	400	528	631	927
Franklin	364	409	455	550	625
Grenada	354	389	455	641	763
Humphreys	307	344	455	604	632
Itawamba	295	402	455	601	710
Jefferson	378	379	455	571	669
Jones	308	357	455	599	619
Lafayette	407	481	593	710	731
Lawrence	378	379	455	571	669
Lee	413	430	496	677	763
Lincoln	332	410	455	624	799
Marion	358	406	455	597	680
Montgomery	373	384	455	610	763
Newton	378	420	483	632	654
Oktibbeha	361	438	534	696	716
Pearl River	400	401	480	586	826
Pontotoc	377	378	455	619	637
Quitman	370	396	467	559	701
Sharkey	383	443	493	590	618
Sunflower	330	406	455	648	669
Tippah	378	410	455	592	738
Union	308	428	474	567	687
Warren	462	507	566	676	697
Wayne	345	369	455	594	626
Wilkinson	364	409	455	550	625
Yalobusha	373	384	455	610	763

MISSOURI

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bates County, MO HMFA	305	358	468	657	679	Bates
Columbia, MO MSA	380	455	565	823	918	Boone, Howard
Dallas County, MO HMFA	302	392	464	633	654	Dallas
Jefferson City, MO HMFA	364	392	504	700	782	Callaway, Cole, Osage
Joplin, MO MSA	330	396	505	643	662	Jasper, Newton
*Kansas City, MO-KS HMFA	510	612	703	951	1000	Caldwell, Cass, Clay, Clinton, Jackson, Lafayette, Platte,

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MISSOURI continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
						Ray
McDonald County, MO HMFA	369	370	464	660	682	McDonald
Moniteau County, MO HMFA	304	356	469	567	756	Moniteau
Polk County, MO HMFA	302	353	464	676	775	Polk
Springfield, MO HMFA	347	410	524	747	853	Christian, Greene, Webster
St. Joseph, MO-KS MSA	333	412	512	645	764	Andrew, Buchanan, DeKalb
**St. Louis, MO-IL HMFA	513	559	694	905	967	Sullivan city part of Crawford, Franklin, Jefferson, Lincoln, St. Charles, St. Louis, Warren, St. Louis city
Washington County, MO HMFA	355	413	464	611	681	Washington

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	334	388	512	672	743	Atchison	372	373	464	578	715
Audrain	384	386	464	586	744	Barry	303	381	464	605	625
Barton	302	380	464	562	617	Benton	302	359	464	644	667
Bollinger	339	381	500	639	740	Butler	384	385	464	643	688
Camden	423	429	527	768	789	Cape Girardeau	343	399	527	681	858
Carroll	404	405	511	641	715	Carter	385	386	464	645	693
Cedar	302	359	464	644	667	Chariton	404	405	511	641	715
Clark	342	352	464	574	677	Cooper	369	388	505	674	784
Crawford	302	383	464	618	814	Dade	356	375	493	631	681
Daviess	372	373	464	578	715	Dent	348	378	464	612	778
Douglas	342	384	464	614	711	Dunklin	360	391	464	593	662
Gasconade	329	358	464	581	739	Gentry	372	373	464	578	715
Grundy	372	373	464	578	715	Harrison	372	373	464	578	715
Henry	334	388	512	614	633	Hickory	302	359	464	644	667
Holt	372	373	464	578	715	Howell	319	367	464	575	814
Iron	339	381	500	639	740	Johnson	406	433	525	702	790
Knox	342	352	464	574	677	Laclede	380	381	464	607	796
Lawrence	385	386	464	632	728	Lewis	342	352	464	574	677
Linn	342	352	464	574	677	Livingston	365	366	464	620	812
Macon	375	376	464	555	597	Madison	339	381	500	639	740
Maries	348	378	464	612	778	Marion	305	355	468	609	626
Mercer	372	373	464	578	715	Miller	387	388	464	619	645
Mississippi	325	354	464	612	706	Monroe	304	356	469	603	620
Montgomery	304	356	469	603	620	Morgan	391	392	471	640	745
New Madrid	330	380	464	619	637	Nodaway	410	411	511	611	713
Oregon	342	384	464	614	711	Ozark	342	384	464	614	711
Pemiscot	303	354	464	583	600	Perry	345	375	492	589	865
Pettis	404	405	525	655	784	Phelps	343	370	464	642	790
Pike	301	352	464	607	664	Pulaski	397	428	476	692	757
Putnam	342	352	464	574	677	Ralls	304	356	469	603	620
Randolph	313	367	481	610	627	Reynolds	385	386	464	645	693
Ripley	385	386	464	645	693	St. Clair	302	359	464	644	667

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MISSOURI continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ste. Genevieve	339	381	500	639	740
Saline	306	359	472	612	718
Scotland	342	352	464	574	677
Shannon	342	384	464	614	711
Stoddard	360	374	464	632	684
Sullivan	342	352	464	574	677
Texas	366	386	464	639	736
Wayne	385	386	464	645	693
Wright	340	356	464	586	603
St. Francois	401	404	485	677	705
Schuyler	342	352	464	574	677
Scott	385	386	483	602	712
Shelby	342	352	464	574	677
Stone	342	398	526	690	759
Taney	439	440	556	663	844
Vernon	323	384	465	651	671
Worth	372	373	464	578	715

MONTANA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Billings, MT MSA	376	447	578	780	939	Carbon, Yellowstone
Great Falls, MT MSA	344	414	531	718	864	Cascade
Missoula, MT MSA	444	511	645	836	1000	Missoula

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaverhead	415	484	636	823	997
Blaine	336	401	508	677	773
Carter	408	424	503	678	721
Custer	328	455	503	732	758
Dawson	408	424	503	678	721
Fallon	408	424	503	678	721
Flathead	375	461	579	819	1004
Garfield	408	424	503	678	721
Golden Valley	408	424	503	678	721
Hill	327	403	503	725	770
Judith Basin	336	401	508	677	773
Lewis and Clark	400	457	571	829	856
Lincoln	360	442	552	764	856
Madison	415	484	636	823	997
Mineral	444	503	631	809	968
Park	395	461	606	725	958
Phillips	408	424	503	678	721
Powder River	408	424	503	678	721
Prairie	408	424	503	678	721
Richland	408	424	503	678	721
Rosebud	374	388	503	621	661
Sheridan	408	424	503	678	721
Stillwater	408	424	503	678	721
Teton	336	401	508	677	773
Treasure	408	424	503	678	721
Big Horn	375	390	503	623	664
Broadwater	370	424	539	729	783
Chouteau	336	401	508	677	773
Daniels	408	424	503	678	721
Deer Lodge	370	424	539	729	783
Fergus	367	382	503	609	649
Gallatin	424	505	657	877	1151
Glacier	336	401	508	677	773
Granite	370	424	539	729	783
Jefferson	370	424	539	729	783
Lake	441	443	537	724	780
Liberty	336	401	508	677	773
McCone	408	424	503	678	721
Meagher	415	484	636	823	997
Musselshell	408	424	503	678	721
Petroleum	408	424	503	678	721
Pondera	336	401	508	677	773
Powell	370	424	539	729	783
Ravalli	422	460	590	773	915
Roosevelt	408	424	503	678	721
Sanders	360	442	552	764	856
Silver Bow	364	392	504	659	721
Sweet Grass	408	424	503	678	721
Toole	336	401	508	677	773
Valley	408	424	503	678	721

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

MONTANA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Wheatland	408	424	503	678	721
Wibaux	408	424	503	678	721

NEBRASKA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Lincoln, NE HMFA	417	468	596	836	1013	Lancaster
Omaha-Council Bluffs, NE-IA HMFA	467	531	662	884	909	Cass, Douglas, Sarpy, Washington
Saunders County, NE HMFA	481	483	580	846	871	Saunders
Seward County, NE HMFA	325	402	502	667	846	Seward
Sioux City, IA-NE-SD MSA	387	455	597	752	774	Dakota, Dixon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	348	407	535	677	697
Arthur	379	438	502	663	683
Blaine	418	419	503	622	725
Box Butte	375	381	502	657	781
Brown	375	381	502	652	781
Burt	417	418	502	629	650
Cedar	417	418	502	629	650
Cherry	375	381	502	652	781
Clay	352	412	542	693	805
Cuming	417	418	502	629	650
Dawes	325	383	502	601	747
Deuel	375	381	502	652	781
Dundy	379	438	502	663	683
Franklin	352	412	542	693	805
Furnas	379	438	502	663	683
Garden	375	381	502	652	781
Gosper	379	438	502	663	683
Greeley	418	419	503	622	725
Hamilton	418	419	503	622	725
Hayes	379	438	502	663	683
Holt	375	381	502	652	781
Howard	418	419	503	622	725
Johnson	417	418	502	637	667
Keith	379	438	502	663	683
Kimball	375	381	502	652	781
Lincoln	366	412	524	642	809
Loup	418	419	503	622	725
Madison	370	390	513	699	721
Morrill	375	381	502	652	781
Nemaha	417	418	502	637	667

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Antelope	417	418	502	629	650
Banner	375	381	502	652	781
Boone	417	418	502	629	650
Boyd	375	381	502	652	781
Buffalo	378	442	582	792	920
Butler	417	418	502	637	667
Chase	379	438	502	663	683
Cheyenne	375	381	502	652	781
Colfax	417	418	502	629	650
Custer	418	419	503	622	725
Dawson	432	469	522	635	655
Dodge	397	465	611	730	891
Fillmore	417	418	502	637	667
Frontier	379	438	502	663	683
Gage	417	418	502	612	631
Garfield	418	419	503	622	725
Grant	379	438	502	663	683
Hall	423	424	531	664	859
Harlan	352	412	542	693	805
Hitchcock	379	438	502	663	683
Hooker	379	438	502	663	683
Jefferson	417	418	502	637	667
Kearney	352	412	542	693	805
Keya Paha	375	381	502	652	781
Knox	417	418	502	629	650
Logan	379	438	502	663	683
McPherson	379	438	502	663	683
Merrick	418	419	503	622	725
Nance	417	418	502	629	650
Nuckolls	352	412	542	693	805

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

NEBRASKA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Otoe	417	419	502	622	652
Perkins	379	438	502	663	683
Pierce	417	418	502	629	650
Polk	417	418	502	637	667
Richardson	417	418	502	637	667
Saline	442	466	533	651	673
Sheridan	375	381	502	652	781
Sioux	375	381	502	652	781
Thayer	417	418	502	637	667
Thurston	417	418	502	629	650
Wayne	417	418	502	629	650
Wheeler	418	419	503	622	725

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Pawnee	417	418	502	637	667
Phelps	352	412	542	693	805
Platte	418	419	502	732	754
Red Willow	347	452	502	730	753
Rock	375	381	502	652	781
Scotts Bluff	417	418	502	640	844
Sherman	418	419	503	622	725
Stanton	417	418	502	629	650
Thomas	379	438	502	663	683
Valley	418	419	503	622	725
Webster	352	412	542	693	805
York	354	418	547	664	798

NEVADA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Carson City, NV MSA	528	637	767	1118	1348	Carson
*Las Vegas-Paradise, NV MSA	622	728	861	1195	1453	Clark
Reno-Sparks, NV MSA	596	712	880	1279	1545	Storey, Washoe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Churchill	570	572	718	908	1067
Elko	514	559	725	903	1163
Eureka	447	517	659	875	968
Lander	447	517	659	875	968
Lyon	472	530	698	1017	1048
**Nye	432	597	664	967	997
White Pine	447	517	659	875	968

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Douglas	597	734	892	1242	1376
Esmeralda	447	517	659	875	968
Humboldt	450	528	693	830	854
Lincoln	447	517	659	875	968
Mineral	447	517	659	875	968
Pershing	447	517	659	875	968

NEW HAMPSHIRE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston-Cambridge-Quincy, MA-NH HMFA	1063	1128	1324	1584	1740	Rockingham County towns of Seabrook town, South Hampton town
Hillsborough County, NH (part) HMFA	602	611	802	1169	1408	Hillsborough County towns of Antrim town, Bennington town, Deering town, Francestown town, Greenfield town, Hancock town, Hillsborough town, Lyndeborough town, New Boston town, Peterborough town, Sharon town, Temple town, Windsor town
Lawrence, MA-NH HMFA	677	862	1042	1244	1283	Rockingham County towns of Atkinson town, Chester town, Danville town, Derry town, Fremont town, Hampstead town, Kingston town, Newton town, Plaistow town, Raymond town, Salem town, Sandown town, Windham town
Manchester, NH HMFA	689	822	1013	1211	1383	Hillsborough County towns of Bedford town, Goffstown town, Manchester city, Weare town

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

NEW HAMPSHIRE continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Nashua, NH HMFA	734	863	1079	1443	1544	Hillsborough County towns of Amherst town, Brookline town, Greenville town, Hollis town, Hudson town, Litchfield town, Mason town, Merrimack town, Milford town, Mont Vernon town, Nashua city, New Ipswich town, Pelham town, Wilton town
Portsmouth-Rochester, NH HMFA	650	768	957	1263	1425	Rockingham County towns of Brentwood town, East Kingston town, Epping town, Exeter town, Greenland town, Hampton town, Hampton Falls town, Kensington town, New Castle town, Newfields town, Newington town, Newmarket town, North Hampton town, Portsmouth city, Rye town, Stratham town Strafford County towns of Barrington town, Dover city, Durham town, Farmington town, Lee town, Madbury town, Middleton town, Milton town, New Durham town, Rochester city, Rollinsford town, Somersworth city, Strafford town
Western Rockingham County, NH HMFA	823	824	992	1311	1352	Rockingham County towns of Auburn town, Candia town, Deerfield town, Londonderry town, Northwood town, Nottingham town

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Belknap County, NH	475	584	729	962	1237	Alton town, Barnstead town, Belmont town, Center Harbor town, Gilford town, Gilmanton town, Laconia city, Meredith town, New Hampton town, Sanbornton town, Tilton town
Carroll County, NH	526	556	733	997	1224	Albany town, Bartlett town, Brookfield town, Chatham town, Conway town, Eaton town, Effingham town, Freedom town, Hale's location, Hart's Location town, Jackson town, Madison town, Moultonborough town, Ossipee town, Sandwich town, Tamworth town, Tuftonboro town, Wakefield town, Wolfeboro town
Cheshire County, NH	583	622	780	941	1145	Alstead town, Chesterfield town, Dublin town, Fitzwilliam town, Gilsum town, Harrisville town, Hinsdale town, Jaffrey town, Keene city, Marlborough town, Marlow town, Nelson town, Richmond town, Rindge town, Roxbury town, Stoddard town, Sullivan town, Surry town, Swanzey town, Troy town, Walpole town, Westmoreland town, Winchester town
Coos County, NH	342	447	525	737	827	Atkinson and Gilmanton Academy grant, Beans grant, Beans purchase, Berlin city, Cambridge township, Carroll town, Chandlers purchase, Clarksville town, Colebrook town, Columbia town, Crawfords purchase, Cutts grant, Dalton town, Dixs grant, Dixville township, Dummer town, Errol town, Ervings location, Gorham town, Greens grant, Hadleys purchase, Jefferson town, Kilkenny township, Lancaster town, Low and Burbanks grant, Martins location, Milan town, Millsfield township, Northumberland town, Odell township, Pinkhams grant, Pittsburg town, Randolph town, Sargents purchase, Second College grant, Shelburne town, Stark town, Stewartstown town, Stratford town, Success township,

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

NEW HAMPSHIRE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Thompson and Meserves purchase, Wentworth location, Whitefield town
Grafton County, NH	517	569	721	970	1022	Alexandria town, Ashland town, Bath town, Benton town, Bethlehem town, Bridgewater town, Bristol town, Campton town, Canaan town, Dorchester town, Easton town, Ellsworth town, Enfield town, Franconia town, Grafton town, Groton town, Hanover town, Haverhill town, Hebron town, Holderness town, Landaff town, Lebanon city, Lincoln town, Lisbon town, Littleton town, Livermore town, Lyman town, Lyme town, Monroe town, Orange town, Orford town, Piermont town, Plymouth town, Rumney town, Sugar Hill town, Thornton town, Warren town, Waterville Valley town, Wentworth town, Woodstock town
Merrimack County, NH	528	624	815	1007	1290	Allenstown town, Andover town, Boscawen town, Bow town, Bradford town, Canterbury town, Chichester town, Concord city, Danbury town, Dunbarton town, Epsom town, Franklin city, Henniker town, Hill town, Hooksett town, Hopkinton town, Loudon town, Newbury town, New London town, Northfield town, Pembroke town, Pittsfield town, Salisbury town, Sutton town, Warner town, Webster town, Wilmot town
Sullivan County, NH	440	533	679	920	994	Acworth town, Charlestown town, Claremont city, Cornish town, Croydon town, Goshen town, Grantham town, Langdon town, Lempster town, Newport town, Plainfield town, Springfield town, Sunapee town, Unity town, Washington town

NEW JERSEY

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Atlantic City, NJ MSA	704	775	925	1173	1315	Atlantic
**Bergen-Passaic, NJ HMFA	946	1035	1183	1492	1806	Bergen, Passaic
Jersey City, NJ HMFA	884	934	1090	1321	1422	Hudson
Middlesex-Somerset-Hunterdon, NJ HMFA	973	1009	1187	1490	1757	Hunterdon, Middlesex, Somerset
New York-Monmouth-Ocean, NY-NJ HMFA	940	1003	1133	1406	1556	Monmouth, Ocean
**Newark, NJ HMFA	767	937	1070	1300	1495	Essex, Morris, Sussex, Union
Ocean City, NJ MSA	623	636	800	1048	1079	Cape May
**Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	694	792	947	1158	1397	Burlington, Camden, Gloucester, Salem
Trenton-Ewing, NJ MSA	739	850	1022	1221	1371	Mercer
Vineland-Millville-Bridgeton, NJ MSA	674	676	852	1035	1091	Cumberland
**Warren County, NJ HMFA	844	886	1070	1323	1362	Warren

NEW MEXICO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Albuquerque, NM MSA	485	571	721	1050	1259	Bernalillo, Sandoval, Torrance, Valencia
Farmington, NM MSA	433	458	552	730	823	San Juan
Las Cruces, NM MSA	418	451	503	694	771	Dona Ana

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

NEW MEXICO continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Santa Fe, NM MSA	559	693	843	1103	1319	Santa Fe

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Catron	338	381	456	664	684	Chaves	363	365	466	610	628
Cibola	380	409	456	663	720	Colfax	404	431	485	612	637
Curry	379	393	456	617	803	De Baca	379	390	456	615	749
Eddy	304	388	456	612	743	Grant	364	422	480	676	696
Guadalupe	445	451	537	674	703	Harding	379	390	456	615	749
Hidalgo	338	381	456	664	684	Lea	378	411	456	600	632
Lincoln	354	446	543	684	954	Los Alamos	568	661	868	1042	1073
Luna	378	411	456	581	698	McKinley	360	423	556	664	861
Mora	445	451	537	674	703	Otero	348	412	456	667	803
Quay	379	390	456	615	749	Rio Arriba	406	414	489	633	702
Roosevelt	378	388	456	632	782	San Miguel	381	411	506	672	781
Sierra	295	368	456	666	802	Socorro	379	380	456	546	774
Taos	540	587	650	778	802	Union	379	390	456	615	749

NEW YORK

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA	565	586	715	856	935	Albany, Rensselaer, Saratoga, Schenectady, Schoharie
Binghamton, NY MSA	454	456	546	713	836	Broome, Tioga
**Buffalo-Niagara Falls, NY MSA	519	523	625	778	867	Erie, Niagara
Elmira, NY MSA	498	499	599	770	802	Chemung
Glens Falls, NY MSA	474	501	630	795	895	Warren, Washington
Ithaca, NY MSA	610	628	735	889	922	Tompkins
Kingston, NY MSA	590	640	766	971	1206	Ulster
Nassau-Suffolk, NY HMFA	938	1084	1280	1699	1851	Nassau, Suffolk
New York-Monmouth-Ocean, NY-NJ HMFA	940	1003	1133	1406	1556	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland
Poughkeepsie-Newburgh-Middletown, NY MSA	694	815	998	1224	1303	Dutchess, Orange
Rochester, NY MSA	485	537	656	788	834	Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	485	486	586	750	812	Madison, Onondaga, Oswego
Utica-Rome, NY MSA	470	471	567	695	789	Herkimer, Oneida
Westchester County, NY HMFA	949	1132	1316	1587	1957	Westchester

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allegany	440	443	530	660	811	Cattaraugus	446	447	538	707	811
Cayuga	471	472	566	753	874	Chautauqua	444	446	535	690	754
Chenango	449	453	542	683	952	Clinton	507	509	610	775	1007
Columbia	554	566	667	806	859	Cortland	484	485	592	752	924
Delaware	454	456	547	676	890	Essex	477	478	574	763	830
Franklin	438	439	524	673	745	Fulton	375	457	578	692	735
Genesee	515	516	620	769	870	Greene	479	517	630	819	892
Hamilton	482	483	580	723	838	Jefferson	500	501	602	776	815

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

NEW YORK continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Lewis	444	446	535	669	747	Montgomery	438	470	528	668	723
Otsego	471	483	567	754	784	St. Lawrence	445	446	537	680	743
Schuyler	484	486	583	777	803	Seneca	513	514	616	811	1026
Steuben	474	475	571	733	809	Sullivan	488	541	694	831	973
Wyoming	461	474	556	810	883	Yates	472	478	568	736	758

NORTH CAROLINA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anson County, NC HMFA	418	450	503	707	746	Anson
Asheville, NC HMFA	447	522	596	799	1047	Buncombe, Henderson, Madison
Burlington, NC MSA	558	577	673	914	942	Alamance
Charlotte-Gastonia-Concord, NC-SC HMFA	565	613	680	857	997	Cabarrus, Gaston, Mecklenburg, Union
Durham, NC HMFA	492	673	755	987	1064	Chatham, Durham, Orange
Fayetteville, NC HMFA	487	526	588	835	988	Cumberland
Goldsboro, NC MSA	377	447	523	655	875	Wayne
Greene County, NC HMFA	418	419	503	711	734	Greene
Greensboro-High Point, NC HMFA	533	608	678	859	919	Guilford, Randolph
Greenville, NC HMFA	436	452	557	772	797	Pitt
Haywood County, NC HMFA	425	426	531	688	890	Haywood
Hickory-Lenoir-Morganton, NC MSA	440	462	531	681	793	Alexander, Burke, Caldwell, Catawba
Hoke County, NC HMFA	451	490	543	743	906	Hoke
Jacksonville, NC MSA	445	476	535	751	882	Onslow
Pender County, NC HMFA	445	448	538	707	727	Pender
Person County, NC HMFA	438	439	530	633	726	Person
Raleigh-Cary, NC MSA	655	734	817	1027	1064	Franklin, Johnston, Wake
Rockingham County, NC HMFA	409	433	513	637	657	Rockingham
Rocky Mount, NC MSA	376	454	578	718	739	Edgecombe, Nash
*Virginia Beach-Norfolk-Newport News, VA-NC MSA	672	706	811	1118	1401	Currituck
Wilmington, NC HMFA	512	566	683	957	984	Brunswick, New Hanover
Winston-Salem, NC MSA	466	531	615	838	985	Davie, Forsyth, Stokes, Yadkin

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alleghany	374	439	503	660	680	Ashe	416	418	503	665	786
Avery	385	475	562	672	794	Beaufort	327	427	503	606	623
Bertie	345	437	503	602	621	Bladen	327	397	503	733	792
Camden	371	483	570	770	789	Carteret	460	460	553	805	970
Caswell	420	421	515	629	657	Cherokee	327	424	503	731	881
Chowan	371	483	570	770	789	Clay	417	420	503	660	769
Cleveland	494	495	595	784	880	Columbus	352	453	503	603	620
Craven	418	476	546	736	919	Dare	567	568	697	921	948
Davidson	450	451	543	708	809	Duplin	417	452	503	636	656
Gates	371	483	570	770	789	Graham	417	420	503	660	769
Granville	462	463	557	695	827	Halifax	327	454	503	640	734
Harnett	427	465	515	695	904	Hertford	327	451	503	660	679

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

NORTH CAROLINA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hyde	371	483	570	770	789	Iredell	503	507	607	804	1050
Jackson	457	473	563	739	763	Jones	421	455	544	753	957
Lee	367	502	567	697	995	Lenoir	381	383	503	601	863
Lincoln	357	494	549	663	682	McDowell	361	431	557	688	707
Macon	380	413	532	646	933	Martin	418	443	503	651	670
Mitchell	385	475	562	672	794	Montgomery	417	453	503	627	883
Moore	460	461	580	834	1017	Northampton	328	443	503	640	658
Pamlico	337	428	503	633	651	Pasquotank	367	473	563	817	842
Perquimans	371	483	570	770	789	Polk	466	467	573	716	739
Richmond	362	453	503	632	652	Robeson	359	434	503	604	672
Rowan	493	533	592	845	902	Rutherford	456	458	560	670	690
Sampson	418	427	503	699	885	Scotland	415	416	527	640	798
Stanly	390	421	515	701	763	Surry	376	452	503	672	691
Swain	417	420	503	660	769	Transylvania	329	458	507	640	675
Tyrrell	371	483	570	770	789	Vance	417	418	503	603	621
Warren	423	425	509	622	640	Washington	349	470	536	643	660
Watauga	416	508	639	777	1003	Wilkes	368	422	503	645	672
Wilson	472	473	574	687	728	Yancey	416	418	503	601	619

NORTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bismarck, ND MSA	399	418	520	753	774	Burleigh, Morton
Fargo, ND-MN MSA	373	443	563	812	939	Cass
Grand Forks, ND-MN MSA	363	456	559	708	963	Grand Forks

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	333	387	475	629	657	Barnes	394	396	475	665	835
Benson	389	390	475	655	826	Billings	333	387	475	629	657
Bottineau	363	399	496	698	761	Bowman	333	387	475	629	657
Burke	363	399	496	698	761	Cavalier	389	390	475	655	826
Dickey	389	390	475	655	826	Divide	333	387	475	629	657
Dunn	333	387	475	629	657	Eddy	389	390	475	655	826
Emmons	363	399	496	698	761	Foster	389	390	475	655	826
Golden Valley	333	387	475	629	657	Grant	333	387	475	629	657
Griggs	389	390	475	655	826	Hettinger	333	387	475	629	657
Kidder	363	399	496	698	761	LaMoure	389	390	475	655	826
Logan	363	399	496	698	761	McHenry	363	399	496	698	761
McIntosh	363	399	496	698	761	McKenzie	333	387	475	629	657
McLean	363	399	496	698	761	Mercer	333	387	475	629	657
Mountrail	363	399	496	698	761	Nelson	370	459	548	741	823
Oliver	333	387	475	629	657	Pembina	370	459	548	741	823

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

NORTH DAKOTA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Pierce	363	399	496	698	761
Ransom	389	390	475	655	826
Richland	323	389	492	639	758
Sargent	389	390	475	655	826
Sioux	333	387	475	629	657
Stark	338	410	475	691	835
Stutsman	395	397	475	658	835
Traill	370	459	548	741	823
Ward	311	386	475	656	779
Williams	309	377	475	626	663

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ramsey	353	363	477	594	752
Renville	363	399	496	698	761
Rolette	363	399	496	698	761
Sheridan	363	399	496	698	761
Slope	333	387	475	629	657
Steele	370	459	548	741	823
Towner	389	390	475	655	826
Walsh	370	459	548	741	823
Wells	389	390	475	655	826

OHIO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Akron, OH MSA	468	547	700	890	918	Portage, Summit
Brown County, OH HMFA	385	404	533	688	829	Brown
Canton-Massillon, OH MSA	408	452	571	721	764	Carroll, Stark
Cincinnati-Middleton, OH-KY-IN HMFA	427	506	655	877	910	Butler, Clermont, Hamilton, Warren
**Cleveland-Elyria-Mentor, OH MSA	524	598	728	954	1025	Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH HMFA	445	517	655	823	895	Delaware, Fairfield, Franklin, Licking, Madison, Morrow, Pickaway, Union
Dayton, OH HMFA	437	499	615	828	988	Greene, Miami, Montgomery
Huntington-Ashland, WV-KY-OH MSA	354	419	503	620	641	Lawrence
Lima, OH MSA	417	422	522	644	661	Allen
Mansfield, OH MSA	343	419	528	685	713	Richland
Parkersburg-Marietta, WV-OH MSA	367	393	503	668	721	Washington
Preble County, OH HMFA	454	468	568	736	762	Preble
Sandusky, OH MSA	377	454	580	757	796	Erie
Springfield, OH MSA	419	466	561	725	932	Clark
Toledo, OH MSA	425	473	585	755	823	Fulton, Lucas, Ottawa, Wood
Weirton-Steubenville, WV-OH MSA	333	408	503	628	682	Jefferson
Wheeling, WV-OH MSA	327	394	503	632	738	Belmont
Youngstown-Warren-Boardman, OH-PA MSA	398	446	541	681	734	Mahoning, Trumbull

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	409	425	503	666	704
**Ashtabula	406	479	618	806	888
Auglaize	373	401	525	683	701
Clinton	396	489	542	790	927
Coshocton	350	422	503	650	742
Darke	326	417	503	669	689
Fayette	409	471	575	692	923
Guernsey	354	437	503	664	683
Hardin	417	454	503	630	826
Henry	348	427	517	665	686

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ashland	361	430	557	719	739
Athens	424	461	511	657	684
Champaign	356	435	548	676	727
Columbiana	407	429	518	641	779
Crawford	415	422	503	648	709
Defiance	385	441	535	675	822
Gallia	342	454	503	640	840
Hancock	382	446	579	787	836
Harrison	336	400	503	644	662
Highland	423	424	510	687	709

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

OHIO continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Hocking	326	454	503	718	738
Huron	375	454	555	770	847
Knox	451	454	545	698	800
Marion	369	465	568	720	876
Mercer	328	426	503	678	698
Morgan	418	419	503	618	691
Noble	418	419	503	618	691
Perry	423	424	510	638	656
Putnam	357	395	521	647	674
Sandusky	454	464	546	679	741
Seneca	377	396	511	642	661
Tuscarawas	342	399	527	667	687
Vinton	367	453	503	689	857
Williams	423	429	532	704	778

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Holmes	418	419	503	663	704
Jackson	431	433	519	622	641
Logan	464	469	558	702	725
Meigs	418	453	503	689	710
Monroe	418	419	503	618	691
Muskingum	407	418	503	644	812
Paulding	370	404	503	656	677
Pike	332	427	511	612	637
Ross	383	434	507	627	719
Scioto	402	421	503	660	790
Shelby	425	434	565	705	781
Van Wert	327	391	503	612	632
Wayne	380	473	582	695	761
Wyandot	418	419	503	690	710

OKLAHOMA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fort Smith, AR-OK HMFA	335	381	474	631	688	Sequoyah
Grady County, OK HMFA	325	363	451	610	701	Grady
Lawton, OK MSA	366	394	496	725	871	Comanche
Le Flore County, OK HMFA	305	355	451	558	683	Le Flore
Lincoln County, OK HMFA	373	374	451	594	613	Lincoln
**Oklahoma City, OK HMFA	432	468	571	786	891	Canadian, Cleveland, Logan, McClain, Oklahoma
Okmulgee County, OK HMFA	304	342	451	612	650	Okmulgee
Pawnee County, OK HMFA	381	392	456	591	608	Pawnee
**Tulsa, OK HMFA	481	520	648	866	946	Creek, Osage, Rogers, Tulsa, Wagoner

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	376	377	451	538	554
Atoka	327	366	451	586	684
Beckham	375	406	451	590	791
Bryan	366	368	451	583	695
Carter	399	425	481	598	641
Choctaw	373	404	451	640	658
Coal	327	366	451	586	684
Craig	305	356	468	561	823
Delaware	324	364	451	606	625
Ellis	376	388	451	612	631
Garvin	292	341	451	593	723
Greer	350	363	451	606	635
Harper	376	388	451	612	631
Hughes	364	415	495	631	648
Jefferson	342	370	467	676	791

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alfalfa	376	388	451	612	631
Beaver	376	388	451	612	631
Blaine	376	388	451	612	631
Caddo	310	343	451	540	675
Cherokee	365	392	454	570	656
Cimarron	376	388	451	612	631
Cotton	342	370	467	676	791
Custer	348	349	451	645	664
Dewey	376	388	451	612	631
Garfield	371	391	470	651	670
Grant	376	388	451	612	631
Harmon	350	363	451	606	635
Haskell	293	352	451	568	622
Jackson	310	403	452	634	654
Johnston	327	366	451	586	684

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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OKLAHOMA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Kay	306	378	470	649	671
Kiowa	350	363	451	606	635
Love	327	366	451	586	684
McIntosh	334	378	452	565	641
Marshall	327	366	451	586	684
Murray	376	377	451	606	776
Noble	330	384	462	642	662
Okfuskee	364	415	495	631	648
Payne	402	460	564	799	822
Pontotoc	317	354	451	615	634
Pushmataha	293	352	451	568	622
Seminole	293	361	451	542	558
Texas	350	420	473	598	716
Washington	373	374	455	637	701
Woods	335	358	451	656	676

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Kingfisher	376	388	451	634	652
Latimer	293	352	451	568	622
McCurtain	293	341	451	585	604
Major	376	388	451	612	631
Mayes	293	406	451	565	645
Muskogee	342	402	477	603	666
Nowata	344	364	451	601	679
Ottawa	377	377	451	615	634
Pittsburg	307	359	473	596	726
**Pottawatomie	414	468	521	697	749
Roger Mills	350	363	451	606	635
Stephens	295	342	451	616	635
Tillman	342	370	467	676	791
Washita	350	363	451	606	635
Woodward	313	366	451	562	580

OREGON

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bend, OR MSA	488	567	676	985	1015	Deschutes
Corvallis, OR MSA	461	560	697	1013	1165	Benton
Eugene-Springfield, OR MSA	462	561	710	993	1105	Lane
Medford, OR MSA	455	540	679	988	1017	Jackson
Portland-Vancouver-Beaverton, OR-WA MSA	539	625	723	1053	1265	Clackamas, Columbia, Multnomah, Washington, Yamhill
Salem, OR MSA	468	520	622	904	1090	Marion, Polk

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Baker	357	415	548	797	821
Coos	389	471	597	792	912
Curry	439	505	596	871	1051
Gilliam	412	483	583	790	924
Harney	369	429	540	746	794
Jefferson	460	490	555	807	909
Klamath	367	431	549	768	853
Lincoln	460	525	670	929	1049
Malheur	390	445	542	784	806
Sherman	412	483	583	790	924
Umatilla	384	438	560	786	877
Wallowa	364	424	559	800	860
Wheeler	412	483	583	790	924

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Clatsop	405	503	622	900	928
Crook	384	494	591	800	936
Douglas	380	453	584	792	980
Grant	412	483	583	790	924
Hood River	415	514	640	911	940
Josephine	445	510	617	877	974
Lake	369	429	540	746	794
Linn	439	532	663	914	1132
Morrow	412	483	583	790	924
Tillamook	424	506	651	910	937
Union	367	427	563	821	845
Wasco	424	475	592	841	1041

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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PENNSYLVANIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA HMFA	523	636	753	974	1031	Carbon, Lehigh, Northampton
Altoona, PA MSA	391	428	518	679	700	Blair
Armstrong County, PA HMFA	421	457	506	648	850	Armstrong
Erie, PA MSA	388	438	565	676	768	Erie
Harrisburg-Carlisle, PA MSA	482	550	693	875	906	Cumberland, Dauphin, Perry
Johnstown, PA MSA	393	400	491	618	708	Cambria
Lancaster, PA MSA	458	544	670	850	893	Lancaster
Lebanon, PA MSA	376	449	578	784	809	Lebanon
**Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA	694	792	947	1158	1397	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pike County, PA HMFA	706	734	850	1151	1409	Pike
Pittsburgh, PA HMFA	548	601	719	894	965	Allegheny, Beaver, Butler, Fayette, Washington, Westmoreland
Reading, PA MSA	465	519	640	856	883	Berks
Scranton--Wilkes-Barre, PA MSA	415	495	594	753	795	Lackawanna, Luzerne, Wyoming
State College, PA MSA	538	599	706	844	870	Centre
Williamsport, PA MSA	380	437	526	691	710	Lycoming
York-Hanover, PA MSA	438	503	638	771	799	York
Youngstown-Warren-Boardman, OH-PA MSA	398	446	541	681	734	Mercer

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	461	504	603	812	900	Bedford	374	425	491	587	779
Bradford	320	428	491	614	752	Cameron	410	425	492	652	702
Clarion	408	443	491	627	655	Clearfield	374	413	491	704	830
Clinton	443	444	535	640	658	Columbia	430	472	575	735	872
Crawford	391	434	491	652	744	Elk	409	427	491	636	769
Forest	409	435	491	636	655	Franklin	381	433	547	720	882
Fulton	327	417	491	605	708	Greene	408	434	491	587	604
Huntingdon	319	395	491	634	653	Indiana	436	454	525	627	686
Jefferson	334	413	491	650	670	Juniata	378	410	493	670	691
Lawrence	356	465	547	654	768	McKean	412	433	494	662	712
Mifflin	346	400	491	637	798	Monroe	504	621	776	991	1109
Montour	439	504	580	694	716	Northumberland	337	440	491	608	630
Potter	408	443	491	651	669	Schuylkill	327	427	491	613	674
Snyder	342	449	528	661	713	Somerset	408	408	491	603	638
Sullivan	324	434	498	624	743	Susquehanna	397	433	507	609	672
Tioga	421	462	514	675	722	Union	471	491	567	745	802
Venango	377	412	491	620	704	Warren	319	410	491	637	675
Wayne	478	480	603	753	849						

RHODE ISLAND

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Newport-Middleton-Portsmouth, RI HMFA	623	760	939	1275	1648	Newport County towns of Middletown town, Newport city, Portsmouth town
*Providence-Fall River, RI-MA HMFA	757	827	965	1155	1472	Bristol County towns of Barrington town, Bristol town, Warren town

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

RHODE ISLAND continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Kent County towns of Coventry town, East Greenwich town, Warwick city, West Greenwich town, West Warwick town Newport County towns of Jamestown town, Little Compton town, Tiverton town Providence County towns of Burrillville town, Central Falls city, Cranston city, Cumberland town, East Providence city, Foster town, Glocester town, Johnston town, Lincoln town, North Providence town, North Smithfield town, Pawtucket city, Providence city, Scituate town, Smithfield town, Woonsocket city Washington County towns of Charlestown town, Exeter town, Narragansett town, North Kingstown town, Richmond town, South Kingstown town
Westerly-Hopkinton-New Shoreham, RI HMFA.....	517	650	760	908	1186	Washington County towns of Hopkinton town, New Shoreham town, Westerly town

SOUTH CAROLINA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anderson, SC MSA.....	360	467	531	672	691	Anderson
Augusta-Richmond County, GA-SC MSA.....	461	500	562	753	791	Aiken, Edgefield
Charleston-North Charleston, SC MSA.....	529	586	663	864	1006	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Concord, NC-SC HMFA.....	565	613	680	857	997	York
Columbia, SC HMFA.....	521	567	632	781	805	Calhoun, Fairfield, Lexington, Richland, Saluda
Darlington County, SC HMFA.....	312	400	481	578	622	Darlington
Florence, SC HMFA.....	372	418	484	581	729	Florence
Greenville, SC HMFA.....	496	539	599	791	813	Greenville, Pickens
Kershaw County, SC HMFA.....	323	407	500	629	730	Kershaw
Laurens County, SC HMFA.....	425	461	511	646	754	Laurens
Myrtle Beach-Conway-North Myrtle Beach, SC MSA....	533	586	684	817	990	Horry
Spartanburg, SC MSA.....	462	478	558	702	723	Spartanburg
Sumter, SC MSA.....	414	450	498	640	677	Sumter

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Abbeville.....	312	433	481	584	601	Allendale.....	400	433	481	597	772
Bamberg.....	399	401	481	642	660	Barnwell.....	398	419	481	579	749
Beaufort.....	567	682	772	941	1000	Cherokee.....	393	394	481	576	611
Chester.....	413	414	496	593	630	Chesterfield.....	340	424	481	575	844
Clarendon.....	419	420	504	604	688	Colleton.....	312	389	481	680	698
Dillon.....	399	406	481	601	660	Georgetown.....	471	472	569	737	890
Greenwood.....	423	442	508	737	760	Hampton.....	400	407	481	593	673
Jasper.....	442	480	534	637	723	Lancaster.....	326	411	481	661	728
Lee.....	329	403	481	592	741	McCormick.....	404	423	486	672	694
Marion.....	397	398	481	584	600	Marlboro.....	399	400	481	607	719
Newberry.....	398	433	481	611	753	Oconee.....	315	369	484	600	852
Orangeburg.....	400	433	481	597	740	Union.....	400	401	481	664	746

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

SOUTH CAROLINA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Williamsburg	419	420	504	604	688

SOUTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Meade County, SD HMFA	321	383	496	721	805	Meade
Rapid City, SD HMFA	454	530	667	883	908	Pennington
Sioux City, IA-NE-SD MSA	387	455	597	752	774	Union
Sioux Falls, SD MSA	463	486	621	811	897	Lincoln, McCook, Minnehaha, Turner

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aurora	316	368	484	620	662	Beadle	403	404	484	704	799
Bennett	365	379	484	648	720	Bon Homme	316	368	484	620	662
Brookings	316	396	487	687	856	Brown	355	380	501	636	756
Brule	316	368	484	620	662	Buffalo	316	368	484	620	662
Butte	365	379	484	648	720	Campbell	352	368	484	639	759
Charles Mix	316	368	484	620	662	Clark	324	377	484	654	772
Clay	370	393	517	713	907	Codington	361	422	555	717	819
Corson	365	379	484	648	720	Custer	365	379	484	648	720
Davison	336	394	517	663	713	Day	352	368	484	639	759
Deuel	324	377	484	654	772	Dewey	365	379	484	648	720
Douglas	316	368	484	620	662	Edmunds	352	368	484	639	759
Fall River	359	374	492	638	710	Faulk	352	368	484	639	759
Grant	324	377	484	654	772	Gregory	316	368	484	620	662
Haakon	365	379	484	648	720	Hamlin	324	377	484	654	772
Hand	352	368	484	639	759	Hanson	316	368	484	620	662
Harding	365	379	484	648	720	Hughes	323	405	500	627	647
Hutchinson	316	368	484	620	662	Hyde	316	368	484	620	662
Jackson	365	379	484	648	720	Jerauld	352	368	484	639	759
Jones	365	379	484	648	720	Kingsbury	324	377	484	654	772
Lake	324	377	484	654	772	Lawrence	343	416	512	713	761
Lyman	316	368	484	620	662	McPherson	352	368	484	639	759
Marshall	352	368	484	639	759	Mellette	365	379	484	648	720
Miner	324	377	484	654	772	Moody	324	377	484	654	772
Perkins	365	379	484	648	720	Potter	365	379	484	648	720
Roberts	352	368	484	639	759	Sanborn	316	368	484	620	662
Shannon	365	379	484	648	720	Spink	352	368	484	639	759
Stanley	316	368	484	620	662	Sully	316	368	484	620	662
Todd	365	379	484	648	720	Tripp	316	368	484	620	662
Walworth	352	368	484	639	759	Yankton	343	407	529	694	713
Ziebach	365	379	484	648	720						

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

TENNESSEE

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Chattanooga, TN-GA MSA	469	496	584	719	845	Hamilton, Marion, Sequatchie
Clarksville, TN-KY HMFA	466	485	563	814	838	Montgomery
Cleveland, TN MSA	401	410	528	663	842	Bradley, Polk
Hickman County, TN HMFA	308	428	474	691	712	Hickman
Jackson, TN MSA	431	470	593	794	815	Chester, Madison
Johnson City, TN MSA	334	404	501	622	776	Carter, Unicoi, Washington
Kingsport-Bristol-Bristol, TN-VA MSA	362	389	483	647	774	Hawkins, Sullivan
Knoxville, TN MSA	411	472	569	762	787	Anderson, Blount, Knox, Loudon, Union
Macon County, TN HMFA	299	364	460	548	609	Macon
Memphis, TN-MS-AR HMFA	527	572	636	847	874	Fayette, Shelby, Tipton
Morristown, TN MSA	393	394	473	620	699	Grainger, Hamblen, Jefferson
Nashville-Davidson--Murfreesboro, TN HMFA	507	579	666	864	889	Cannon, Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Trousdale, Williamson, Wilson
Smith County, TN HMFA	395	396	474	632	653	Smith
Stewart County, TN HMFA	302	393	464	633	652	Stewart

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bedford	374	458	576	721	742	Benton	363	364	460	569	624
Bledsoe	301	377	460	604	622	Campbell	382	383	460	592	705
Carroll	381	382	460	567	634	Claiborne	299	381	460	615	690
Clay	372	373	460	597	615	Cocke	300	370	460	551	751
Coffee	411	412	494	670	732	Crockett	382	415	460	600	619
Cumberland	381	382	460	652	807	Decatur	344	378	460	591	673
DeKalb	382	383	460	664	686	Dyer	310	365	478	637	696
Fentress	372	373	460	597	615	Franklin	316	380	488	710	854
Gibson	377	385	460	578	639	Giles	324	381	502	604	621
Greene	299	376	460	623	640	Grundy	301	377	460	604	622
Hancock	381	382	460	589	708	Hardeman	333	412	460	623	807
Hardin	337	376	460	610	628	Haywood	386	400	523	625	687
Henderson	322	427	498	594	612	Henry	300	352	463	554	674
Houston	363	364	460	569	624	Humphreys	382	414	460	656	677
Jackson	372	373	460	597	615	Johnson	298	371	460	617	647
Lake	342	382	460	597	633	Lauderdale	405	406	488	593	612
Lawrence	316	355	460	569	650	Lewis	308	358	462	589	606
Lincoln	381	382	460	562	579	McMinn	405	407	489	585	779
McNairy	299	351	460	664	684	Marshall	372	395	518	623	782
Maury	397	496	611	778	801	Meigs	301	377	460	604	622
Monroe	363	364	462	553	705	Moore	403	404	483	638	658
Morgan	380	380	460	575	671	Obion	316	381	460	607	639
Overton	300	377	460	562	578	Perry	308	358	462	589	606
Pickett	372	373	460	597	615	Putnam	382	383	478	688	738
Rhea	298	368	460	611	628	Roane	403	416	483	646	663
Scott	382	389	460	609	810	Sevier	461	499	563	677	989
Van Buren	372	373	460	597	615	Warren	372	376	484	649	771

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

TENNESSEE continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Wayne	308	358	462	589	606
White	345	350	460	650	668
Weakley	334	411	460	673	811

TEXAS

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Abilene, TX MSA	398	419	528	687	870	Callahan, Jones, Taylor
Amarillo, TX MSA	409	443	553	762	854	Armstrong, Carson, Potter, Randall
Aransas County, TX HMFA	362	449	535	780	804	Aransas
Atascosa County, TX HMFA	315	367	484	611	629	Atascosa
Austin County, TX HMFA	476	477	574	762	786	Austin
*Austin-Round Rock, TX MSA	578	658	804	1093	1265	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	425	477	570	707	732	Hardin, Jefferson, Orange
Brazoria County, TX HMFA	501	559	642	885	951	Brazoria
Brownsville-Harlingen, TX MSA	373	430	493	609	689	Cameron
Calhoun County, TX HMFA	345	408	523	659	882	Calhoun
College Station-Bryan, TX MSA	497	562	686	869	896	Brazos, Burleson, Robertson
Corpus Christi, TX HMFA	524	538	668	917	999	Nueces, San Patricio
**Dallas, TX HMFA	575	640	777	1031	1249	Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, Rockwall
El Paso, TX MSA	442	473	564	809	959	El Paso
*Fort Worth-Arlington, TX HMFA	550	589	725	983	1105	Johnson, Parker, Tarrant
*Houston-Baytown-Sugar Land, TX HMFA	551	612	743	990	1245	Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, San Jacinto, Waller
Kendall County, TX HMFA	657	657	791	1152	1389	Kendall
Killeen-Temple-Fort Hood, TX HMFA	430	475	604	879	1059	Bell, Coryell
Lampasas County, TX HMFA	315	401	484	706	827	Lampasas
Laredo, TX MSA	420	461	551	720	943	Webb
Longview, TX HMFA	444	466	535	732	753	Gregg, Upshur
Lubbock, TX MSA	386	470	594	841	868	Crosby, Lubbock
McAllen-Edinburg-Pharr, TX MSA	470	517	610	731	841	Hidalgo
Medina County, TX HMFA	426	473	557	666	810	Medina
Midland, TX MSA	376	407	536	781	925	Midland
Odessa, TX MSA	350	371	486	700	814	Ector
Rusk County, TX HMFA	414	414	497	595	612	Rusk
San Angelo, TX MSA	379	436	556	795	869	Irion, Tom Green
**San Antonio, TX HMFA	534	590	732	975	1173	Bandera, Bexar, Comal, Guadalupe, Wilson
Sherman-Denison, TX MSA	490	516	606	796	921	Grayson
Texarkana, TX-Texarkana, AR MSA	422	426	525	641	697	Bowie
Tyler, TX MSA	446	524	590	808	883	Smith
Victoria, TX HMFA	399	460	589	733	868	Goliad, Victoria
Waco, TX MSA	486	486	605	757	782	McLennan
Wichita Falls, TX MSA	437	459	547	768	790	Archer, Clay, Wichita
Wise County, TX HMFA	442	443	533	651	724	Wise

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Anderson	432	453	522	687	901
Angelina	413	470	526	681	702
Baylor	328	389	484	617	732
Andrews	401	412	484	648	724
Bailey	373	416	484	630	798
Bee	403	404	484	650	728

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Blanco	385	414	523	687	787
Bosque	402	403	484	588	705
Briscoe	394	396	484	645	665
Brown	385	418	527	670	769
Camp	405	406	499	681	703
Castro	394	396	484	645	665
Childress	394	396	484	645	665
Coke	378	435	553	796	867
Collingsworth	394	396	484	645	665
Comanche	391	420	497	633	690
Cooke	445	446	562	694	714
Crane	401	425	484	628	746
Culberson	401	425	484	628	746
Dawson	400	401	484	624	645
DeWitt	358	371	484	632	684
Dimmit	397	398	484	659	781
Duval	334	420	484	645	686
Edwards	397	398	484	659	781
Falls	318	434	489	624	647
Fayette	400	453	549	682	702
Floyd	373	416	484	630	798
Franklin	362	416	502	615	739
Frio	388	476	579	733	872
Garza	373	416	484	630	798
Glasscock	400	401	484	624	645
Gray	374	375	484	607	627
Hale	325	411	484	593	662
Hamilton	385	414	523	687	787
Hardeman	328	389	484	617	732
Hartley	394	396	484	645	665
Hemphill	394	396	484	645	665
Hill	315	437	484	685	748
**Hood	478	516	574	836	1007
Houston	465	500	560	670	726
Hudspeth	401	425	484	628	746
Jack	328	389	484	617	732
Jasper	402	403	484	599	692
Jim Hogg	402	432	484	692	770
Karnes	359	370	484	634	685
Kent	374	375	484	692	752
Kimble	400	401	484	624	645
Kinney	397	398	484	659	781

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Borden	400	401	484	624	645
Brewster	352	368	484	579	627
Brooks	402	432	484	692	770
Burnet	392	459	603	759	780
Cass	316	436	484	665	783
Cherokee	393	431	484	647	673
Cochran	373	416	484	630	798
Coleman	385	414	523	687	787
Colorado	387	427	484	639	657
Concho	400	401	484	624	645
Cottle	328	389	484	617	732
Crockett	400	401	484	624	645
Dallam	361	396	523	625	641
Deaf Smith	315	401	484	703	801
Dickens	373	416	484	630	798
Donley	394	396	484	645	665
Eastland	391	420	497	633	690
Erath	390	423	528	644	664
Fannin	420	423	504	628	647
Fisher	374	375	484	692	752
Foard	328	389	484	617	732
Freestone	318	434	489	639	659
Gaines	402	428	484	628	752
Gillespie	409	478	628	870	896
Gonzales	332	378	484	704	725
Grimes	429	471	525	684	704
Hall	394	396	484	645	665
Hansford	394	396	484	645	665
Harrison	388	391	515	665	685
Haskell	374	375	484	692	752
Henderson	411	425	559	733	756
Hockley	377	401	484	672	693
Hopkins	360	415	507	643	890
Howard	401	405	484	680	698
Hutchinson	404	404	485	581	722
Jackson	315	408	484	590	851
Jeff Davis	401	425	484	628	746
Jim Wells	324	435	484	643	664
Kenedy	402	432	484	692	770
Kerr	486	526	592	764	787
King	373	416	484	630	798
Kleberg	414	442	497	726	875

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING

TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Knox	328	389	484	617	732
Lamb	373	416	484	630	798
Lavaca	387	427	484	639	657
Leon	429	471	525	684	704
Lipscomb	394	396	484	645	665
Llano	499	502	661	791	814
Lynn	373	416	484	630	798
McMullen	334	420	484	645	686
Marion	405	406	499	681	703
Mason	400	401	484	624	645
Maverick	403	404	484	703	725
Milam	315	389	484	626	666
Mitchell	374	375	484	692	752
Moore	342	420	484	705	726
Motley	373	416	484	630	798
Navarro	452	460	556	676	697
Nolan	376	377	484	624	848
Oldham	394	396	484	645	665
Panola	403	436	484	589	850
Pecos	399	436	484	587	711
Presidio	401	425	484	628	746
Reagan	400	401	484	624	645
Red River	362	416	502	615	739
Refugio	334	420	484	645	686
Runnels	400	401	484	624	645
San Augustine	401	402	484	629	848
Schleicher	400	401	484	624	645
Shackelford	374	375	484	692	752
Sherman	394	396	484	645	665
Starr	402	438	484	706	853
Sterling	400	401	484	624	645
Sutton	400	401	484	624	645
Terrell	401	425	484	628	746
Throckmorton	374	375	484	692	752
Trinity	465	500	560	670	726
Upton	400	401	484	624	645
Val Verde	344	412	486	605	704
Walker	479	512	619	797	1031
Washington	456	518	574	805	831
Wheeler	394	396	484	645	665
Willacy	402	436	484	704	784
Wood	363	367	484	705	848

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Lamar	363	420	527	664	742
La Salle	397	398	484	659	781
Lee	387	441	489	669	690
Limestone	315	438	484	620	641
Live Oak	334	420	484	645	686
Loving	401	425	484	628	746
McCulloch	402	403	484	705	727
Madison	429	471	525	684	704
Martin	400	401	484	624	645
Matagorda	315	414	484	705	850
Menard	400	401	484	624	645
Mills	385	414	523	687	787
Montague	366	468	522	659	915
Morris	362	416	502	615	739
Nacogdoches	391	489	577	689	944
Newton	401	402	484	629	848
Ochiltree	394	396	484	676	696
Palo Pinto	408	409	507	700	720
Parmer	394	396	484	645	665
Polk	402	408	484	579	596
Rains	405	406	505	681	701
Real	397	398	484	659	781
Reeves	402	428	484	620	752
Roberts	394	396	484	645	665
Sabine	401	402	484	629	848
San Saba	385	414	523	687	787
Scurry	319	378	484	704	773
Shelby	402	403	484	696	848
Somervell	391	420	497	635	690
Stephens	360	368	484	666	724
Stonewall	374	375	484	692	752
Swisher	394	396	484	645	665
Terry	372	415	484	636	796
Titus	378	448	531	638	932
Tyler	402	403	484	623	807
Uvalde	316	430	484	631	848
Van Zandt	427	429	525	734	755
Ward	402	407	484	603	716
Wharton	388	436	484	640	660
Wilbarger	314	375	484	621	693
Winkler	401	425	484	628	746
Yoakum	373	416	484	630	798

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TEXAS continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Young	316	367	484	614	714
Zavala	397	398	484	659	781
Zapata	402	432	484	692	770

UTAH

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Logan, UT-ID MSA	440	475	594	797	984	Cache
**Ogden-Clearfield, UT MSA	439	541	649	888	1073	Davis, Morgan, Weber
Provo-Orem, UT MSA	507	558	652	949	1143	Juab, Utah
**Salt Lake City, UT HMFA	554	609	721	1031	1206	Salt Lake
St. George, UT MSA	504	529	628	913	1027	Washington
Summit County, UT HMFA	638	886	984	1378	1726	Summit
Tooele County, UT HMFA	473	530	630	796	1104	Tooele

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Beaver	482	483	591	837	891
Carbon	429	430	517	679	797
Duchesne	445	483	536	692	942
Garfield	482	483	591	837	891
Iron	441	466	536	781	942
Millard	482	483	591	837	891
Rich	450	477	597	802	974
Sanpete	482	483	591	837	891
Uintah	417	454	503	660	743
Wayne	482	483	591	837	891
Box Elder	375	459	578	764	889
Daggett	445	483	536	695	942
Emery	445	483	536	695	942
Grand	446	486	539	695	946
Kane	482	483	591	837	889
Piute	482	483	591	837	891
San Juan	445	483	536	695	942
Sevier	482	483	591	837	891
Wasatch	499	584	769	919	1104

VERMONT

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Burlington-South Burlington, VT MSA	596	660	828	1060	1188	Chittenden County towns of Bolton town, Buels gore, Burlington city, Charlotte town, Colchester town, Essex town, Hinesburg town, Huntington town, Jericho town, Milton town, Richmond town, St. George town, Shelburne town, South Burlington city, Underhill town, Westford town, Williston town, Winooski city Franklin County towns of Bakersfield town, Berkshire town, Enosburg town, Fairfax town, Fairfield town, Fletcher town, Franklin town, Georgia town, Highgate town, Montgomery town, Richford town, St. Albans city, St. Albans town, Sheldon town, Swanton town Grand Isle County towns of Alburg town, Grand Isle town, Isle La Motte town, North Hero town, South Hero town

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VERMONT continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
Addison County, VT	472	591	711	935	1247	Addison town, Bridport town, Bristol town, Cornwall town, Ferrisburg town, Goshen town, Granville town, Hancock town, Leicester town, Lincoln town, Middlebury town, Monkton town, New Haven town, Orwell town, Panton town, Ripton town, Salisbury town, Shoreham town, Starksboro town, Vergennes city, Waltham town, Weybridge town, Whiting town
Bennington County, VT	471	590	687	895	1052	Arlington town, Bennington town, Dorset town, Glastenbury town, Landgrove town, Manchester town, Peru town, Pownal town, Readsboro town, Rupert town, Sandgate town, Searsburg town, Shaftsbury town, Stamford town, Sunderland town, Winhall town, Woodford town
Caledonia County, VT	446	463	581	736	762	Barnet town, Burke town, Danville town, Groton town, Hardwick town, Kirby town, Lyndon town, Newark town, Peacham town, Ryegate town, St. Johnsbury town, Sheffield town, Stannard town, Sutton town, Walden town, Waterford town, Wheelock town
Essex County, VT	459	515	626	798	936	Averill town, Avery's gore, Bloomfield town, Brighton town, Brunswick town, Canaan town, Concord town, East Haven town, Ferdinand town, Granby town, Guildhall town, Lemington town, Lewis town, Lunenburg town, Maidstone town, Norton town, Victory town, Warner's grant, Warren's gore
Lamoille County, VT	465	559	651	907	1143	Belvidere town, Cambridge town, Eden town, Elmore town, Hyde Park town, Johnson town, Morristown town, Stowe town, Waterville town, Wolcott town
Orange County, VT	496	560	652	908	936	Bradford town, Braintree town, Brookfield town, Chelsea town, Corinth town, Fairlee town, Newbury town, Orange town, Randolph town, Strafford town, Thetford town, Topsham town, Tunbridge town, Vershire town, Washington town, West Fairlee town, Williamstown town
Orleans County, VT	334	462	516	652	819	Albany town, Barton town, Brownington town, Charleston town, Coventry town, Craftsbury town, Derby town, Glover town, Greensboro town, Holland town, Irasburg town, Jay town, Lowell town, Morgan town, Newport city, Newport town, Troy town, Westfield town, Westmore town
Rutland County, VT	425	556	647	855	1095	Benson town, Brandon town, Castleton town, Chittenden town, Clarendon town, Danby town, Fair Haven town, Hubbardton town, Ira town, Killington town, Mendon town, Middletown Springs town, Mount Holly town, Mount Tabor town, Pawlet town, Pittsfield town, Pittsford town, Poultney town, Proctor town, Rutland city, Rutland town, Shrewsbury town, Sudbury town, Tinmouth town, Wallingford town, Wells town, West Haven town, West Rutland town
Washington County, VT	467	547	684	924	1034	Barre city, Barre town, Berlin town, Cabot town, Calais town, Duxbury town, East Montpelier town, Fayston town, Marshfield town, Middlesex town, Montpelier city, Moretown town, Northfield town, Plainfield town, Roxbury town, Waitsfield town, Warren town, Waterbury town, Woodbury town, Worcester town
Windham County, VT	553	577	758	916	944	Athens town, Brattleboro town, Brookline town, Dover town,

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VERMONT continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within nonmetropolitan counties
						Dummerston town, Grafton town, Guilford town, Halifax town, Jamaica town, Londonderry town, Marlboro town, Newfane town, Putney town, Rockingham town, Somerset town, Stratton town, Townshend town, Vernon town, Wardsboro town, Westminster town, Whitingham town, Wilmington town, Windham town
Windsor County, VT	521	584	687	935	1112	Andover town, Baltimore town, Barnard town, Bethel town, Bridgewater town, Cavendish town, Chester town, Hartford town, Hartland town, Ludlow town, Norwich town, Plymouth town, Pomfret town, Reading town, Rochester town, Royalton town, Sharon town, Springfield town, Stockbridge town, Weathersfield town, Weston town, West Windsor town, Windsor town, Woodstock town

VIRGINIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Blacksburg-Christiansburg-Radford, VA HMFA	469	513	575	789	1010	Montgomery, Radford city
Charlottesville, VA MSA	535	643	761	986	1091	Albemarle, Fluvanna, Greene, Nelson, Charlottesville city
Danville, VA MSA	340	390	503	627	674	Pittsylvania, Danville city
Franklin County, VA HMFA	313	375	483	578	615	Franklin
Giles County, VA HMFA	314	408	483	616	850	Giles
Harrisonburg, VA MSA	434	482	586	821	843	Rockingham, Harrisonburg city
Kingsport-Bristol-Bristol, TN-VA MSA	362	389	483	647	774	Scott, Washington, Bristol city
Louisa County, VA HMFA	444	504	574	687	707	Louisa
Lynchburg, VA MSA	432	443	534	658	735	Amherst, Appomattox, Bedford, Campbell, Bedford city, Lynchburg city
Pulaski County, VA HMFA	367	387	483	692	744	Pulaski
*Richmond, VA HMFA	625	678	757	1010	1206	Amelia, Caroline, Charles, Chesterfield, Cumberland, Dinwiddie, Goochland, Hanover, Henrico, King and Queen, King William, New Kent, Powhatan, Prince George, Sussex, Colonial Heights city, Hopewell city, Petersburg city, Richmond city
Roanoke, VA HMFA	428	456	589	747	816	Botetourt, Craig, Roanoke, Roanoke city, Salem city
*Virginia Beach-Norfolk-Newport News, VA-NC MSA	672	706	811	1118	1401	Gloucester, Isle of Wight, James, Mathews, Surry, York, Chesapeake city, Hampton city, Newport News city, Norfolk city, Poquoson city, Portsmouth city, Suffolk city, Virginia Beach city, Williamsburg city
Warren County, VA HMFA	451	524	653	918	946	Warren
*Washington-Arlington-Alexandria, DC-VA-MD HMFA	948	1080	1225	1580	2068	Arlington, Clarke, Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, Alexandria city, Fairfax city, Falls Church city, Fredericksburg city, Manassas city, Manassas Park city
Winchester, VA HMFA	472	490	647	893	919	Frederick, Winchester city

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VIRGINIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Accomack	330	452	508	617	760
Augusta	421	433	565	808	929
Bland	402	416	483	616	684
Buchanan	402	416	483	616	684
Carroll	401	436	483	579	644
Culpeper	599	610	722	934	992
Essex	388	479	590	803	828
Grayson	402	416	483	616	684
Halifax	314	436	483	649	849
Highland	413	429	533	736	888
Lancaster	388	477	581	715	769
Lunenburg	415	428	499	622	861
Mecklenburg	316	394	486	596	795
Northampton	388	477	581	708	769
Nottoway	402	434	483	686	785
Page	327	382	501	646	666
Prince Edward	468	469	564	675	904
Richmond	388	477	581	708	769
Russell	315	417	483	591	610
Smyth	399	434	483	613	794
Tazewell	402	403	483	620	701
Wise	402	410	483	628	792
Buena Vista city	386	434	483	703	847
Covington city	314	402	483	587	612
Franklin city	349	483	535	662	942
Lexington city	386	434	483	703	847
Norton city	402	410	483	628	792
Waynesboro city	421	433	565	808	929

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Alleghany	314	402	483	587	612
Bath	413	429	533	736	888
Brunswick	415	428	499	622	861
Buckingham	402	434	483	621	785
Charlotte	402	434	483	621	785
Dickenson	402	431	483	630	648
Floyd	443	482	534	743	940
Greensville	416	451	500	604	750
Henry	372	387	483	619	710
King George	604	606	728	1059	1090
Lee	313	378	483	621	657
Madison	426	475	574	794	820
Middlesex	388	477	581	708	769
Northumberland	388	477	581	708	769
Orange	387	533	593	863	1041
Patrick	400	436	483	598	616
Rappahannock	426	475	574	794	820
Rockbridge	386	434	483	703	847
Shenandoah	398	426	521	695	770
Southampton	349	483	535	662	942
Westmoreland	392	478	603	827	852
Wythe	314	398	483	633	850
Clifton Forge city	314	402	483	587	612
Emporia city	416	451	500	604	750
Galax city	401	436	483	579	644
Martinsville city	372	387	483	619	710
Staunton city	421	433	565	808	929

WASHINGTON

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bellingham, WA MSA	517	571	716	1045	1177	Whatcom
Bremerton-Silverdale, WA MSA	555	623	767	1098	1199	Kitsap
Kennewick-Richland-Pasco, WA MSA	457	498	625	845	1001	Benton, Franklin
Lewiston, ID-WA MSA	424	440	551	782	953	Asotin
Longview, WA MSA	403	506	588	857	977	Cowlitz
Mount Vernon-Anacortes, WA MSA	516	638	792	1083	1352	Skagit
Olympia, WA MSA	522	586	749	1088	1315	Thurston
Portland-Vancouver-Beaverton, OR-WA MSA	539	625	723	1053	1265	Clark, Skamania
Seattle-Bellevue, WA HMFA	612	698	840	1187	1450	King, Snohomish
Spokane, WA MSA	411	481	634	870	987	Spokane
*Tacoma, WA HMFA	532	621	774	1128	1269	Pierce
Wenatchee, WA MSA	469	497	628	847	975	Chelan, Douglas

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WASHINGTON continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Yakima, WA MSA	436	511	661	871	918	Yakima

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	366	436	559	750	774	Clallam	414	458	596	871	898
Columbia	377	440	581	785	937	Ferry	366	433	559	750	774
Garfield	377	440	581	785	937	Grant	372	443	573	774	795
Grays Harbor	378	444	583	821	844	Island	538	540	651	947	1143
Jefferson	472	579	708	1029	1059	Kittitas	422	492	648	868	901
Klickitat	488	495	588	826	850	Lewis	408	522	627	838	876
Lincoln	366	433	559	750	774	Mason	459	540	647	884	1047
Okanogan	406	489	575	787	866	Pacific	401	432	566	803	834
Pend Oreille	366	433	559	750	774	San Juan	578	621	768	1104	1348
Stevens	363	437	558	764	835	Wahkiakum	406	504	589	858	984
Walla Walla	377	440	581	835	861	Whitman	408	449	583	823	1008

WEST VIRGINIA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boone County, WV HMFA	299	387	459	568	629	Boone
Charleston, WV HMFA	396	432	540	688	708	Clay, Kanawha, Lincoln, Putnam
Cumberland, MD-WV MSA	354	429	503	679	792	Mineral
Hagerstown-Martinsburg, MD-WV MSA	442	506	629	874	971	Berkeley, Morgan
Huntington-Ashland, WV-KY-OH MSA	354	419	503	620	641	Cabell, Wayne
Jefferson County, WV HMFA	404	544	620	905	1090	Jefferson
Morgantown, WV MSA	416	433	512	664	787	Monongalia, Preston
Parkersburg-Marietta, WV-OH MSA	367	393	503	668	721	Pleasants, Wirt, Wood
Weirton-Steubenville, WV-OH MSA	333	408	503	628	682	Brooke, Hancock
Wheeling, WV-OH MSA	327	394	503	632	738	Marshall, Ohio
Winchester, VA HMFA	472	490	647	893	919	Hampshire

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barbour	353	369	459	601	633	Braxton	353	369	459	601	633
Calhoun	336	400	485	630	724	Doddridge	318	405	478	576	681
Fayette	382	383	459	568	610	Gilmer	353	369	459	601	633
Grant	402	465	522	684	848	Greenbrier	364	415	459	552	726
Hardy	402	465	522	684	848	Harrison	395	396	475	595	665
Jackson	336	400	485	630	724	Lewis	362	392	459	576	592
Logan	320	389	459	564	580	McDowell	383	396	459	626	795
Marion	328	420	504	603	734	Mason	381	389	459	582	621
Mercer	381	396	459	621	786	Mingo	299	403	459	578	751
Monroe	381	414	459	572	592	Nicholas	381	414	459	584	639
Pendleton	402	464	524	684	848	Pocahontas	381	396	459	562	666
Raleigh	387	412	464	593	610	Randolph	362	363	468	604	621

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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WEST VIRGINIA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Ritchie	336	400	485	630	724	Roane	336	400	485	630	724
Summers	381	414	459	572	592	Taylor	318	405	478	573	681
Tucker	353	369	459	601	633	Tyler	336	400	485	630	724
Upshur	298	373	459	616	636	Webster	381	396	459	562	666
Wetzel	300	409	459	584	665	Wyoming	383	396	459	626	795

WISCONSIN

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Appleton, WI MSA	459	472	586	845	869	Calumet, Outagamie
Columbia County, WI HMFA	404	472	621	838	865	Columbia
Duluth, MN-WI MSA	351	427	539	677	862	Douglas
Eau Claire, WI MSA	363	434	542	734	765	Chippewa, Eau Claire
Fond du Lac, WI MSA	439	471	567	745	808	Fond du Lac
Green Bay, WI HMFA	458	468	590	830	855	Brown, Kewaunee
Iowa County, WI HMFA	389	454	597	713	734	Iowa
Janesville, WI MSA	431	503	627	821	845	Rock
Kenosha County, WI HMFA	572	596	739	1016	1169	Kenosha
La Crosse, WI-MN MSA	359	420	553	734	901	La Crosse
Madison, WI HMFA	510	636	752	1009	1250	Dane
*Milwaukee-Waukesha-West Allis, WI MSA	496	591	706	890	916	Milwaukee, Ozaukee, Washington, Waukesha
**Minneapolis-St. Paul-Bloomington, MN-WI MSA	619	725	882	1168	1318	Pierce, St. Croix
Oconto County, WI HMFA	374	453	503	651	679	Oconto
Oshkosh-Neenah, WI MSA	406	478	566	743	962	Winnebago
Racine, WI MSA	460	538	675	840	921	Racine
Sheboygan, WI MSA	366	470	555	686	842	Sheboygan
Wausau, WI MSA	363	453	558	745	824	Marathon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	387	425	525	684	705	Ashland	388	390	503	639	866
Barron	334	422	503	642	660	Bayfield	344	401	503	644	668
Buffalo	358	406	519	658	687	Burnett	344	401	503	644	668
Clark	325	384	503	688	708	Crawford	418	447	503	624	769
Dodge	512	513	618	782	845	Door	378	483	581	780	875
Dunn	391	422	529	771	792	Florence	337	406	503	640	672
Forest	387	425	525	684	705	Grant	417	418	503	651	883
Green	377	406	533	677	790	Green Lake	384	440	510	668	814
Iron	344	401	503	644	668	Jackson	358	406	519	658	687
Jefferson	441	516	680	815	1027	Juneau	339	418	521	686	707
Lafayette	374	394	507	649	728	Langlade	417	418	503	663	723
Lincoln	419	420	503	732	755	Manitowoc	342	401	527	630	784
Marinette	419	453	503	659	679	Marquette	396	444	540	696	772
Menominee	396	444	540	696	772	Monroe	353	412	543	689	753
Oneida	383	419	550	703	968	Pepin	358	406	519	658	687

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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WISCONSIN continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Polk	391	457	600	738	761
Price	344	401	503	644	668
Rusk	344	401	503	644	668
Sawyer	344	404	503	644	668
Taylor	344	401	503	644	668
Vernon	399	401	503	636	693
Walworth	454	534	696	869	896
Waupaca	347	436	530	692	713
Wood	340	418	518	630	690
Portage	449	455	543	719	740
Richland	354	395	503	645	665
Sauk	388	516	592	796	821
Shawano	346	408	503	628	721
Trempealeau	395	397	503	687	708
Vilas	387	425	525	715	737
Washburn	344	401	503	644	668
Waushara	396	444	540	696	772

WYOMING

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Casper, WY MSA	358	392	495	720	868	Natrona
Cheyenne, WY MSA	458	483	612	833	1073	Laramie

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Albany	396	453	575	789	836
Campbell	440	474	531	719	783
Converse	322	398	495	675	870
Fremont	388	390	495	620	791
Hot Springs	396	414	495	646	773
Lincoln	433	459	522	697	825
Park	368	422	497	624	823
Sheridan	395	426	523	669	816
Sweetwater	325	395	495	692	718
Uinta	345	435	495	676	802
Weston	396	414	495	646	773
Big Horn	396	414	495	646	773
Carbon	322	385	495	620	754
Crook	396	414	495	646	773
Goshen	410	411	495	610	840
Johnson	393	409	504	640	765
Niobrara	396	414	495	646	773
Platte	396	414	495	646	773
Sublette	436	459	532	696	825
Teton	674	751	945	1246	1282
Washakie	396	414	495	646	773

GUAM

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Pacific Islands	685	735	898	1308	1564

PUERTO RICO

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Aquadilla-Isabela-San Sabastian, PR MSA	292	317	352	452	507	Aguada, Aguadilla, Añasco, Isabela, Lares, Moca, Rincón, San Sebastián
Arecibo, PR HMFA	292	317	352	480	562	Arecibo, Camuy, Hatillo
Barranquitas-Aibonito-Quebradillas, PR HMFA	293	316	352	448	515	Aibonito, Barranquitas, Ciales, Maunabo, Orocovis, Quebradillas
Caguas, PR HMFA	300	325	362	502	605	Caguas, Cayey, Cidra, Gurabo, San Lorenzo

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE B - FY 2006 FINAL FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 54

PUERTO RICO continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fajardo, PR MSA	333	363	403	586	706	Ceiba, Fajardo, Luquillo
Guayama, PR MSA	293	316	352	499	619	Arroyo, Guayama, Patillas
Mayagüez, PR MSA	332	360	400	478	660	Hormigueros, Mayagüez
Ponce, PR MSA	352	382	423	588	670	Juana Díaz, Ponce, Villalba
San Germán-Cabo Rojo, PR MSA	302	314	364	476	513	Cabo Rojo, Lajas, Sabana Grande, San Germán
San Juan-Guaynabo, PR HMFA	333	363	403	526	626	Aguas Buenas, Barceloneta, Bayamón, Canóvanas, Carolina, Cataño, Comerío, Corozal, Dorado, Florida, Guaynabo, Humacao, Juncos, Las Piedras, Loíza, Manatí, Morovis, Naguabo, Naranjito, Río Grande, San Juan, Toa Alta, Toa Baja, Trujillo Alto, Vega Alta, Vega Baja, Yabucoa
Yauco, PR MSA	293	309	352	444	565	Guánica, Guayanilla, Peñuelas, Yauco

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adjuntas	292	316	352	482	523	Coamo	292	316	352	482	523
Culebra	292	316	352	482	523	Jayuya	292	316	352	482	523
Las Marías	292	316	352	482	523	Maricao	292	316	352	482	523
Salinas	292	316	352	482	523	Santa Isabel	292	316	352	482	523
Utuado	292	316	352	482	523	Vieques	292	316	352	482	523

VIRGIN ISLANDS

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
St. Criox	475	495	600	749	857	St. John	540	646	831	1030	1076
St. Thomas	540	646	831	1030	1076						

Note 1: The FMRs for unit sizes larger than 4 BRs are calculated by adding 10% to the 4 BR FMR for each extra bedroom.
Note 2: 50th percentile FMRs are indicated by an * before the MSA name. Two ** indicate 50th percentile FMRs for areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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SCHEDULE D - FY 2006 FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES IN THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

State	Area Name	Space Rent
California	**San Diego-Carlsbad-San Marcos, CA MSA...	$649
	*Orange County, CA HMFA.....	$624
	*Riverside-San Bernardino-Ontario, CA MSA.	$406
	Los Angeles-Long Beach, CA HMFA.....	$513
	Napa, CA MSA.....	$486
	Vallejo-Fairfield, CA MSA.....	$486
Colorado	Boulder, CO MSA.....	$423
Maryland	St. Mary's.....	$401
New York	Utica-Rome, NY MSA.....	$249
Oregon	Bend, OR MSA.....	$293
	Salem, OR MSA.....	$404
Pennsylvania	Adams.....	$446
Washington	Olympia, WA MSA.....	$473
West Virginia	Logan.....	$363
	McDowell.....	$363
	Mercer.....	$363
	Mingo.....	$363
	Wyoming.....	$363

* 50th percentile FMR areas.
** 50th percentile FMR areas that did not meet 50th percentile requirements in the August 25, 2005 notice.

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Federal Register

Monday,
October 3, 2005

Part III

Department of Housing and Urban Development

Regulatory and Administrative Waivers Granted for Public and Indian Housing Programs to Assist with Recovery and Relief in Hurricane Katrina Disaster Areas; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5018–N–01]

Regulatory and Administrative Waivers Granted for Public and Indian Housing Programs to Assist with Recovery and Relief in Hurricane Katrina Disaster Areas

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This notice advises the public of HUD regulations and other administrative requirements governing HUD's Office of Public and Indian Housing (PIH) programs that have been waived in order to facilitate the delivery of safe and decent housing under these programs to families and individuals who have been displaced from their housing by Hurricane Katrina. Entities that administer PIH programs, which include public housing agencies (PHAs), Indian and tribally designated housing entities (TDHEs), and local and tribal governments, and are located in an area declared by the President to be a federal disaster area as a result of Hurricane Katrina, may defer compliance with the regulations and other requirements listed in this notice for an initial period of 12 months or such other period as may be specified in this notice. PIH program administrators that are not located in a disaster area but assisting with Hurricane Katrina recovery and relief may request waiver of the regulations and administrative requirements listed in this notice, and HUD review and response is available through an expedited waiver request and response process. PIH program administrators, located in an area declared a federal disaster area as a result of Hurricane Katrina, or PIH program administrators not located in such an area but assisting with Hurricane Katrina relief and recovery efforts, may request waiver of a regulation or other administrative requirement through the expedited waiver process provided in this notice.

This notice applies only to PIH programs or to cross-cutting regulatory or administrative requirements that are applicable to PIH program administrators.

DATES: *Effective Date:* September 27, 2005.

FOR FURTHER INFORMATION CONTACT: PIH Disaster Relief Officer, Office of Policy Programs and Legislation, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4116, Washington, DC 20410–5000, telephone number (202) 708–4016, extension 4245, or (202) 708–0713, extension 7651. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background Information

In late August 2005, Hurricane Katrina hit the Gulf Coast area of the United States, causing unprecedented and catastrophic damage to property, significant loss of life, and the displacement of tens of thousands of individuals and families from their homes and communities. The President has called upon all federal agencies to do everything in their power to assist the victims of Hurricane Katrina, with the top priority being to save and sustain lives. With recognition that shelter is key to saving and sustaining lives, and following the President's direction to eliminate or reduce ''red tape'' that will impede the delivery of federal financial assistance and other needed benefits, this notice identifies HUD regulations and other administrative requirements governing HUD's PIH programs that are waived or temporarily suspended or deferred in an area declared by the President to be a federal disaster area as a result of Hurricane Katrina (''disaster area''). In addition, HUD will provide an expedited review process to waive the requirements listed in this notice upon request from PIH program administrators that are not located in disaster areas but are assisting with Hurricane Katrina recovery and relief efforts.

HUD's Office of Public and Indian Housing examined the regulations governing PIH programs and recommended waiver or temporary suspension or deferral of those regulations that the office believes could impede PIH program administrators in their effort to expeditiously assist with housing current PIH program participants who lost housing as a result of Hurricane Katrina as well as others who now need housing assistance under PIH programs as a result of the hurricane. PIH program administrators that are located in a disaster area may defer compliance with the requirements listed in this notice for an initial period of 12 months under the notification process described in this notice. The requirements listed in this notice that have been deferred, or temporarily suspended by waiver include regulatory and other administrative provisions that require periodic reporting and other information delivery by PHAs, Indian tribes, and TDHEs. While such reporting is important to ensure effective and efficient administration of PIH programs, these requirements have been waived in order that PIH program administrators may focus their time and resources on identifying and providing decent and safe housing during this period of unparalleled displacement of families and individuals.

For the majority of the regulations and administrative requirements listed in this notice and for which a waiver was granted, HUD did not waive the requirements entirely but deferred compliance until such time as compliance may be feasible; for example, in many cases HUD extended deadlines for reports or other documents that PIH program administrators must submit to HUD. Because the devastation caused by Hurricane Katrina is unprecedented, and the need for housing and other basic life saving and sustaining relief is widespread and immediate, HUD is relying on its experienced partners in the HUD housing-assistance programs who are in the front-line of recovery efforts to meet the challenge of providing decent, safe, and sanitary housing as expeditiously as possible and to comply to the extent possible with the regulations that promote that goal. HUD does not want the time and resources of PHAs, Indian tribes, and THDEs diverted by requirements that are important but can be deferred until such time as a degree of normalcy in operations returns to the disaster areas. As the recovery period proceeds, HUD may identify other regulations for which waiver or temporary deferral or suspension is needed or determine that other alternative requirements may be necessary to assist with facilitation of delivery of housing to those most in need. Any additional HUD waivers or suspensions or other alternative requirements will be announced by direct notice to PIH program administrators and by **Federal Register** publication.

PIH program administrators that are not located in a disaster area but are assisting with Hurricane Katrina recovery and relief efforts may request waiver of the regulations and administrative requirements listed in this notice through the expedited waiver request and response process set forth in this notice.

In addition to the waiver of regulatory requirements, some statutory provisions contain built-in waiver provisions that allow administrative waiver of the

statutory requirements for cause. Certain of those provisions are included in Section III.A of this notice.

This notice lists HUD regulatory and administrative requirements that the Office of PIH determined needed to be waived or temporarily deferred or suspended during the Hurricane Katrina recovery period. If, PHAs, Indian tribes, and TDHEs, and other PIH program administrators identify other regulations that they believe should be waived, they should seek a waiver by submitting a waiver request, which specifies the need for a waiver, to the email address provided below in Section II, which describes the expedited waiver process.

II. Waiver Process

A. For PIH Program Administrators in Declared Disaster Areas

Entities that administer public or Indian housing or voucher programs and are located in the areas declared a federal disaster area as a result of Hurricane Katrina may defer or suspend compliance with the regulations and other administrative requirements listed in this notice, with the exception of the waiver of the provision in Section III.B.12, upon the effective date of this notice, for an initial period of 12 months or for such other period as may be specified in this notice. These entities, however, should notify HUD within two weeks of determination of the need to utilize the waived requirements in this notice, or as soon as possible, by contacting HUD in the manner detailed in the following paragraph.

An official of the PHA, TDHE, tribal or local government that seeks the suspension of compliance with requirements listed in this notice must contact HUD in writing (e-mail communication is allowed) and identify the requirements by section and number utilized in this notice (e.g., Section III.A.2. Section III.B. 1, 2, 3, etc, or ''all of the waived or suspended requirements in Section III.''). The following e-mail address has been established in order to expedite the process: *PIH_Disaster_Relief@hud.gov*. In addition, a checklist of the waived or suspended requirements is available at HUD's Web site at *http://www.hud.gov/katrina/proguidance.cfm*, and an eligible PHA can use this checklist to identify the waived or suspended requirements that it will utilize.

This is a notification process only, and HUD asks that this notification be made to HUD no later than two weeks after a PHA determines the need to rely on one or more or all of the waived or suspended requirements in this notice. While, as noted earlier, HUD does not want to impose additional administrative requirements on PIH program administrators located in the disaster areas during this period, it is important for HUD to know (and helpful for HUD to know) how these entities are administering their PIH programs during the recovery period, as HUD has tried to make this notification process as easy as possible. HUD will maintain information on the names of the PHAs, Indian tribes, or TDHEs that have deferred compliance with certain regulatory and administrative requirements in accordance with this notice. The regulation or administrative requirement will remain inapplicable for a period of 12 months and will be considered waived or suspended by HUD for an additional three months upon notification to HUD following the same notification process described above.

B. For PIH Program Participants in Non-Disaster Declared Areas

PIH program administrators that are not located in a disaster area but are contributing to Hurricane Katrina relief and recovery efforts may request a waiver of the regulations or administrative requirements listed in this notice by sending a request for a waiver to the *PIH_Disaster_Relief@hud.gov* e-mail address. The request must specify the need for the waiver of the requirement. Waiver requests submitted through this e-mail address will receive priority processing.

C. Regulations and Requirements Not Waived in this Notice

For any regulation or other administrative requirement not listed in this notice for which a PIH program administrator seeks waiver or suspension, the program administrator may seek a waiver by sending a request to the *PIH_Disaster_Relief@hud.gov* e-mail address. The request must specify the need for the waiver of the requirement. As noted earlier, waiver requests submitted through this e-mail address will receive priority processing, and HUD will respond to the requestor by e-mail.

The expedited waiver process is provided only for waiver or suspension of requirements that will assist with the Hurricane Katrina relief and recovery efforts. HUD will not respond to any waiver requests submitted to this e-mail address that are unrelated to relief and recovery of the disaster areas.

III. Authority to Grant Waivers

Generally, waivers of HUD regulations are handled on a case-by-case basis. Under statutory requirements set forth in section 7(q) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), a regulated party that seeks a waiver of a HUD regulation must request a waiver from HUD in writing and the waiver request must specify the need for the waiver. HUD then responds to the request in writing and, if the waiver is granted, HUD includes a summary of the waiver granted (and all regulatory waivers granted during a three-month period) in a **Federal Register** notice that is published quarterly. Since the damage to property and the displacement of families and individuals in the disaster areas is massive, and the need for regulatory relief in many areas pertaining to HUD-assisted housing is readily apparent, HUD is suspending its usual regulatory waiver protocols for the disaster areas and has substituted an expedited process that meets the requirements of section 7(q).

In a quarterly notice of regulations waived, HUD will identify the PIH program administrators in the disaster areas that are utilizing one or more of the waived regulations in this notice or other regulations for which a waiver was requested or granted. The quarterly notice will also identify PIH program administrators that are located in non-federally declared disaster areas and are contributing to Hurricane Katrina relief and recovery efforts that requested and were granted waivers in accordance with the waiver process provided in this notice.

The regulatory and administrative requirements set forth in Section III of this notice have been waived or temporarily deferred or suspended as provided in this notice. This action was determined necessary to assist PIH program administrators in the disaster areas in facilitating the identification and delivery of housing for families and individuals displaced from their homes by Hurricane Katrina. PIH program administrators referenced in Section III of this notice (e.g., PHAs, TDHEs), even if, at times, not specifically described as PIH program administrators located in a disaster area, refer only to administrators located in disaster areas.

A. Statutory Requirements with Built-In Waiver Authority

1. Extension of Deadline for Obligation and Expenditure of Capital Funds

Section 9(j)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437g(j)(2)) (1937 Act) authorizes the Secretary to extend the time period for obligation of capital funds by PHAs, as set forth in section 9(j)(1), for such period as the Secretary

determines necessary if the Secretary determines that the failure of the agency to obligate assistance in a timely manner is attributable to, among other criteria listed, an event beyond the control of the PHA, or any other reason established by the Secretary by notice published in the **Federal Register**. Pursuant to section 9(j)(1) of the 1937 Act, PHAs are required to obligate capital funds not later than 24 months after the date on which the funds became available, or the date on which the PHA accumulates adequate funds to undertake modernization, substantial rehabilitation, or new construction of units, plus the period of any extension approved under section 9(j)(2). The occurrence of Hurricane Katrina was beyond the control of the PHAs located in the disaster areas and caused such massive and widespread destruction and displacement that the obligation deadline under section 9(j)(1) of the 1937 Act is hereby extended pursuant to section 9(j)(2) of the 1937 Act for an additional 12 months for PHAs located in the areas declared a Federal disaster area.

In addition, section 9(j)(5)(A) of the 1937 Act requires a PHA to expend capital funds not later than four years after the date on which the funds become available for obligation, plus the period of any extension approved under section 9(j)(2). The expenditure period under section 9(j)(5) is accordingly also extended in the affected areas for 12 months to include the extension approved under section 9(j)(2). The extension of the section 9(j) obligation and extension deadlines made in this notice also apply to the implementing regulation for section 9(j) at 24 CFR 905.120.

2. Waiver of ICDBG 50 Percent Downpayment Assistance Limitation for Low- and Moderate-Income Homebuyers

Section 122 of the Housing and Community Development Act of 1974 (42 U.S.C. 5321) authorizes the Secretary to suspend requirements for activities to address the damage in a Presidentially declared disaster area. Section 105(a)(24)(D) (42 U.S.C. 5305) permits a grantee to provide downpayment assistance to low- and moderate-income homebuyers, but limits the assistance to 50 percent of the amount of downpayment the homebuyer must provide. Because of the extraordinary need for housing among low- and moderate-income evacuees, HUD finds good cause to permit downpayment assistance of up to 100 percent for the purchase of homes in the disaster area.

B. Regulatory Requirements.

1. 24 CFR 5.216(g)(5) (Disclosure and Verification of Social Security and Employer Identification Numbers)

Section 5.216 addresses the disclosure and verification of Social Security Numbers and employer identification numbers of applicants for assistance under certain HUD assisted housing programs. Section 5.216(g) imposes special documentation requirements on applicants, and subsection (g)(5) establishes the time limit for submission of this documentation. The time period required for submission of verification documents is waived for a period of three months in the case of all families and for a period not to exceed 12 months with approval.

2. 24 CFR 5.512(c) (Verification of Eligible Immigration Status; Secondary Verification)

Section 5.512 provides the process by which verification of eligible immigration status must be undertaken for families seeking assistance under certain HUD programs. While the declaration of eligibility and this verification process is required by statute and cannot be waived, HUD does have the authority to waive certain deadlines. Section 5.512(d) provides the time frame under which a secondary verification must be requested of the Immigration and Customs Enforcement (ICE) by the responsible entity when the primary verification (the automated verification system) is not conclusive of immigration status. The responsible entity must request ICE to undertake a secondary verification within 10 days of receipt of the results of the primary verification, and must provide the ICE with all records on the applicant evidencing citizen or eligible immigration status that the applicant has provided to the responsible entity. This notice provides that the time frame under which a secondary verification must be requested is expanded from 10 days of the date of the results of the primary verification to 90 days from such date.

3. 24 CFR 5.801(c) and 5.801(d)(1) (Uniform Financial Reporting Standards (UFRS); Reporting Due Date)

These sections establish uniform financial reporting standards for PHAs and other owners and administrators of HUD-assisted housing. Section 5.801(c) establishes the financial information requirements and § 5.801(d)(1) establishes the filing deadline for financial information and provides that PHAs must submit their unaudited financial information no later than 60 days after the end of their fiscal year. This deadline is changed from 60 days to 180 days after the end of the PHA's fiscal year. In addition, § 5.801(d)(1) requires that PHAs submit their audited financial information no later than nine months after the PHA's fiscal year end. For PHAs with fiscal years ending December 31, 2004, and March 31, 2005, this deadline is changed from nine months to 13 months after the end of the PHA's fiscal year. Although PHAs are still required to submit unaudited and audited financial information pursuant to UFRS, they will not be scored under the Public Housing Assessment System (PHAS), as more fully discussed in Section III.B.4. below.

4. 24 CFR part 902 (Public Housing Assessment System (PHAS))

Part 902 sets out the indicators by which HUD measures the performance of a PHA. These indicators measure a PHA's physical condition, financial condition, management operations, and resident service and satisfaction. For PHAs in the areas declared a federal disaster area beginning with fiscal year end September 30, 2005, and for those with fiscal years ending March 31, 2005, and June 30, 2005, that have not yet received their physical condition inspections for 2005, the PHAs score will be the same as their previous year score. However, PHAs are still required to submit unaudited and audited information in accordance with Section III.B.3.

5. 24 CFR 903.5 (Annual Plan Submission Deadline)

Section 5A(h)(2) of the 1937 Act (42 U.S.C. 1437c–1(h)(2)) and 24 CFR 903.5 provide that a PHA Annual Plan must be submitted no later than 75 days before the commencement of a PHA's fiscal year. Each PHA affected may have a different fiscal year and for those PHAs that are approaching this submission deadline, this requirement may be impossible to meet because the PHAs are not operating. Since this requirement is a statutory one and not waivable by HUD without further authority, HUD is seeking legislative relief. However, HUD will accept as a submission a letter from the PHA stating that HUD should consider its existing annual plan to be the plan for the next year or until it submits another annual plan. For Capital Fund activities, PHAs may obligate their Capital Funds for any activity listed in their existing and approved 5-year plan. PHAs should also submit amendments to their 5-year plan to the extent necessary.

6. 24 CFR 905.10(i) (Capital Fund Formula; Limitation of Replacement Housing Funds to New Development)

Section 905.10 describes the Capital Fund formula. Section 905.10(i) limits the use of replacement housing funds to the development of new public housing. This section is waived to allow replacement housing funds to be used for two other areas, public housing modernization and homeownership for public housing families, which will help address housing needs as a result of the displacement caused by Hurricane Katrina.

7. 24 CFR 941.306 (Maximum Project Cost)

Section 941.306 establishes the calculation of maximum project cost and the calculation of the total development cost. In order to facilitate the use of capital funds for repairs and construction for needed housing in the disaster areas, HUD has waived the total development cost (TDC) and housing cost cap limits for all work funded by the Capital Fund and HOPE VI funds until issuance of new TDC levels. Until new TDC levels are issued, PHAs should strive to keep housing costs reasonable given local market conditions.

8. 24 CFR 965.302 (Requirements for Energy Audits)

This section establishes the requirement that all PHAs complete an energy audit for each PHA-owned project under management, not less than once every five years. PHAs that are required to conduct or update an audit this year are given an additional 12 months after September 30, 2005, to complete the audit. HUD is relieving PHAs of this administrative burden so that they may focus on the more urgent need to house impacted families.

9. 24 CFR 982.54 (Administrative Plan)

This section provides that a PHA must adopt a written administrative plan that establishes local policies for the administration of the Housing Choice Voucher Program in accordance with HUD requirements. In order to allow PHAs to exercise maximum flexibility with program administration as a result of Hurricane Katrina, the PHA may temporarily revise the administrative plan to address unique circumstances without PHA Board of Commissioners approval or other authorized PHA official approval if such Board or officials also waive this requirement.

10. 24 CFR 982.206 (Waiting List; Opening and Public Notice)

This section requires a PHA to give the public notice that families may apply for tenant-based assistance. The regulation requires a PHA to publish a notice of the opening of the list in a local newspaper of general circulation, and also by minority media and other suitable means. The requirement to publish in a newspaper of general circulation and also by minority media is waived, and a PHA may provide such information on its Web site and at any of its offices and in a voice mail message for any callers that may inquire whether a list is opened.

11. 24 CFR 982.401(d) (Housing Quality Standards: Space Requirements)

By regulation, § 982.401 establishes housing quality standards. Section 982.401(d) provides, among other things, the requirement for adequate space for the family. With respect to space, this section provides that each dwelling unit must have at least one bedroom or living/sleeping room for each two persons. The spacing requirements of this section can be waived only if the family understands and consents to a waiver of this provision. Again, as noted from the outset, the waiver of these regulations does not represent a long-term change but rather a temporary suspension of requirements to address emergency needs.

12. 24 CFR 982.503(b) (Waiver of Payment Standard Limit; Establishing Payment Standard Amounts). [Waiver of this Provision Available Through Waiver Request.]

Section 982.503(b) imposes a cap on the amount a PHA may establish as its payment standard amount at 110 percent of the published fair market rent (FMR). In order to expand the housing available to families displaced by Hurricane Katrina, PHAs in disaster areas may establish separate payment standards amounts up to 120 percent of the published FMR. Higher exception rents above 120 percent may be requested through the described expedited waiver process, but must be justified by rental housing data. In all cases, the actual gross rent for the unit leased by the family may not exceed what is charged for comparable unassisted units in the area.

Note that areas whose rental housing markets have been significantly affected by families displaced by Hurricane Katrina may request a waiver through the expedited waiver review process, set forth in Section II of this notice, for approval of payment standards in excess of 110 percent of the published FMRs. However, the PHA must provide information indicating that (1) they have a significant number of displaced families and (2) area rents have increased.

13. 24 CFR 984.303 (Contract of Participation; Family Self-Sufficiency (FSS) Program; Extension of Contract) and 24 CFR 984.105 (Minimum Program Size)

Part 984 of HUD's regulations provide the requirements for the Section 8 and Public Housing FSS Program. Section 984.303 sets out the requirements for the contract of participation and § 984.303(d) allows for an extension of the FSS program for a period not to exceed two years. For those families at the end of their initial contract term, the two-year limitation is waived and PHAs may provide an extension for a period not to exceed three years. This additional time period would account for any time lost on the FSS contract as a result of the displacement of families participating in the FSS program. Section 984.105 sets out the requirements for minimum FSS program size. This notice exempts PHAs from the minimum program size (§ 984.105(a) and (b)) for a period of two years.

14. 24 CFR part 985 (Section 8 Management Assessment Program (SEMAP))

Part 985 sets out the requirements by which section 8 tenant-based assistance programs are assessed. Similar to the action that HUD has taken with respect to the PHAS regulations in 24 CFR part 902, PHAs administering a section 8 tenant-based assistance program are eligible to defer compliance with the SEMAP requirements for a period of 12 months.

15. 24 CFR 990.145 (Dwelling Units with Approved Vacancies)

Section 990.145 of the revised Operating Fund Program regulation (79 FR 54984, September 19, 2005) lists the categories of vacant units that are eligible to receive operating subsidy and, therefore, are considered approved vacancies. PHAs that had vacant units during the reporting period that were not ''approved'' vacancies pursuant to § 990.145, but were available for occupancy, may treat those units as approved vacancies if: (1) The PHA anticipates the units will be occupied by families and individuals affected by the disaster during the upcoming funding year, or (2) the PHA is holding the units vacant for families and individuals affected by the disaster.

16. 24 CFR 1000.156 and 1000.158 (IHBG Moderate Design Requirements for Housing Development)

The IHBG program regulations at §§ 1000.156 and 1000.158 require that housing developed with IHBG funds must be of moderate design. Under these regulatory sections, IHBG recipients must either adopt written moderate design standards or comply with the TDC limits issued by HUD. In recognition of the higher development costs in communities affected by Hurricane Katrina, and to facilitate the development of housing for families in these communities, these moderate design requirements are waived for IHBG recipients until issuance of new TDC levels. Until new TDC levels are issued, IHBG recipients should strive to keep housing costs reasonable given local market conditions.

17. 24 CFR 1000.214 (Indian Housing Plan (IHP) Submission Deadline)

To receive an IHBG formula allocation, an Indian tribe or its TDHE must annually submit an IHP to HUD describing the affordable housing activities the Indian tribe or TDHE will undertake. Section 1000.214 requires that the IHP must be submitted to HUD no later than July 1 of each year. This section is waived to permit tribes and TDHEs to undertake affordable housing activities on behalf of families displaced by Hurricane Katrina, although these activities may not have been identified in the IHP originally submitted by the tribe or TDHE.

18. 24 CFR 1003.400(c) and Section I.C. of FY 2005 Indian Community Development Block Grants (ICDBG) Program Notice of Funding Availability (NOFA) (Grant Ceilings for ICDBG Imminent Threat Applications)

The ICDBG regulations at § 1003.400(c) provide that HUD will establish grant ceilings for imminent threat applications. On March 21, 2005 (70 FR 13655), HUD published its FY 2005 ICDBG NOFA as part of HUD's FY 2005 SuperNOFA. Section I.C. of the FY 2005 ICDBG NOFA specifies that the grant ceiling for ICDBG imminent threat requests for FY 2005 is $425,000. This grant ceiling is waived to permit applicants to request imminent threat funding in excess of $425,000 if necessary to address disaster-related needs in their communities.

19. 24 CFR 1003.401 and Section I.C. of FY 2005 ICDBG NOFA (Application Requirements for ICDBG Imminent Threat Funds)

The ICDBG regulations at Section 1003.401 provide that, in response to applications for assistance, HUD may make ICDBG funds available to applicants to address imminent threats to health and safety. The regulation further provides that applications must contain the information specified in the annual ICDBG NOFA. The required information that must be contained for imminent threat applications for FY 2005 is located in Section I.C. of the FY 2005 ICDBG NOFA. These application requirements are waived to permit Indian tribes located in areas affected by Hurricane Katrina to more expeditiously request and receive ICDBG imminent threat funds. Applicants located in these areas are still required to submit a request for imminent threat assistance to HUD in accordance with Section 1003.401 and the FY 2005 ICDBG NOFA, but it is no longer necessary for the request to contain the information listed in section I.C. of the NOFA.

20. 24 CFR 1003.604 (ICDBG Citizen Participation Requirements)

The ICDBG regulations at § 1003.604 require applicants to consult with residents prior to submitting their funding applications. The consultation requirements have the potential to delay the ability of ICDBG recipients to address urgent housing, health, and safety needs of persons displaced by Hurricane Katrina. Accordingly, this section is waived to permit eligible ICDBG applicants to address disaster-related needs without the need for prior resident consultation.

Dated: September 27, 2005.

Roy A. Bernardi,

Deputy Secretary.

[FR Doc. 05–19758 Filed 9–30–05; 8:45 am]

BILLING CODE 4210–33–P

Federal Register

Monday,
October 3, 2005

Part IV

Department of Labor

Wage and Hour Division

29 CFR Part 697
Industries in American Samoa; Wage Order; Final Rule

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 697

Industries in American Samoa; Wage Order

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor (DOL) is amending regulations to implement changes in the minimum wage rates applicable to various industry classifications in American Samoa under the Fair Labor Standards Act (FLSA). The FLSA provides for a special industry committee appointed by the Secretary of Labor to determine minimum wage rates in American Samoa. Industry Committee for All Industries in American Samoa No. 26 (the Committee) met in public and executive session in Pago Pago, American Samoa during the week of June 20, 2005.

DATES: This rule shall become effective October 18, 2005.

FOR FURTHER INFORMATION CONTACT: Nancy M. Flynn, Director, Office of Planning and Analysis, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, DC 20210: telephone (202) 693–0551. (This is not a toll free number.)

You may direct questions of interpretation and/or enforcement of regulations issued by this agency or referenced in this notice to the nearest Wage and Hour Division (WHD) District Office. Locate the nearest office by calling the WHD toll-free help line at 1–866–4US–WAGE (1–866–487–9243) between 8 a.m. and 5 p.m. in your local time zone, or log onto the agency website for a nationwide listing of WHD District and Area Offices at: *http://www.dol.gov/esa/contacts/whd/america2.htm*.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

This regulation is not subject to the Paperwork Reduction Act (Pub. L. 104–13), because it contains no new information collection requirements and does not modify any existing requirements.

II. Summary of Changes

This regulation implements the recommendations made by the Committee for minimum wage rates applicable to all industries in American Samoa. The recommendations increase the minimum wages in the government employees, ship maintenance, hotel, tour and travel services as well as miscellaneous activities industry classifications by 5 percent over a two-year period. The Committee retained the previously established minimum wage rates for all other industries. Section 697.2 provides all the industry wage rates and their effective dates in table form. The rates provided under the column heading ''October 3, 2005'' are those established prior to the effective date of the rates recommended by Industry Committee No. 26. The final two columns of the table provide the rates effective on October 18, 2005 and October 1, 2006. Section 697.4 specifies the overall effective date of the revised minimum wage rates.

III. Background

FLSA section 8 and Regulations 29 CFR 511.18 require and authorize revision of Regulations 29 CFR 697.2 and 697.4, to implement recommendations made by industry committees for setting minimum wage rates in American Samoa. The Secretary of Labor appointed and convened the Committee, pursuant to FLSA sections 5, 6 and 8. The Secretary published an Administrative Order in the **Federal Register** on May 4, 2005 (70 FR 23236), that referred to the Committee the question of minimum wage rates to be paid under FLSA section 6 to employees within the various industries and gave notice of a hearing to be held by the Committee in Pago Pago, American Samoa.

Subsequent to the hearing, the Committee filed a report containing findings of fact and recommendations with respect to minimum wage rates for various industry classifications with the Administrator of the WHD. Attachment A to the Industry Committee No. 26 Report is a written dissent prepared by the two Committee members representing employees. FLSA section 8(d) (29 U.S.C. 208(d)) requires that this rule reflect the recommendations contained in the Committee's report and that it be effective 15 days after publication in the **Federal Register** of the order containing such recommendations. In this instance, because of a delay in the publication of this notice and the statutory requirement that the rule become effective 15 days after publication in the **Federal Register**, it is necessary to delay the effective date of October 1, 2005 recommended by the Committee for the initial increase until October 18, 2005.

IV. Executive Order 12866 and Small Business Regulatory Enforcement Fairness Act

This rule is not a ''significant regulatory action'' within the meaning of Executive Order 12866, and no regulatory impact analysis is required. This document puts into effect the wage rates recommended by Industry Committee No. 26.

This rule is not expected to: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities or the principles set forth in Executive Order 12866.

The rule is not a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996. Although the rule will solely affect industries in American Samoa, the DOL does not expect its impact on costs or prices to be major, for the reasons previously discussed.

V. Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, this rule does not include any Federal mandate that may result in excess of $100 million in expenditures by state, local and tribal governments in the aggregate or by the private sector.

VI. Executive Order 13132 (Federalism)

The Department has (1) reviewed this rule in accordance with Executive Order 13132 regarding federalism and (2) determined that it does not have federalism implications. The rule 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.

VII. Administrative Procedure Act

The Administrative Procedure Act (APA), 5 U.S.C. 553, normally requires notice and an opportunity for public comment when an agency amends a substantive rule. The APA, however, contains exceptions to the notice and comment provisions for (1) ''interpretative rules, general statements

of policy, or rules of agency organization, procedure, or practice'' and (2) rules where the agency for good cause finds that notice and public comment are ''impracticable, unnecessary, or contrary to the public interest.'' Agencies may immediately adopt rules subject to the exceptions. The agency hereby finds that good cause exists for dispensing with prior notice and public comment procedures for these changes and for issuance of this rule without publication 30 days in advance of its effective date, as normally required by the APA. (See 5 U.S.C. 553(b) and (d).) FLSA section 8(d) (29 U.S.C. 208(d)) requires that this rule reflect the recommendations contained in the Committee's report and that it be effective 15 days after publication in the **Federal Register** of the order containing such recommendations.

VIII. Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that pertain to regulatory flexibility analysis do not apply to this rule, because no notice of proposed rulemaking is required for the rule under the APA. (*See* 5 U.S.C. 601(2).)

IX. Executive Order 13175, Indian Tribal Governments

This rule does not have ''tribal implications'' under Executive Order 13175 that would require a tribal summary impact statement. The rule does not have ''substantial direct effects 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.''

X. Effects on Families

The undersigned hereby certifies that the rule will not adversely affect the well-being of families, as discussed under section 654 of the Treasury and General Government Appropriations Act, 1999.

XI. Executive Order 13045, Protection of Children

This rule has no environmental health risk or safety risk that may disproportionately affect children.

XII. Environmental Impact Assessment

A review of this rule in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.;* the regulations of the Council on Environmental Quality, 40 CFR part 1500, *et seq.;* and the Departmental NEPA procedures, 29 CFR part 11, indicates the rule will not have a significant impact on the quality of the human environment. There is, thus, no corresponding environmental assessment or an environmental impact statement.

XIII. Executive Order 13211, Energy Supply

This rule is not subject to Executive Order 13211. It will not have a significant adverse effect on the supply, distribution or use of energy.

XIV. Executive Order 12630, Constitutionally Protected Property Rights

This rule is not subject to Executive Order 12630, because it does not involve implementation of a policy ''that has takings implications'' or that could impose limitations on private property use.

XIV. Executive Order 12988, Civil Justice Reform Analysis

This rule was drafted and reviewed in accordance with Executive Order 12988 and will not unduly burden the Federal court system. The rule was: (1) Reviewed to eliminate drafting errors and ambiguities; (2) written to minimize litigation; and (3) written to provide a clear legal standard for affected conduct and to promote burden reduction.

XV. Document Preparation

This document was prepared under the direction and control of Alfred B. Robinson, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 697

American Samoa, Minimum wages.

Signed at Washington, DC, this 26th day of September, 2005.

Victoria A. Lipnic,

Assistant Secretary, Employment Standards Administration.

Alfred B. Robinson, Jr.,

Deputy Administrator, Wage and Hour Division.

■ For the reasons set forth above, title 29, Part 697 of the Code of Federal Regulations is amended as set forth below.

PART 697—INDUSTRIES IN AMERICAN SAMOA

■ 1. The authority citation for part 697 continues to read as follows:

Authority: 29 U.S.C. 205, 206, 208.

■ 2. Section 697.2 is revised to read as follows:

§ 697.2 Industry wage rates and effective dates.

Every employer shall pay to each employee in American Samoa, who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in any enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Fair Labor Standards Act of 1938, wages at a rate not less than the minimum rate prescribed in this section for the industries and classifications in which such employee is engaged.

Industry	Minimum wage		
	Effective October 3, 2005	Effective October 18, 2005	Effective October 1, 2006
(a) Government Employees	$2.77	$2.84	$2.91
(b) Fish Canning and Processing	3.26	3.26	3.26
(c) Petroleum Marketing	3.85	3.85	3.85
(d) Shipping and Transportation:			
(1) Classification A	4.09	4.09	4.09
(2) Classification B	3.92	3.92	3.92
(3) Classification C	3.88	3.88	3.88
(e) Construction	3.60	3.60	3.60
(f) Retailing, Wholesaling, and Warehousing	3.10	3.10	3.10
(g) Bottling, Brewing, and Dairy Products	3.19	3.19	3.19
(h) Printing	3.50	3.50	3.50
(i) Publishing	3.63	3.63	3.63

Industry	Minimum wage		
	Effective October 3, 2005	Effective October 18, 2005	Effective October 1, 2006
(j) Finance and Insurance	3.99	3.99	3.99
(k) Ship Maintenance	3.34	3.42	3.51
(l) Hotel	2.86	2.93	3.00
(m) Tour and Travel Services	3.31	3.39	3.48
(n) Private Hospitals and Educational Institutions	3.33	3.33	3.33
(o) Garment Manufacturing	2.68	2.68	2.68
(p) Miscellaneous Activities	2.57	2.63	2.70

■ 3. Section 697.4 is revised to read as follows:

§ 697.4 Effective dates.

The wage rates specified in § 697.2 shall be effective on October 18, 2005, except as otherwise specified.

[FR Doc. 05–19738 Filed 9–30–05; 8:45 am]

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REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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H.R. 3649/P.L. 109–74

Sportfishing and Recreational Boating Safety Amendments Act of 2005 (Sept. 29, 2005; 119 Stat. 2030)

S. 1340/P.L. 109–75

To amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment. (Sept. 29, 2005; 119 Stat. 2034)

S. 1368/P.L. 109–76

United States Parole Commission Extension and Sentencing Commission Authority Act of 2005 (Sept. 29, 2005; 119 Stat. 2035)

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63 (63.1440–63.8830)	(869–052–00148–1)	64.00	July 1, 2004
63 (63.6580–63.8830)	(869–056–00150–9)	32.00	July 1, 2005
63 (63.8980–End)	(869–056–00151–7)	35.00	[7]July 1, 2005
64–71	(869–056–00152–5)	29.00	July 1, 2005
72–80	(869–056–00153–5)	62.00	July 1, 2005
81–85	(869–052–00152–0)	60.00	July 1, 2004
86 (86.1–86.599–99)	(869–052–00153–8)	58.00	July 1, 2004
86 (86.600–1–End)	(869–052–00154–6)	50.00	July 1, 2004
*87–99	(869–056–00157–6)	60.00	July 1, 2005
100–135	(869–052–00156–2)	45.00	July 1, 2004
136–149	(869–052–00157–1)	61.00	July 1, 2004
150–189	(869–052–00158–9)	50.00	July 1, 2004
190–259	(869–056–00161–4)	39.00	July 1, 2005
260–265	(869–052–00160–1)	50.00	July 1, 2004
266–299	(869–056–00163–1)	50.00	July 1, 2005
300–399	(869–056–00164–9)	42.00	July 1, 2005
400–424	(869–056–00165–7)	56.00	[8]July 1, 2005
425–699	(869–052–00164–3)	61.00	July 1, 2004
700–789	(869–056–00167–3)	61.00	July 1, 2005
*790–End	(869–056–00168–1)	61.00	July 1, 2005
41 Chapters:			
1, 1–1 to 1–10		13.00	[3]July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3]July 1, 1984
3–6		14.00	[3]July 1, 1984
7		6.00	[3]July 1, 1984
8		4.50	[3]July 1, 1984
9		13.00	[3]July 1, 1984
10–17		9.50	[3]July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3]July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3]July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3]July 1, 1984
19–100		13.00	[3]July 1, 1984
1–100	(869–056–00169–0)	24.00	July 1, 2005
101	(869–056–00170–3)	21.00	July 1, 2005
102–200	(869–052–00169–4)	56.00	July 1, 2004
201–End	(869–052–00170–8)	24.00	July 1, 2004
42 Parts:			
1–399	(869–052–00171–6)	61.00	Oct. 1, 2004
400–429	(869–052–00172–4)	63.00	Oct. 1, 2004
430–End	(869–052–00173–2)	64.00	Oct. 1, 2004
43 Parts:			
1–999	(869–052–00174–1)	56.00	Oct. 1, 2004
1000–end	(869–052–00175–9)	62.00	Oct. 1, 2004
44	(869–052–00176–7)	50.00	Oct. 1, 2004
45 Parts:			
1–199	(869–052–00177–5)	60.00	Oct. 1, 2004
200–499	(869–052–00178–3)	34.00	Oct. 1, 2004
500–1199	(869–052–00179–1)	56.00	Oct. 1, 2004
1200–End	(869–052–00180–5)	61.00	Oct. 1, 2004
46 Parts:			
1–40	(869–052–00181–3)	46.00	Oct. 1, 2004
41–69	(869–052–00182–1)	39.00	Oct. 1, 2004
70–89	(869–052–00183–0)	14.00	Oct. 1, 2004
90–139	(869–052–00184–8)	44.00	Oct. 1, 2004
140–155	(869–052–00185–6)	25.00	Oct. 1, 2004
156–165	(869–052–00186–4)	34.00	Oct. 1, 2004
166–199	(869–052–00187–2)	46.00	Oct. 1, 2004
200–499	(869–052–00188–1)	40.00	Oct. 1, 2004
500–End	(869–052–00189–9)	25.00	Oct. 1, 2004
47 Parts:			
0–19	(869–052–00190–2)	61.00	Oct. 1, 2004
20–39	(869–052–00191–1)	46.00	Oct. 1, 2004
40–69	(869–052–00192–9)	40.00	Oct. 1, 2004
70–79	(869–052–00193–8)	63.00	Oct. 1, 2004
80–End	(869–052–00194–5)	61.00	Oct. 1, 2004
48 Chapters:			
1 (Parts 1–51)	(869–052–00195–3)	63.00	Oct. 1, 2004
1 (Parts 52–99)	(869–052–00196–1)	49.00	Oct. 1, 2004
2 (Parts 201–299)	(869–052–00197–0)	50.00	Oct. 1, 2004
3–6	(869–052–00198–8)	34.00	Oct. 1, 2004
7–14	(869–052–00199–6)	56.00	Oct. 1, 2004
15–28	(869–052–00200–3)	47.00	Oct. 1, 2004

Title	Stock Number	Price	Revision Date
29–End	(869–052–00201–1)	47.00	Oct. 1, 2004
49 Parts:			
1–99	(869–052–00202–0)	60.00	Oct. 1, 2004
100–185	(869–052–00203–8)	63.00	Oct. 1, 2004
186–199	(869–052–00204–6)	23.00	Oct. 1, 2004
200–399	(869–052–00205–4)	64.00	Oct. 1, 2004
400–599	(869–052–00206–2)	64.00	Oct. 1, 2004
600–999	(869–052–00207–1)	19.00	Oct. 1, 2004
1000–1199	(869–052–00208–9)	28.00	Oct. 1, 2004
1200–End	(869–052–00209–7)	34.00	Oct. 1, 2004
50 Parts:			
1–16	(869–052–00210–1)	11.00	Oct. 1, 2004
17.1–17.95	(869–052–00211–9)	64.00	Oct. 1, 2004
17.96–17.99(h)	(869–052–00212–7)	61.00	Oct. 1, 2004
17.99(i)–end and 17.100–end	(869–052–00213–5)	47.00	Oct. 1, 2004
18–199	(869–052–00214–3)	50.00	Oct. 1, 2004
200–599	(869–052–00215–1)	45.00	Oct. 1, 2004
600–End	(869–052–00216–0)	62.00	Oct. 1, 2004
CFR Index and Findings Aids	(869–052–00049–3)	62.00	Jan. 1, 2004
Complete 2005 CFR set		1,342.00	2005
Microfiche CFR Edition:			
Subscription (mailed as issued)		325.00	2005
Individual copies		4.00	2005
Complete set (one-time mailing)		325.00	2004
Complete set (one-time mailing)		298.00	2003

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2004, through January 1, 2005. The CFR volume issued as of January 1, 2004 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2004. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2004. The CFR volume issued as of July 1, 2000 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2004 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2003 should be retained.

[9] No amendments to this volume were promulgated during the period April 1, 2004, through April 1, 2005. The CFR volume issued as of April 1, 2004 should be retained.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—OCTOBER 2005

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
Oct 3	Oct 18	Nov 2	Nov 17	Dec 2	Jan 3
Oct 4	Oct 19	Nov 3	Nov 18	Dec 5	Jan 3
Oct 5	Oct 20	Nov 4	Nov 21	Dec 5	Jan 3
Oct 6	Oct 21	Nov 7	Nov 21	Dec 5	Jan 4
Oct 7	Oct 24	Nov 7	Nov 21	Dec 6	Jan 5
Oct 11	Oct 26	Nov 10	Nov 25	Dec 12	Jan 9
Oct 12	Oct 27	Nov 14	Nov 28	Dec 12	Jan 10
Oct 13	Oct 28	Nov 14	Nov 28	Dec 12	Jan 11
Oct 14	Oct 31	Nov 14	Nov 28	Dec 13	Jan 12
Oct 17	Nov 1	Nov 16	Dec 1	Dec 16	Jan 17
Oct 18	Nov 2	Nov 17	Dec 2	Dec 19	Jan 17
Oct 19	Nov 3	Nov 18	Dec 5	Dec 19	Jan 17
Oct 20	Nov 4	Nov 21	Dec 5	Dec 19	Jan 18
Oct 21	Nov 7	Nov 21	Dec 5	Dec 20	Jan 19
Oct 24	Nov 8	Nov 23	Dec 8	Dec 23	Jan 23
Oct 25	Nov 9	Nov 25	Dec 9	Dec 27	Jan 23
Oct 26	Nov 10	Nov 25	Dec 12	Dec 27	Jan 24
Oct 27	Nov 14	Nov 28	Dec 12	Dec 27	Jan 25
Oct 28	Nov 14	Nov 28	Dec 12	Dec 27	Jan 26
Oct 31	Nov 15	Nov 30	Dec 15	Dec 30	Jan 30