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9:00 a.m.–Noon

WHERE: Office of the Federal Register
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Washington, DC 20002

RESERVATIONS: (202) 741-6008



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Federal Register

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

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DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 718

Commodity Credit Corporation

7 CFR Part 1437

RIN 0560-AG20

Acreage Reports and Noninsured Crop Disaster Assistance Program

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Commodity Credit Corporation (CCC) adopts as final, with change, an interim final rule amending the regulations for the Noninsured Crop Disaster Assistance Program (NAP). Also, a clarification is made in the regulations regarding the submission of acreage reports, and obsolete program provisions are removed.

DATES: This rule is effective March 17, 2006.

FOR FURTHER INFORMATION CONTACT:

Steve Peterson, Branch Chief, Noninsured Assistance Programs Branch; Production, Emergencies, and Compliance Division; Farm Service Agency (FSA); United States Department of Agriculture, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250-0517; telephone (202) 720-5172; e-mail: Steve.Peterson@wdc.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

NAP

The Agricultural Risk Protection Act of 2000 (Pub. L. 106-224) (ARPA) amended the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104-127) regarding NAP for the 2001 and subsequent crop years. The

amendments made to NAP were significant and involved major changes in the way producers qualify and retain eligibility for NAP. Foremost, the NAP area crop loss requirement was eliminated, meaning that assistance is to be made available to individuals without first requiring that the area in which the individual is located experience a loss over a certain level, or threshold, as had been required in the past. The statute also was amended to require an application for coverage and collection of a service fee. Producers must apply for NAP coverage no later than the application closing date for the crop, announced by the Secretary. A service fee of \$100 per crop per administrative county, or \$300 per producer per administrative county, but not to exceed a total of \$900 per producer, must be filed with the application for coverage. Limited-resource producers may request a waiver of the service fees. As a condition of eligibility, producers must continue to provide applicable crop year records of crop acreage, yields and production by the applicable reporting deadlines.

Public Comments

The Agency published an interim final rule in the **Federal Register** on March 19, 2002 (67 FR 12447) amending the NAP regulations. The rule provided a 30-day public comment period. The comments received and Agency responses, by section, are as follows:

Section 1437.3 Definitions

Comment: One comment received from a trade association suggested the definition of "catastrophic loss" was superfluous since the term appeared only in § 1437.1 to summarize the types of qualifying losses.

Response: The Agency agrees and the definition has been removed from § 1437.3 and incorporated into § 1437.9 without specific reference to "catastrophic loss."

Comment: One comment received from a trade association suggested the substantive rule for quality losses, which is in the definition of "catastrophic coverage," should not remain buried among the definitions and should be moved to the discussion of loss calculations, as it was in the previous rule.

Response: The provision regarding quality losses has been removed from § 1437.3 and incorporated into § 1437.9.

Comment: One comment received from a trade association suggested that in the definition of "good farming practice," "alternative farming practices and innovations that are supported by data from the Cooperative State Research, Education, and Extension Service" be explicitly acknowledged in the definition.

Response: The existing definition allows alternative farming practices and innovations that are supported by data from the Cooperative State Research, Education, and Extension Service, and greater specificity is unnecessary. Therefore, no change was made.

Section 1437.4 Eligibility

Comment: Three comments from three trade associations suggested unseeded forage on Federal- and State-owned land be eligible for the 2001 crop year.

Response: The Agency believes the inclusion of 2001 crop year unseeded Federal- and State-owned land would have required State and county committees to make decisions contrary to good business conduct and would have been seen as unfair to some, while excessively beneficial to others. Therefore, no change was made.

Comment: One comment received from a producer stated that NAP was supposed to catch all crops that were not eligible for FCI coverage, but Perique tobacco is not eligible for FCI coverage and yet is also not eligible for NAP.

Response: The statute (7 U.S.C. 7333) specifically states that eligible crops are commercial crops or other agricultural commodities produced for food or fiber. The statute also does not specifically include tobacco as an eligible crop, as it does some other specific crops. Since tobacco is not considered food or fiber, nor specifically included as an eligible crop, it was determined not to be an eligible crop for NAP. Therefore, no change was made.

Section 1437.6 Application for Coverage and Service Fee

Comment: Two comments were received from producers regarding the service fee, one suggesting refunds of service fees be allowed under certain circumstances and one suggesting the service fee schedule be modified to

remove disparity between large and small acreage units.

Response: The statute (7 U.S.C. 7333) specifically establishes the service fee provisions. As a matter of practicality, general refunds of minimal service fees would be cumbersome to administer and not cost effective. NAP coverage is without cost; however, the statute is clear that coverage must be obtained not later than 30 days before the risk period and that an application for coverage be accompanied by a set fee. The statute does not contemplate there being a need for refund either during the application or coverage periods. Accordingly, no change has been made.

Section 1437.8 Unit Division

Comment: One comment from a trade association suggested the section be clarified and an example of units be included.

Response: § 1437.8 was amended for clarification.

Section 1437.9 Causes of Losses

Comment: One comment from a trade association suggested that if the intention in paragraph (b)(1) is only to say that losses that are not the direct result of eligible causes of loss are ineligible losses, it should be deleted. If the subsection is intended to say more, it should be written more clearly.

Response: The section was revised for clarity.

Comment: One comment from a trade association suggests CCC appears to lack statutory authority for naming drought as an ineligible cause of loss for the types of operation named.

Response: The statute allows CCC to determine the eligible causes of loss of noninsured commodities. A few eligible commodities, such as aquaculture, floriculture, and ornamental nursery, must be maintained in a controlled environment in which everything that can be practicably controlled with structures, facilities, growing media (including but not limited to, water, soil, or nutrients) by the producer is in fact controlled by the producer. In these cases, water, or specifically, lack of water (drought), cannot be a factor in the loss of commodity. Therefore, no change was made.

Section 1437.10 Notice of Loss and Application for Payment

Comment: One comment from a producer suggested payments be made within 90 days of harvest.

Response: Payments are made as soon as possible after losses occur and depend upon the submission of complex information from producers. In addition, CCC makes numerous

payments and must prioritize when payments are made. Accordingly, this recommendation is not adopted.

Comment: Ten comments from producers criticized the use of panels in establishing representative sample areas for appraisal of forage acreage intended to be mechanically harvested (hay or seed) that is abandoned or destroyed or also grazed. Producers complain that establishing representative sample areas using panels is expensive, aggravating, inconvenient, impractical, and presents a hardship to producers.

Response: For NAP crop definition purposes "forage," for service fee and production purposes, is defined according to the intended method of harvest, either mechanically or grazed. Mechanically harvested includes seed and hay. On that basis, establishing representative sample areas before abandonment or destruction or grazing occurs is a necessary requirement for completing a deferred appraisal of the potential crop (mechanically harvested) at the end of the growing season. However, for forage acreage intended to be mechanically harvested specifically and only for forage seed, the section has been amended.

Effective with the 2005 crop year, the requirement that producers request a deferred appraisal of potential hay production and establish representative sample areas is discontinued when the producer provides CCC acceptable evidence of a contract to produce seed for the current crop year or acceptable records of acreage and seed production for three or more of the last five consecutive crop years. In this situation, producers must request on the appropriate FSA form an immediate appraisal of potential seed production if the crop acreage will not be harvested for seed. Otherwise, producers who do not have sufficient historical evidence of seed production or a contract to grow forage seed during the crop year must establish representative sample areas and request the appraisal of potential hay production be deferred until the end of the growing season.

As clarification, FSA does not require producers who are required to establish representative sample areas to purchase manufactured or pre-assembled enclosures (panels). When establishing sample areas, producers are required to construct enclosures, by whatever means, sufficiently secure to prevent livestock and wildlife from destroying any evidence of potential production.

Section 1437.12 Crop Definition

Comment: Eight comments, five from producers, two from trade associations, and one from a financial institution

suggested that it is not beneficial to seed producers to combine types of grass intended for seed production for service fee and requisite loss purposes. Grass for seed includes a wide range of planting and harvesting times and there is a wide range of yields and prices. Furthermore, the various types of forage and turf crops produced have very different and specific agronomic characteristics, which means that under certain conditions some of the grass acreage will suffer losses while others will not. One respondent recommended that FSA State committees and local documented experts on seed crops have the authority to determine if seed crops should be considered a separate and distinct crop from other intended uses.

Response: All eligible grass types and varieties intended for mechanical harvest (hay and seed) are defined as one crop for NAP service fee and requisite loss purposes because there is less than a twenty-five percent difference in the National average market prices of the various types and varieties for the most predominant intended use, which is hay. The Agency recognizes the various planting and harvesting times for the production of grass seed. However, grass seed is customarily an annual or biennial crop and, therefore, specific to a crop year. The Agency has sufficient rules and procedures in place for determining the specific crop year acreage and production. The Agency also considers the different yields and prices by calculating NAP assistance on the basis of actual production history and average market price of the specific type or variety of grass and the intended use. Defining the many types and varieties of grass intended for seed as separate crops according to the different and specific agronomic characteristics would place an onerous burden upon the Agency and fail to significantly increase benefits to the producers. Therefore, no change was made.

Comment: Two comments from two producers suggested the inclusion of after-normal-harvest grazing (aftermath grazing) as an eligible crop or, as one producer suggested, a conversion of equivalent grazing to hay production to determine historic yields.

Response: There is little agronomic commercial price and yield data available or captured from a broad enough spectrum to justify a modification of NAP's eligible or net production definitions. Accordingly, no change was made.

Section 1437.13 Multiple Benefits

Comment: One comment from a producer recommended producers be

allowed to receive multiple benefits as long as total benefits do not exceed the producer's loss.

Response: The multiple benefits provisions are set by statute. Therefore, no change was made.

Section 1437.15 Miscellaneous Provisions

Comment: One comment from a trade association suggested the penalty of ineligibility for the current crop year plus two succeeding crop years is reasonable for intentional actions. However, the association recommends FSA State and county committees or FSA officials have the flexibility to find that a producer who has unintentionally misrepresented a fact affecting a program determination receive a lesser penalty.

Response: The rule allows sufficient discretion to FSA reviewers to determine when an act of program malfeasance has occurred. As a general matter, a person cannot unwittingly or unknowingly perpetrate a scheme. However, persons can further program misrepresentations even when there is no apparent advantage. In order to remain consistent with how CCC conducts business with those found to have committed the most flagrant acts of abuse, we have decided to leave the provisions unchanged. The provisions as written already provide the flexibility the respondent believes is needed.

Comment: One comment from a trade association suggested that one purpose of NAP is to partially offset lower farm income due to weather-related crop losses. In order to ensure that this purpose is fulfilled to the greatest extent possible, the association recommended the NAP payment be exempt from administrative offset.

Response: Debt collection actions of the United States are governed, generally, by the Debt Collection Improvement Act of 1996. That Act has no provision that would allow the recommendation to be adopted. Accordingly, no change in the regulation has been made.

Section 1437.102 Yield Determinations

Comment: One comment from a trade association suggested the section be clarified and the discussion of "approved yield" be reformulated and moved to § 1437.3, Definitions. The association also suggests adding subsections for each potential scenario for calculating approved yields.

Response: The section has been amended to clarify the determination of yields. However, considering the number of possible scenarios for

calculating approved yields, it would be impractical to add subsections for each potential scenario.

Comment: One comment from a producer suggested the yield variations due to different farming practices also include the transitional-yield (T-yield) zones established by FCIC for crop insurance purposes and other practices recognized as good farming practices.

Response: Currently, CCC reduces T-yields for individual producers when it is determined that an unadjusted T-yield does not accurately reflect the production capability of specific crop acreage. Enhanced instructions will be provided to State and county committees regarding establishing county expected yields (T-yields) when T-yield zones established by FCIC or other circumstances result in variations of yields in the county.

Section 1437.103 Determining Payments for Low Yield

Comment: One comment from a trade association pointed out an error in determining payments for low yield.

Response: The appropriate section has been amended to correct the typographical error in the explanation of payment calculations.

Section 1437.201 Prevented Planted Acreage

Comment: One comment from a trade association suggested that there appears to be no authority for the requirement that an eligible cause of loss for prevented planting must have "Generally affected other producers in the area, as determined by CCC."

Response: The section regarding general prevented planting provisions has been moved to 7 CFR 718.103. Prevented planting must have generally affected other producers in the area because an occurrence that prevents a crop from being planted will likely prevent others from planting. The phrase does not require a determination of a minimum area loss, which was removed by the ARPA. The phrase requires the Agency to determine if the claimed cause of loss generally affected other producers in the area.

Comment: One comment from a producer suggested prevented planting provisions include the possibility that producers may choose not to plant because of the effects of long-term natural disaster, i.e. drought. Requiring producers to create intent under these circumstances is impracticable.

Response: The section regarding prevented planting provisions has been moved to 7 CFR 718.103, beginning with the 2005 crop year. The rule is being amended to allow prevented

planting assistance for non-irrigated crop acreage when the area that is prevented from being planted has insufficient soil moisture for germination of seed and progress toward crop maturity because of a prolonged period of dry weather. In the case of irrigated crops, prevented planting shall apply where the acreage was prevented from being planted due to a lack of water resulting from drought conditions.

Section 1437.202 Determining Payments for Prevented Planting

Comment: One comment from a trade association pointed out an error in determining payments for prevented planting.

Response: The section has been amended to correct the typographical error in the explanation of payment calculations.

Section 1437.401 Forage

Comment: One comment from a trade association expressed concern regarding policy that results in forage acreage that is intended to be mechanically harvested but that is both mechanically harvested and grazed having to be appraised before grazing even if the acreage is historically and customarily grazed following one cutting. Without an appraisal, legitimate hay or forage losses during a summer drought would not qualify as eligible losses. The respondent states that many producers of forage on improved pasture and native hay meadows get one crop and graze the second crop if there is water available to irrigate the pasture or meadow. The respondent suggests that if appraisals are to become necessary, they be paid as part of the program and the State and county Committees be allowed to select representative pasture or meadows, construct representative sample areas (enclosures) and use data collected from these areas to establish losses in the local area.

Response: The current policy assures the proper accounting of all potential forage production. Production reporting is the producer's responsibility, including the responsibility to establish representative sample areas to facilitate the proper appraisal of crop acreage. Therefore, no change was made.

Comment: Several comments from producers expressed concern that assistance is substantially reduced when acreage intended to be mechanically harvested is grazed and not mechanically harvested and the payment is based on the carrying capacity. One comment from a Congressional office states: "It is entirely reasonable for the Federal Government to meet the allowed benefit

for hay crop loss without requiring a distinction between the hay being harvested and fed to cattle or directly consumed by grazing.”

Response: The respondent may have misunderstood the intent of the formation of the forage policy. The intent of the provision is not to deprive participants of just compensation under NAP for legitimate losses; rather, recognizing the difficulty that participants had in submitting requisite production evidence for APH losses, regulations were revised to allow NAP payments to be computed and paid based on acceptable collective loss data for a particular geographical location. The adoption of this forage policy has enabled more NAP participants to satisfy eligibility requirements where, absent this policy, those participants would probably not be eligible. In light of the comments received, the section has been amended to clarify that for the 2005 and subsequent crop years, calculation of assistance may be based on actual production history when producers provide acceptable evidence of actual production. Further, in light of this amendment, language has been added to § 1437.401 to clarify that while participants have the right to challenge, administratively, factual disputes related to their own applications, CCC's determination of regions or geographical locations for two independent assessments and the two independent assessments themselves, and results there from, are not appealable because they are not in response to any individual applicant or application. Rather, the collective loss established by two independent assessments, acceptable to CCC, are applicable to all similarly situated NAP grazed forage participants.

Section 1437.403 Determining Payments

Comment: One comment from a trade association pointed out an error in the calculation for determining payments for forage.

Response: The explanation of payment calculations for forage is correct. The amount of AUD assigned for ineligible causes of loss must be assigned according to the producer's share. The section is amended to clarify paragraph (f) and correct an error in paragraph (j).

Also, the final rule adds paragraph 1437.2(f) regarding the authority to change agency determinations in administrative reviews. The addition is necessary because administrative reviews are being misused to redefine the extent of individual program eligibility determinations. With the

exception of a few minor editorial or technical corrections, no other changes were made.

Acreage Reports

To obtain benefits under certain programs, producers must submit reports containing accurate information as required by those programs. Depending on the program, these acreage reports document acreage planted, acreage enrolled in the program, acreage in which the producer has a share, or other land use. Producers must certify failed or prevented planted acreage for programs providing benefits for that acreage. Currently, 7 CFR part 718 has no provision regarding the filing of an acreage report for prevented planting or failed acreage that could be used for program purposes, including NAP. This rule adds such provisions to the regulations at 7 CFR 718.103.

Producers who file a report of acreage that was prevented from being planted or failed because of a natural disaster must have the request acted on by CCC. To obtain approval for prevented planting credit, the producer must show there was the intent to plant the acreage by providing documentation of field preparation, seed purchase and any other information that shows the acreage would have been planted under normal weather conditions. For failed acreage, the producer must provide documentation that the crop was planted using farming practices consistent for the crop and area, but could not be brought to harvest because of disaster-related conditions. CCC will deny the failed or prevented planted acreage report if it is not satisfied that the documentation provided shows that the acreage failed or was prevented from being planted because of eligible weather-related conditions. CCC will disapprove requests for which documentation shows that it was a management decision to not plant or to not carry the crop to harvest.

Executive Order 12866

This final rule was determined to be “not significant” under Executive Order 12866 and was not reviewed by the Office of Management and Budget (OMB).

Federal Assistance Programs

The title and number of the Federal assistance program, as found in the Catalog of Federal Domestic Assistance, to which this final rule applies are: Noninsured Crop Disaster Assistance—10.451.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this rule because neither the Secretary of Agriculture nor CCC are required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Assessment

The environmental impacts of this rule have been considered in accordance 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 FSA regulations for compliance with NEPA, 7 CFR part 799. FSA has concluded that this rule is categorically excluded from further environmental review and documentation. No extraordinary circumstances or other unforeseeable factors exist which would require preparation of an environmental assessment or environmental impact statement.

Executive Order 12778

The final rule has been reviewed in accordance with Executive Order 12778. This final rule preempts State laws to the extent such laws are inconsistent with the provisions of this rule. The provisions of this rule are not retroactive. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies 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. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Unfunded Mandates

The provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) do not apply to this rule because CCC is required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking with respect to the subject matter of this rule. Also, the rule imposes no mandates as defined in UMRA.

Paperwork Reduction Act

Section 161 of the 1996 Act required that the regulations be issued without regard to the Paperwork Reduction Act. This means that the normal 60-day public comment period and OMB approval of the information collections

required by this rule are not necessary before the regulations are published and made effective; however, FSA did publish notices requesting public comment for NAP and the Acreage Reports, respectively, on May 12, 2003 (68 FR 25316) and March 31, 2005 (70 FR 16476) and OMB approved the information collections required by this rule under OMB control numbers 0560-0175 and 0560-0004.

Government Paperwork Elimination Act

CCC and FSA are 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 by participation in the Noninsured Crop Disaster Assistance Program are not yet fully implemented in a way that would allow the public to conduct business with FSA electronically. Accordingly, applications for this program may be submitted at FSA offices, by mail, or FAX.

List of Subjects

7 CFR Part 718

Acreage reports.

7 CFR Part 1437

Crop insurance, Disaster assistance, Nursery stock, Plants.

■ Accordingly, 7 CFR part 718 is amended and the interim rule amending 7 CFR part 1437 that was published on March 19, 2002 (67 FR 12446) is adopted as final, with change, as follows:

PART 718—PROVISIONS APPLICABLE TO MULTIPLE PROGRAMS

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

Authority: 7 U.S.C. 1311 *et seq.*, 1501 *et seq.*, 1921 *et seq.*, 7201 *et seq.*, 15 U.S.C. 714b.

■ 2. Section 718.102 is amended by adding paragraph (b)(7) to read as follows:

§ 718.102 Acreage reports.

* * * * *

(b) * * *

(7) All producers requesting to report acreage as prevented planted or failed must provide documentation to FSA

where the farm is administered that meets the provisions of § 718.103.

* * * * *

■ 3. Section 718.103 is revised to read as follows:

§ 718.103 Prevented planted and failed acreage.

(a) Prevented planting is the inability to plant an eligible crop with proper equipment during the planting period as a result of an eligible cause of loss, as determined by CCC. The eligible cause of loss that prevented the planting must have:

(1) Occurred after a previous planting period for the crop;

(2) Occurred before the final planting date for the crop in the applicable crop year or, in the case of multiple plantings, the harvest date of the first planting in the applicable planting period, and

(3) Similarly affected other producers in the area, as determined by CCC.

(b) To be approved by FSA as prevented planted acreage:

(1) The acreage must have been reported within 15 calendar days after the latter of

(i) The occurrence of prevented planting, or

(ii) The end of the planting period;

(2) The acreage must have been prevented from being planted as the result of a natural disaster and not a management decision; and

(3) The prevented planted acreage report must be acted on by the COC. The COC will deny the acreage report if it is not satisfied with the documentation provided.

(c) To receive prevented planted credit for acreage:

(1) The producer must show there was the intent to plant the acreage by providing documentation of field preparation, seed purchase and any other information that shows the acreage could have been planted and harvested under normal weather conditions, and

(2) The producer must show that the amount of the prevented planted acreage credit is consistent with prior years' planting history for the farm.

(d) Eligible prevented planting acreage will be determined on the basis of the producer's intent to plant the crop acreage and possession of, or access to, resources to plant, grow, and harvest the crop, as applicable.

(e) Prevented planting acreage credit is not provided on acreage that had either a previous or subsequent crop planted on the acreage, unless the COC determines that all of the following conditions are met:

(1) There is an established practice of planting two or more crops for harvest on the same acreage in the same crop year;

(2) Both crops could have reached maturity if each planting was harvested or would have been harvested;

(3) Both the initial and subsequent planted crops were planted or prevented-planted within the normal planting period for that crop; and

(4) Both the initial and subsequent planted crops meet all other eligibility provisions of this part including good farming practices.

(f) Prevented planted acreage credit will not be given to crops where the prevented-planted acreage was affected by drought, unless:

(1) On the final planting date for non-irrigated acreage, the area that is prevented from being planted has insufficient soil moisture for germination of seed and progress toward crop maturity because of a prolonged period of dry weather, as determined by CCC; and

(2) Prolonged precipitation deficiencies exceeded the D2 level as determined using the U.S. Drought Monitor; and

(3) Verifiable information is collected from sources whose business or purpose it is to record weather conditions, as determined by CCC, and including but not limited to the local weather reporting stations of the U.S. National Weather Service.

(g) Prevented planted acreage credit under this part shall apply to irrigated crops where the acreage was prevented from being planted due to a lack of water resulting from drought conditions or contamination by saltwater intrusion of an irrigation supply resulting from drought conditions if there was not a reasonable probability of having adequate water to carry out an irrigation practice.

(h) Acreage ineligible for prevented planting coverage includes, but is not limited to acreage:

(1) Which planting history or conservation plans indicate would remain fallow for crop rotation purposes;

(2) Used for conservation purposes or intended to be or considered to have been left unplanted under any program administered by USDA, including the Conservation Reserve and Wetland Reserve Programs; and

(3) Not planted because of a management decision.

(i) Failed acreage is acreage that was planted with the proper equipment during the planting period but failed as a result of an eligible cause of loss, as determined by CCC.

(j) To be approved by CCC as failed acreage the acreage must have been reported as failed acreage before disposition of the crop, and the acreage must have been planted under normal conditions but failed as the result of a natural disaster and not a management decision. Producers who file a failed acreage report must have the request acted on by the COC. The COC will deny the acreage report if it is not satisfied with the documentation provided.

(k) To receive failed acreage credit the producer must show all of the following:

(1) That the acreage was planted under normal conditions using the proper equipment with the intent to harvest the acreage.

(2) Provide documentation that the crop was planted using farming practices consistent for the crop and area, but could not be brought to harvest because of disaster-related conditions.

(l) The eligible cause for failed acreage must have:

(1) Occurred after the crop was planted, and

(2) Before the normal harvest date for the crop in the applicable crop year or in the case of multiple plantings, the harvest date of the first planting in the applicable planting period, and

(3) Other producers in the area were similarly affected as determined by CCC.

(m) Eligible failed acreage will be determined on the basis of the producer planting the crop under normal conditions with the expectation to take the crop to harvest.

(n) Acreage ineligible for failed acreage credit includes, but is not limited to acreage:

(1) Which was planted using methods that could not be considered normal for the area and without the expectation of harvest;

(2) Used for conservation purposes or intended to be or considered to have been un-harvested under any program administered by USDA, including the Conservation Reserve and Wetland Reserve Programs; and

(3) That failed because of a management decision.

■ 4. Section 718.104 is revised to read as follows:

§ 718.104 Late-filed and revised acreage reports.

(a) Late-filed acreage reports may be accepted after the final reporting date, and be considered timely filed, if both of the following apply:

(1) The crop or identifiable crop residue is in the field, and

(2) The acreage has not already been determined by FSA.

(b) The farm operator filing a report late shall pay the cost of a farm inspection unless FSA determines that failure to report in a timely manner was beyond the producer's control.

(c) Revised acreage reports may be filed with respect to 2005 and subsequent years to change the acreage reported if:

(1) The acreage has not already been determined by FSA; and

(2) Actual crop or residue is present in the field.

(d) Revised reports shall be filed and accepted:

(1) At any time for all crops if the crop or residue still exists in the field for inspection to verify the existence and use made of the crop, the lack of the crop, or a disaster condition affecting the crop; and

(2) If the producer was in compliance with all other program requirements at the reporting date.

PART 1437—NONINSURED CROP DISASTER ASSISTANCE PROGRAM

■ 5. The authority citation continues to read as follows:

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

Subpart A—General Provisions

■ 6. Section 1437.2 is amended by adding paragraph (f) to read as follows:

§ 1437.2 Administration.

* * * * *

(f) Items including, but not limited to, application periods, coverage periods, application deadlines, fees, prices, yields, and payment factors established for NAP in accordance with this part that are used for similarly situated participants and eligible crops are not to be construed to be individual program eligibility determinations or extent of eligibility determinations and are, therefore, not subject to administrative review.

§ 1437.3 [Amended]

■ 7. Amend § 1437.3 by removing the definitions “Actual production history (APH)” and “Catastrophic loss.”

■ 8. Amend § 1437.4 by revising paragraph (a), removing paragraph (b), redesignating paragraph (c) as paragraph (b), and revising newly designated paragraph (b)(4)(vii) to read as follows:

§ 1437.4 Eligibility.

(a) Noninsured crop disaster assistance is available for loss of production or prevented planting of eligible commercial crops or other agricultural commodities:

(1) Planted during the planting period, which means the time during which a majority of the crop is normally planted in the area, as determined by CCC, and is considered timely-planted for NAP purposes;

(2) Prevented from being planted during the planting period;

(3) Planted during the late planting period, which means the time after the planting period, during which certain crops, as determined by CCC, may be planted and remain eligible for reduced NAP coverage; and

(4) Determined by CCC to be eligible crops:

(i) For which catastrophic coverage is not available; or

(ii) For specific perils not included under available catastrophic coverage.

(b) * * *

(4) * * *

(vii) Seed crops, including propagation stock such as non-ornamental seedlings, sets, cuttings, rootstock, and others, as determined by CCC; and

* * * * *

■ 9. Amend § 1437.5 by revising paragraph (b) to read as follows:

§ 1437.5 Coverage period.

* * * * *

(b) The coverage period for annual crops, including annual forage crops, begins the later of 30 calendar days after the date the application for coverage is filed; or the date the crop is planted, not to exceed the late planting period; and ends on the earlier of the date harvest is complete; the normal harvest date of the crop in the area; the date the crop is abandoned; or the date the crop is destroyed.

* * * * *

■ 10. Amend § 1437.6 by revising paragraph (a) and removing paragraphs (e) and (f), to read as follows:

§ 1437.6 Application for coverage and service fee.

(a) With respect to each crop, commodity, or acreage, producers must file an application for coverage under this part in the administrative county FSA office no later than the application closing date.

* * * * *

■ 11. Amend § 1437.7 by revising the fifth, sixth, seventh, and eighth sentences in paragraph (a), introductory text, removing the second sentence in paragraph (a)(2), re-designating paragraphs (b) through (g) as paragraphs (c) through (h), and adding a new paragraph (b), to read as follows:

§ 1437.7 Records.

(a) * * * For each harvested crop for which producers file an application for payment in accordance with § 1437.10, producers must provide documentary evidence acceptable to CCC of production and the date harvest was completed, including production of crops planted after the planting period or late planting period. Such documentary evidence must be provided no later than the acreage reporting date for the crop in the subsequent crop year. Records of a previous crop year's production for inclusion in the actual production history database used to calculate an approved yield for the current crop year must be certified by the producer no later than the acreage reporting date for the crop in the current crop year. Production data provided after the acreage reporting date in the current crop year for the crop may be included in the actual production history data base for the calculation of subsequent approved yield calculations if accompanied by acceptable records of production as determined by CCC. * * *

* * * * *

(b) During any crop year that a notice of loss is filed according to this part:

(1) Producers of hand-harvested crops shall, in addition to providing acceptable production records according to this part, notify the administrative county office that harvest is complete. This notification must be made before deterioration or destruction of the crop residue and within 15 days after harvest is completed. If an appraisal of the crop acreage is determined necessary by CCC, the producer shall not destroy the crop residue until the crop acreage is released by an FCIC- or CCC-qualified loss adjuster. Producers may, at their expense, request that an appraisal by certified FCIC or CCC loss adjusters of hand-harvested crop acreage be completed during non-loss crop years in order to maintain accurate actual production history.

(2) Producers shall not allow the gathering (gleaning) of any produce left in the field following normal harvest of the crop acreage until the crop acreage is released by a qualified CCC or FCIC loss adjuster, as determined by CCC. Except, crop acreage may be released by an authorized CCC representative for acceptable gleaning operations, as determined by CCC, when producers and gleaners agree to provide acceptable records, as determined by CCC, of the quantity of the crop gleaned.

* * * * *

■ 12. Revise § 1437.8 to read as follows:

§ 1437.8 Unit definition.

(a) The unit identifies the interest of the producer in the administrative county on the basis of the unique relationship of the owner to one or more operators. The unit is the foundation for all determinations of acreage, production, value, AUD, approved yields, requisite losses, payments, and other program requirements.

(b) Separate and distinct units are:

(1) One-hundred percent interest as owner/operator;

(2) Less than one-hundred percent interest as owner or operator; or

(3) Less than one-hundred percent interest, as owner or operator in an inverse relationship.

■ 13. Revise § 1437.9 to read as follows:

§ 1437.9 Causes of loss.

(a) To be eligible for benefits under this part, an eligible cause of loss must result in:

(1) A loss of production greater than 50 percent of the approved yield in accordance with subpart B of this part;

(2) Prevented planting of greater than 35 percent of the intended crop acreage according to subpart C of this part;

(3) A value loss of greater than 50 percent of the pre-disaster value according to subpart D of this part, or

(4) An AUD loss of greater than 50 percent of the expected AUD according to subpart E of this part.

(b) The quantity of the crop or commodity will not be reduced for any quality consideration unless a zero value is established.

(c) Eligible causes of loss include:

(1) Damaging weather occurring before or during harvest, including but not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, excessive wind, or any combination thereof;

(2) Adverse natural occurrence before or during harvest, such as earthquake, flood, or volcanic eruption; and

(3) A related condition, including but not limited to heat, insect infestation, or disease, which occurs as a result of an adverse natural occurrence or damaging weather occurring before or during harvest that directly causes, accelerates, or exacerbates the destruction or deterioration of an eligible crop, as determined by CCC.

(d) Due to the unique requirements, such as controlled environments, necessary for successful production of some crops and commodities; not all eligible causes of loss will apply to all crops and commodities.

(e) Ineligible causes of loss include but are not limited to:

(1) Negligence or malfeasance of the producer;

(2) Failure of the producer to reseed to the same crop during the same planting period in those areas and under such circumstances where it is customary;

(3) Failure of the producer to follow good farming practices, as determined by CCC;

(4) Water contained or released by any governmental, public, or private dam or reservoir project, if an easement exists on the acreage affected for the containment or release of the water;

(5) Failure or breakdown of irrigation equipment or facilities;

(6) Except for tree crops and perennials and as provided for in § 1437.201, inadequate irrigation resources at the beginning of the crop year;

(7) A loss of inventory or yield of aquaculture (including ornamental fish), floriculture or ornamental nursery stemming from drought or any failure to provide water, soil, or growing media to such crop for any reason; or

(8) Any failure to provide a controlled environment or exercise good nursery practices when such controlled environment or practices are a condition of eligibility under this part.

■ 14. Amend § 1437.10 by revising the section heading, revising paragraph (a), introductory text, and paragraph (d), redesignating paragraph (e) as paragraph (g), and adding new paragraphs (e) and (f) to read as follows:

§ 1437.10 Notice of loss, appraisal requirements, and application for payment.

(a) When an eligible crop is damaged by an eligible cause of loss, at least one producer having a share in the unit must provide a notice of loss to CCC in the administrative FSA county office for the unit, within:

* * * * *

(d) Producers who file a notice of loss, using the appropriate CCC form, for crop acreage that will not be harvested as intended, such as abandoned, put to another use, replanted to the same or a different crop, or in the case of forage, acreage intended to be mechanically harvested that will be both mechanically harvested and grazed, must:

(1) Not put the crop to another use or prepare the acreage for replanting or otherwise change any conditions of the crop or acreage until written notification of release of the crop or acreage is received from CCC;

(2) Request, using the appropriate FSA form, an appraisal of the unharvested acreage for potential production and release of the crop or acreage:

(i) No less than 15 calendar days before replanting or in the case of forage intended to be mechanically harvested, grazing of the crop acreage.

(ii) Within 15 calendar days after the acreage is abandoned, for example, discontinued care for the crop or provided care so insignificant as to provide no benefit to the crop, as determined by CCC.

(iii) No later than the normal harvest date of the crop, as determined by CCC.

(3) Request the loss adjustor on the day the initial appraisal is completed, or request in any manner of written correspondence received in the FSA administrative county office no later than 15 calendar days after the request for initial appraisal is submitted, that the appraisal be deferred until the end of the growing season, the producer be permitted to establish representative sample areas according to paragraph (d)(4) of this section, and that the acreage be released immediately when:

(i) Time is critical for replanting, or other urgent reasons; and

(ii) Producers and loss adjustors cannot resolve disagreement with the initial appraisal of the acreage to be released.

(4) Establish representative sample areas of the acreage according to the loss adjustor's instructions received on the day the initial appraisal is completed or, if the loss adjustor is not available, according to the FCIC Loss Adjustment Manual (LAM) and applicable FCIC crop handbooks. Report the size, number, and location of the areas in any manner of written correspondence received in the FSA administrative county office, no later than 15 calendar days after requesting a deferred appraisal and before the acreage is put to another use or replanted. Representative sample areas must be of adequate construction and numbers to provide acceptable sampling results and maintained in sound condition, as determined by CCC, until released by CCC.

(5) If possible, be present for the appraisal involving un-harvested crop acreage and accept or contest the results of the loss adjustor's appraisal. Producers unable to be present for the appraisal may contest the results of the appraisal in the FSA administrative county office.

(e) For the 2005 and subsequent crop years, crop acreage for which an application for coverage has been filed, that is intended for production of forage seed and for which a notice of loss is filed indicating the crop acreage will not be harvested as seed, will be appraised for potential production of seed when producers provide CCC acceptable

evidence of a contract to produce seed for the current crop year or acceptable records of acreage and seed production for three or more of the last 5 consecutive crop years, as determined by CCC.

(f) Forage acreage for which a notice of loss is filed that was intended to be mechanically harvested but will be grazed and not mechanically harvested, or that was intended to be grazed but will be mechanically harvested and not grazed, does not require an appraisal or release of crop acreage.

* * * * *

■ 15. Revise § 1437.11(a)(4) to read as follows:

§ 1437.11 Average market price and payment factors.

(a) * * *

(4) Determined, as practicable, for each intended use of a crop type within a State, as determined by CCC, for a crop year.

* * * * *

■ 16. Revise § 1437.101 to read as follows:

§ 1437.101 Actual production history.

Actual production history (APH) is the unit's record of crop yield by crop year for the APH base period. The APH base period consists of ten crop years of actual yield, T-yield, assigned yield, and zero credited yield, immediately preceding the crop year for which an approved yield is calculated in accordance with this part. APH will be used, except as otherwise indicated in this part, as the basis for providing noninsured crop disaster assistance.

■ 17. Amend § 1437.102 by:

■ a. Revising paragraphs (a), (b) introductory text, and (b)(1);

■ b. Adding paragraphs (b)(4) through (b)(8);

■ c. Removing paragraphs (f), (g), (h), (i), and the introductory text of paragraph (j);

■ d. Redesignating paragraphs (j)(1), (j)(2), (j)(3), (k), (l), and (m) as paragraphs (f), (g), (h), (i), (j), and (k), respectively; and

■ e. Revising newly designated paragraph (j).

The revisions and additions read as follows:

§ 1437.102 Yield determinations.

(a) An actual yield is the total amount of harvested and appraised production from unit acreage for the crop year on a per-acre, or other basis, as applicable.

(b) A T-yield (county expected yield):

(1) Is the Olympic average (disregarding the high and low yields) of historical yields of the crop in the

county for the five consecutive crop years immediately preceding the previous crop year. For example, for the 2005 crop year, the five consecutive crop years immediately preceding the previous crop year would be 1999 through 2003.

* * * * *

(4) Will be based on the most representative available historical information, as determined by CCC, from such sources as, but not limited to, actual acreage and production data of participating producers in the county; or in similar areas; National Agricultural Statistics Service data; Cooperative State Research, Education, and Extension Service records, Federal Crop Insurance data, and credible non-government studies. Such data is based on the acreage intended for harvest.

(5) May be adjusted on an administrative county-wide basis for:

(i) Yield variations due to different farming practices in the administrative county such as irrigated, non-irrigated, and organic practices; and

(ii) Cultural practices when such practices in the administrative county are different from those used on acreage to establish the yield.

(6) Will, for all land for those producers who have land physically located in multiple counties and administered in one county office, be based on the administrative county's expected yield for the crop.

(7) May be reduced, on a specific APH basis, when, as determined by CCC, it does not accurately reflect the productive capability of specific crop acreage.

(8) Will be used in the actual production history base period when less than four consecutive crop years of actual, assigned, or zero-credited yields, as applicable, are available.

(c) An assigned yield is:

(1) Equal to 75 percent of the approved yield calculated for the most recent crop year for which the producer did not certify a report of production.

(2) Used, after the first crop year an approved yield for the crop is calculated, in the actual production history base period when the producer reports acreage for the crop but fails to certify a report of production. Producers may have only one assigned yield in the actual production history base period.

(3) May be replaced with an actual yield when the producers provide a certification of production and acceptable production records for the applicable crop year in accordance with § 1437.7.

(4) May not be used if the acreage of a crop in the administrative county in

which the unit is located for the crop year increases by more than 100 percent over any year in the preceding seven crop years, or significantly from the previous crop years, as determined by CCC, unless producers provide:

(i) Detailed documentation of production costs, acres planted, and yield for the crop year for which the producer is requesting assistance, or

(ii) If CCC determines the documentation is inadequate, proof that the eligible crop, had it been harvested, could have been marketed at a reasonable price.

(5) May be used, notwithstanding paragraph (c)(4) of this section, if:

(i) The planted acreage for the crop has been inspected by a third party acceptable to CCC, or

(ii) The FSA county executive director, with the concurrence of the FSA state executive director, makes a recommendation for an exemption from the requirements and CCC approves such recommendation.

(d) A zero-credited yield:

(1) Will be used in the applicable crop year of the actual production history base period for each crop year following the crop year containing an assigned yield, for which producers do not certify a report of acreage or production, as determined by CCC.

(2) May be replaced with an actual yield when the producer provides a certification of production and acceptable production records for the applicable crop year in accordance with § 1437.7.

(e) An approved yield:

(1) Is used in the calculation of the requisite loss and payment.

(2) Is a simple average of a minimum of four base period crop year yields, i.e., actual yield, T-yield, assigned yield, or zero-credited yield. The base period is 10 crop years, except 5 crop years for apples and peaches, immediately preceding the crop year for which an approved yield is calculated, not including any crop year the crop was out of rotation, not planted, or prevented from being planted.

(3) Shall be calculated according to the following criteria when the producer does not have at least four consecutive crop years of actual, assigned, or zero credited yields beginning with the most recent crop year.

(i) If there are no certified acceptable production records of actual production for the most recent crop year, or zero credited or assigned yields in the producer's APH base period, and no formula provided for the producer under paragraphs (e)(3)(ii) through (iv) of this section, then the approved yield for the current crop year will be

calculated on the simple average of 65 percent of the applicable T-yield for each of the minimum four APH crop years.

(ii) If certified acceptable production records of actual production are available for only the most recent crop year and there are no zero credited or assigned yields in the producer's APH base period, the approved yield for the current crop year will be calculated on the simple average of the one actual yield plus 80 percent of the applicable T-yield for the remaining three of the minimum four APH crop years.

(iii) If certified acceptable production records of actual production are available for only the two most recent crop years and there are no zero credited or assigned yields in the producer's APH base period, the approved yield for the current crop year will be calculated on the simple average of the two actual yields plus 90 percent of the applicable T-yield for the remaining two of the minimum four APH crop years.

(iv) If certified acceptable production records of actual production are available for only the three most recent crop years and there are no zero credited or assigned yields in the producer's APH base period, the approved yield for the current crop year will be calculated on the simple average of the three actual yields plus 100 percent of the applicable T-yield for the remaining crop year of the minimum four APH crop years.

* * * * *

(j) A producer who has not shared in the risk of the production of the crop for more than two crop years during the base period, as determined by CCC, will have an approved yield calculated based on a combination of 100 percent of the applicable T-yield and any actual yield for the minimum crop years of the producer's APH base period. Producers who have produced the crop for one or two crop years must provide CCC, at the administrative FSA office serving the area in which the crop is located, a certification of production and production records for the applicable crop years in accordance with § 1437.7.

* * * * *

■ 18. Redesignate §§ 1437.103, 1437.104, and 1437.105 as §§ 1437.105, 1437.106 and 1437.107, respectively.

■ 19. Add new §§ 1437.103 and 1437.104 to read as follows:

§ 1437.103 Late-planted acreage.

(a) Producers planting crop acreage after the final planting date and during the late planting period, as determined

by CCC, may be eligible for reduced coverage.

(b) Multiple-planted crops, crops with a growing period of 60 calendar days or less, value-loss crops, and fall season small grain crops intended only for grain are not eligible for reduced coverage under late planting provisions.

(c) For crops with a growing period of:

(1) 61 to 120 calendar days and planted:

(i) One to five calendar days after the final planting date, production will be assigned equal to 5 percent of expected production of the applicable late-planted crop acreage regardless of the day planted.

(ii) Six to twenty calendar days after the final planting date, production will be assigned equal to 5 percent of expected production of the applicable late-planted crop acreage plus an additional one percent of the expected production of the applicable late-planted crop acreage for each day beyond five days.

(iii) 21 or more calendar days after the final planting date, production will be assigned equal to 50 percent of the producer's expected production of the applicable late-planted crop acreage.

(2) 121 days and up and planted:

(i) One to five calendar days after the final planting date, production will be assigned equal to 5 percent of expected production of the applicable late-planted crop acreage regardless of the day planted.

(ii) Six to 25 days after the final planting date, production will be assigned equal to 5 percent of expected production of the applicable late-planted crop acreage plus an additional one percent of the applicable late-planted crop acreage for each day beyond five days.

(iii) 26 or more calendar days after the final planting date, production will be assigned equal to 50 percent of the producer's expected production of the applicable late-planted crop acreage.

§ 1437.104 Assigned production.

(a) When determining losses under this section, assigned production will be used to offset the loss of production when, as determined by CCC, any of the following has occurred:

(1) The loss is a result of an ineligible cause of loss and the loss has not been otherwise accounted for.

(2) The unit acreage was destroyed without consent notwithstanding § 1437.10(d).

(3) The producer has a contract to receive a guaranteed payment for all or a portion of the production, as opposed to or regardless of delivery of such production.

(4) The crop is planted after the STC-established final planting date according to § 1437.103.

(5) Irrigation equipment is not capable of supplying adequate water to sustain the expected production of a normal irrigated crop.

(6) For normal irrigated annual, biennial, and perennial crops, the irrigation practice is not used.

(7) For normal irrigated annual and biennial crops, the supply of available water at the beginning of the crop year is not adequate.

(8) For normal irrigated perennial crops, the supply of available water at the beginning of the crop year is not adequate as a result of an ineligible cause of loss.

■ 20. Amend newly designated § 1437.105 by revising paragraphs (a)(3) through (a)(5) and adding paragraph (a)(6), to read as follows:

§ 1437.105 Determining payments for low yield.

(a) * * *

(3) Multiplying the net production of the total eligible acreage by the producer's share;

(4) Subtracting the product of paragraph (a)(3) of this section from the product of paragraph (a)(2) of this section;

(5) Multiplying the difference calculated under paragraph (a)(4) of this section by the final payment price calculated under § 1437.11; and

(6) Multiplying the value of salvage and secondary use by the producer's share and subtracting the result from the result of paragraph (a)(5) of this section.

* * * * *

■ 21. Revise § 1437.201 to read as follows:

§ 1437.201 Prevented planting acreage.

(a) In addition to the provisions of this section, the provisions of § 718.103 of this title shall apply.

(b) When determining losses under this section:

(1) Producers must be prevented from planting more than 35 percent of the total eligible acreage intended for planting to the eligible crop and in the case of multiple planting, more than 35 percent of the total eligible acres intended to be planted within the applicable planting period.

(2) Prevented planted acreage will be considered separately from low-yield losses of planted acreage of the same crop.

(c) Acreage and units ineligible for prevented planting coverage includes, but is not limited to:

(1) Value-loss crops, including, but not limited to, Christmas trees, aquaculture, and ornamental nursery;

(2) Tree crops and other perennials, unless:

(i) The producer can prove resources unique to the planting of tree crops and other perennials were available to plant, grow, and harvest the crop, as determined by CCC; and

(ii) CCC has approved the planting period for the crop;

(3) Uninsured crop acreage that is unclassified for insurance purposes;

(4) Any acreage on which a crop was harvested, hayed, or grazed during the crop year;

(5) Acreage of which the producer or any other person received a prevented planted payment for any crop for the same acreage, excluding share arrangements; and

(6) Acreage planted during the late-planting period.

■ 22. Amend § 1437.202(a) to read as follows:

§ 1437.202 Determining payments for prevented planting.

(a) Subject to limitations, availability of funds, and specific provisions dealing with specific crops, a payment for prevented planting will be determined by:

(1) Adding the total planted and prevented-planted acres;

(2) Multiplying the sum of paragraph (a)(1) of this section by .35;

(3) Subtracting the product of paragraph (a)(2) of this section from the total prevented planted acres;

(4) Multiplying the producer's share by the approved yield by the positive result of paragraph (a)(3) of this section;

(5) Multiplying the producer's share by the assigned production;

(6) Subtracting the product of paragraph (a)(5) of this section from the product of paragraph (a)(4) of this section; and

(7) Multiplying the result of paragraph (a)(6) of this section by the final payment price calculated under § 1437.11.

* * * * *

■ 23. Amend § 1437.401 by revising paragraphs (a), (d) and (f) to read as follows:

§ 1437.401 Forage.

(a) Forage eligible for benefits under this part is limited to mature vegetation, as determined by CCC, produced in a commercial operation in three or more of the last five crop years, except producers who have not produced forage for the minimum period in order to preserve vegetation and prevent erosion, or otherwise mitigate the

impact of disaster conditions, as determined by CCC, shall not be penalized. Benefits are not available for first-year seeding of alfalfa and similar vegetation when production is not produced in the seeding year, as determined by CCC. The commercial operation must use acceptable farming, pasture and range management practices for the location necessary to sustain sufficient quality and quantity of the vegetation so as to be suitable for grazing livestock or mechanical harvest as hay or seed. Forage to be mechanically harvested shall be treated under the rules for low-yield crops as calculated under § 1437.103, except claims on forage for grazing benefits will be determined according to paragraph (f) of this section. The provisions in this subpart, however, shall govern for all claims including forage for mechanical harvest.

* * * * *

(d) Forage acreage reported to CCC as intended to be mechanically harvested, but which is, instead, subsequently grazed, will be considered, for crop definition purposes, as mechanically harvested. Expected production of the specific acreage will be calculated on the basis of carrying capacity. The loss of such grazed forage shall be determined according to paragraph (f) of this section. Except, beginning with the 2005 crop year, for acreage intended to be mechanically harvested which is instead, subsequently grazed, the loss of intended mechanically harvested forage may alternatively be determined based on a review of acceptable production evidence or appraisal of the specific crop acreage. As part of the payment computation for this loss, intended mechanically harvested forage crop acreage that is not mechanically harvested, but instead grazed, shall be deemed to be un-harvested for the purposes of determining a payment factor.

* * * * *

(f) CCC will establish forage losses of acreage intended to be grazed including, in some cases, acreage intended to be mechanically harvested but instead subsequently grazed, on the basis of:

(1) The percentages of loss of similar mechanically-harvested forage acreage on the farm, or on similar farms in the area when approved yields have been calculated to determine loss, or

(2) Where there is no similar mechanically-harvested forage acreage on the farm or similar farms in the area, the collective percentage of loss as determined by CCC for the geographical region after consideration of at least two independent assessments of grazed

forage acreage conditions. The assessments shall be completed by forage or range specialists in Federal, State, and local government agencies, educational institutions, and private companies not having a financial interest in the outcome of the assessment. Neither the assessments themselves, nor collective loss percentages established pursuant thereto are subject to appeal. CCC's determinations of geographical area for assessments and collective grazing loss are generally applicable to all similarly situated participants farming in such defined geographical region.

■ 24. Amend § 1437.403 by revising paragraphs (f) and (j) to read as follows:

§ 1437.403 Determining payments.

* * * * *

(f) Multiplying the amount of assigned AUD, as determined by CCC, by the producer's share;

* * * * *

(j) Multiplying the result from paragraph (i) of this section by the final payment price established in accordance with § 1437.11.

Signed in Washington, DC, on March 3, 2006.

Teresa C. Lasseter,

Executive Vice-President, Commodity Credit Corporation, and Administrator, Farm Service Agency.

[FR Doc. 06-2548 Filed 3-16-06; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-24162; Directorate Identifier 2006-NM-031-AD; Amendment 39-14513; AD 2006-06-05]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 720 and 720B 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 all Boeing Model 720 and 720B series airplanes. This AD requires repetitive inspections for any crack, corrosion, or sign of damage (e.g., finish scratches, blistering, or signs of fuel leaking) of the front spar upper chords under the fairing web, and repair if necessary. This AD results from a report that

inspections required by a previous AD action are inadequate for Boeing Model 720 and 720B series airplanes. We are issuing this AD to detect and correct any crack, corrosion, or sign of damage of the front spar upper chords under the fairing web, which could result in structural failure of the wing.

DATES: This AD becomes effective April 3, 2006.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of April 3, 2006.

We must receive comments on this AD by May 16, 2006.

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 Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for service information identified in This AD.

FOR FURTHER INFORMATION CONTACT:

Candice Gerretsen, Aerospace Engineer, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6428; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION:

Discussion

We previously issued AD 2004-22-24, amendment 39-13852 (69 FR 64835, November 9, 2004), for all Boeing Model 707 and 720 series airplanes. That AD requires repetitive detailed and high frequency eddy current inspections for corrosion, signs of corrosion (e.g., blistering or signs of fuel leaks), and cracking, and certain related follow-on and investigative actions if necessary. That AD resulted from a report of a 31-inch crack found during a routine inspection. We issued that AD to find and fix corrosion and stress corrosion cracking of the upper and lower chords on the wing front and rear spars, which could result in reduced structural integrity of the wing.

Since we issued that AD, Boeing has informed us that, for Model 720 and 720B series airplanes, the repetitive inspections required by AD 2004-22-24 do not adequately address the identified unsafe condition. The wing configuration of Model 720 and 720B series airplanes differs from that on Model 707 series airplanes. Model 720 series airplanes have an aerodynamic fairing that extends from the aircraft side of body to the inboard nacelle. This fairing prevents operators from doing the repetitive inspections intended by AD 2004-22-24. Cracks, corrosion, or signs of damage (e.g., finish scratches, blistering or signs of fuel leaking) of the front spar upper chords under the fairing web, if not detected and corrected, could result in structural failure of the wing.

Relevant Service Information

We have reviewed Boeing Multi-Operator Message (MOM) 1-151636045-1, dated January 17, 2006. The MOM describes procedures for doing repetitive detailed and high-frequency eddy current (HFEC) inspections for any crack, corrosion, or scratch of the front spar upper chords under the fairing web, and repair if necessary. The HFEC inspection is in the area of the forward face of the vertical flange, from the side of the body to the inboard nacelle (front spar station 107 through 383), from the upper fastener row to the upper edge of the chord flange, and the surface in between. The detailed inspection is of the forward face of the vertical flange from the upper edge of the chord flange to the lower edge of the chord flange. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other airplanes of the same type design. For this reason, we are issuing this AD to detect and correct any crack, corrosion, or sign damage (e.g., finish scratches, blistering, or signs of fuel leaking) of the front spar upper chords under the fairing web, which could result in structural failure of the wing. This AD requires accomplishing the actions specified in the service information described previously, except as discussed under "Differences Between the AD and the MOM."

Differences Between the AD and the MOM

Although the MOM specifies to contact the manufacturer for repair instructions, this proposed AD would require operators to do the repair using a method we approve.

The MOM also specifies to contact the manufacturer for instructions on oversizing fasteners during restoration, but this proposed AD would require oversizing the fasteners in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization whom we have authorized to make those findings.

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 to make this AD effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed in the **ADDRESSES** section. Include "Docket No. FAA-2006-24162; Directorate Identifier 2006-NM-031-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD that might suggest a need to modify it.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of that web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

Examining the Docket

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that the regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2006-06-05 Boeing: Amendment 39-14513.

Docket No. FAA-2006-24162;

Directorate Identifier 2006-NM-031-AD.

Effective Date

(a) This AD becomes effective April 3, 2006.

Affected ADs

(b) Accomplishing the inspections in paragraph (f) of this AD terminates the repetitive inspection requirements of paragraph (c) of AD 2004-22-24, amendment 39-13852, for the front spar upper chord stations 107 through 383 only, for Boeing Model 720 and 720B series airplanes only.

Applicability

(c) This AD applies to all Boeing Model 720 and 720B series airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from a report that inspections required by previous AD action are inadequate for Boeing Model 720 and 720B series airplanes. We are issuing this AD to detect and correct any crack, corrosion, or sign of damage (e.g., finish scratches, blistering, or signs of fuel leaking) of the front spar upper chords under the fairing web, which could result in structural failure 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.

Repetitive Inspections

(f) Within 30 days after the effective date of this AD: Do detailed and high-frequency eddy current (HFEC) inspections for any crack, corrosion, or sign of damage (e.g., finish scratches, blistering, or signs of fuel leaking) of the front spar upper chords under the fairing web; and repair if necessary; by accomplishing all the actions specified in Boeing Multi-Operator Message (MOM) 1-151636045-1, dated January 17, 2006. If any

crack, corrosion, or sign of damage is found, do all applicable repairs before further flight. Repeat the inspections thereafter at intervals not to exceed 12 months. Where the MOM specifies to contact Boeing for repair instructions: Before further flight, repair using a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

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

Instructions for Oversizing Fasteners

(g) Where Boeing MOM 1-151636045-1, dated January 17, 2006, specifies to contact Boeing for appropriate action if it is necessary to oversize fasteners during restoration: Before further flight, oversize the fasteners using a method approved in accordance with a method approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane.

Alternative Methods of Compliance (AMOCs)

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

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

Material Incorporated by Reference

(i) You must use Boeing Multi-Operator Message (MOM) 1-151636045-1, dated January 17, 2006, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, 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 March 7, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06-2545 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30486; Amdt. No. 460]

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.

DATES: *Effective Date:* 0901 UTC, April 13, 2006.

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 March 10, 2006.

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, February 16, 2006.

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 460 Effective Date April 13, 2006]

From	To	MEA	MAA
§ 95.4000 High Altitude RNAV Routes			
§ 95.4019 RNAV Route Q19 Is Added To Read			
Pless, IL FIX *18000–GNSS MEA #DME/DME/IRU MEA	Nashville, TN VORTAC	#*20000	45000
§ 95.4021 RNAV Route Q21 Is Added To Read			
Jonez, OK FIX *18000–GNSS MEA #DME/DME/IRU MEA	Razorback, AR VORTAC	#*18000	45000
§ 95.4023 RNAV Route Q23 Is Added To Read			
Fort Smith, AR VORTAC *18000–GNSS MEA #DME/DME/IRU MEA	Razorback, AR VORTAC	#*18000	45000
§ 95.4025 RNAV Route Q25 Is Added To Read			
Meeow, AR FIX *18000–GNSS MEA #DME/DME/IRU MEA	Walnut Ridge, AR VORTAC	#*20000	45000
Walnut Ridge, AR VORTAC *18000–GNSS MEA #DME/DME/IRU MEA	Pocket City, IN VORTAC	#*20000	45000
§ 95.4026 RNAV Route Q26 Is Added To Read			
Walnut Ridge, AR VORTAC *18000–GNSS MEA #DME/DME/IRU MEA	Devac, AL FIX	#*20000	45000
§ 95.4027 RNAV Route Q27 Is Added To Read			
Fort Smith, AR VORTAC *18000–GNSS MEA #DME/DME/IRU MEA	Zalda, AR FIX	#*18000	45000
§ 95.4028 RNAV Route Q28 Is Added To Read			
Grazn, AR FIX *18000–GNSS MEA #DME/DME/IRU MEA	Pocket City, IN VORTAC	#*20000	45000
§ 95.4029 RNAV Route Q29 Is Added To Read			
Hares, LA FIX *18000–GNSS MEA #DME/DME/IRU MEA	Memphis, TN VORTAC	#*18000	45000
Memphis, TN VORTAC *18000–GNSS MEA #DME/DME/IRU MEA	Pocket City, IN VORTAC	#*18000	45000
§ 95.4030 RNAV Route Q30 Is Added To Read			
Sidon, MS VORTAC *18000–GNSS MEA #DME/DME/IRU MEA	Vulcan, AL VORTAC	#*18000	45000
§ 95.4031 RNAV Route Q31 Is Added To Read			
Dhart, AR FIX *18000–GNSS MEA #DME/DME/IRU MEA	Marvell, AR VOR/DME	#*18000	45000
Marvell, AR VOR/DME *18000–GNSS MEA	Pocket City, IN VORTAC	#*18000	45000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—Continued

[Amendment 460 Effective Date April 13, 2006]

From	To	MEA	MAA
#DME/DME/IRU MEA			
§ 95.4032 RNAV Route Q32 Is Added To Read			
El Dorado, AR VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	Nashville, TN VORTAC	#*20000	45000
Nashville, TN VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	Swapp, TN FIX	#*20000	45000
§ 95.4033 RNAV Route Q33 Is Added To Read			
Dhart, AR FIX *18000—GNSS MEA #DME/DME/IRU MEA	Little Rock, AR VORTAC	#*20000	45000
Little Rock, AR VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	Prowl, MO FIX	#*20000	45000
§ 95.4034 RNAV Route Q34 Is Added To Read			
Texarkana, AR VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	Memphis, TN VORTAC	#*24000	45000
Memphis, TN VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	Swapp, TN FIX	#*24000	45000
§ 95.4036 RNAV Route Q36 Is Added To Read			
Razorback, AR VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	Nashville, TN VORTAC	#*20000	45000
Nashville, TN VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	Swapp, TN FIX	#*20000	45000
§ 95.4038 RNAV Route Q38 Is Added To Read			
Rokit, TX FIX *18000—GNSS MEA #DME/DME/IRU MEA	Besom, AL FIX	#*18000	45000
§ 95.4040 RNAV Route Q40 Is Added To Read			
Alexandria, LA VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	Misle, AL FIX	#*18000	45000
From	To	MEA	
§ 95.6001 Victor Routes—U.S.			
§ 95.6012 VOR Federal Airway V12 Is Amended To Read in Part			
Harrisburg, PA VORTAC	Pottstown, PA VORTAC		3000
§ 95.6060 VOR Federal Airway V60 Is Amended To Read in Part			
Otto, NM VOR	Fort Union, NM VORTAC		10000
§ 95.6190 VOR Federal Airway V190 Is Amended To Read in Part			
Acoma, NM FIX *11500—MCA Albuquerque, NM VORTAC, NE BND	*Albuquerque, NM VORTAC		9000
Albuquerque, NM VORTAC	Renco, NM FIX		13000
Renco, NM FIX *11300—MCA Fort Union, NM VORTAC, SW BND	*Fort Union, NM VORTAC		12000
Fort Union, NM VORTAC *9200—MOCA	Dalhart, TX VORTAC		*10000

From		To		MEA	
§ 95.6263 VOR Federal Airway V263 Is Amended To Read in Part					
Santa Fe, NM VORTAC		*Fort Union, NM VORTAC		12500	
*10900-MCA Fort Union, NM VORTAC, N BND					
*11300-MCA Fort Union, NM VORTAC, W BND					
Fort Union, NM VORTAC		Cimarron, NM VORTAC		*12000	
*11100-MOCA					
§ 95.6611 VOR Federal Airway V611 Is Amended To Read in Part					
Santa Fe, NM VORTAC		*Fort Union, NM VORTAC		12500	
*10900-MCA Fort Union, NM VORTAC, N BND					
*11300-MCA Fort Union, NM VORTAC, W BND					
Fort Union, NM VORTAC		Cimarron, NM VORTAC		*12000	
*11100-MOCA					
From		To		MEA	MAA
§ 95.7001 Jet Routes					
§ 95.7008 Jet Route J8 Is Amended To Read in Part					
Gallup, NM VORTAC		Bukko, NM FIX		18000	45000
Fort Union, NM VORTAC		Borger, TX VORTAC		18000	45000
§ 95.7018 Jet Route J18 Is Amended To Read in Part					
Albuquerque, NM VORTAC		Fort Union, NM VORTAC		18000	45000
Fort Union, NM VORTAC		Garden City, KS VORTAC		18000	45000
§ 95.7019 Jet Route J19 Is Amended To Read in Part					
Zuni, NM VORTAC		Bukko, NM FIX		#18000	45000
#MEA is established with a gap in navigation signal coverage					
Bukko, NM FIX		Fort Union, NM VORTAC		18000	45000
Fort Union, NM VORTAC		Liberal, KS VORTAC		18000	45000
§ 95.7058 Jet Route J58 Is Amended To Read in Part					
Rattlesnake, NM VORTAC		Fort Union, NM VORTAC		18000	45000
Fort Union, NM VORTAC		Panhandle, TX VORTAC		18000	45000
§ 95.7076 Jet Route J76 Is Amended To Read in Part					
Tuba City, AZ VORTAC		Fort Union, NM VORTAC		#27000	45000
#MEA is established with a gap in navigation signal coverage					
#MEA gap					
Fort Union, NM VORTAC		Tucumcari, NM VORTAC		18000	45000
§ 95.7104 Jet Route J104 Is Amended To Read in Part					
Socorro, NM VORTAC		Fort Union, NM VORTAC		18000	45000
Fort Union, NM VORTAC		Pueblo, CO VORTAC		18000	45000
§ 95.7244 Jet Route J244 Is Amended To Read in Part					
Fort Union, NM VORTAC		Zuni, NM VORTAC		21000	45000
Zuni, NM VORTAC		Phoenix, AZ VORTAC		19000	45000
From		To		Changeover points	
				Distance	From
§ 95.8003 VOR Federal Airway Changeover Points Airway Segment Is Amended To Modify Changeover Point V190					
Albuquerque, NM VORTAC		Fort Union, NM VORTAC		38	Albuquerque
Is Amended To Modify Changeover Point V263					
Santa Fe, NM VORTAC		Fort Union, NM VORTAC		21	Santa Fe
Fort Union, NM VORTAC		Cimarron, NM VORTAC		28	Fort Union
Is Amended To Modify Changeover Point V611					
Santa Fe, NM VORTAC		Fort Union, NM VORTAC		21	Santa Fe

From	To	Changeover points	
		Distance	From
Fort Union, NM VORTAC	Cimarron, NM VORTAC	28	Fort Union
§ 95.8005 Jet Routes Changeover Points Airway Segment Is Amended To Modify Changeover Point J8			
Gallup, NM VORTAC	Fort Union, NM VORTAC	101	Gallup
Is Amended To Modify Changeover Point J244			
Fort Union, NM VORTAC	Zuni, NM VORTAC	86	Fort Union

[FR Doc. 06-2585 Filed 3-16-06; 8:45 am]
 BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30485; Amdt. No. 3159]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective March 17, 2006. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 17, 2006.

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

For Examination—

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

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

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

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

The large number of SIAPs, their complex nature, and the need for a

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

The Rule

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

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

Further, the SIAPs contained in this amendment are based on the criteria contained in TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable,

that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on March 10, 2006.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

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

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
02/23/06 ...	AL	Huntsville	Huntsville Intl-Carl T. Jones Field	6/2266	Radar-1, Amdt 9.
02/23/06 ...	AK	Kotzebue	Ralph Wien Memorial	6/2268	VOR/DME Z Rwy 26, Orig-A.
02/23/06 ...	WY	Rock Springs-Sweetwater County	Rock Springs-Sweetwater County	6/2278	RNAV (GPS) Y Rwy 27, Orig.
02/23/06 ...	OK	Oklahoma City	Will Rogers World	6/2279	ILS or LOC Rwy 17R, Amdt 10.
02/23/06 ...	IL	Springfield	Abraham Lincoln Capital	6/2281	ILS or LOC Rwy 4, Amdt 25A.
02/23/06 ...	LA	Lafayette	Lafayette Regional	6/2309	ILS or LOC/DME Rwy 4, Orig.
02/24/06 ...	MI	Escanaba	Delta County	6/2369	VOR Rwy 36, Orig.
03/02/06 ...	WY	Riverton	Riverton Regional	6/2484	VOR Rwy 10, Amdt 8B.
03/02/06 ...	MT	Helena	Helena Regional	6/2486	ILS Rwy 27, Amdt 1B.
03/02/06 ...	WY	Riverton	Riverton Regional	6/2488	VOR Rwy 28, Amdt 8B.
02/27/06 ...	MI	Owosso	Owosso Community	6/2511	RNAV (GPS) Rwy 10, Orig-A.
02/27/06 ...	MI	Harbor Springs	Harbor Springs	6/2512	RNAV (GPS) Rwy 28, Amdt 1.
02/27/06 ...	MI	Harbor Springs	Harbor Springs	6/2513	RNAV (GPS) Rwy 10, Orig.
02/27/06 ...	MI	Owosso	Owosso Community	6/2514	VOR/DME Rwy 28, Orig.
03/01/06 ...	MI	Escanaba	Delta County	6/2547	LOC BC Rwy 27, Orig.
03/01/06 ...	MI	Flint	Bishop International	6/2548	VOR Rwy 18, Orig.
03/01/06 ...	MI	Detroit	Detroit Metropolitan Wayne County	6/2554	RNAV (GPS) Rwy 21L, Amdt 1.
03/01/06 ...	MI	Troy	Oakland/Troy	6/2605	RNAV (GPS) Rwy 9, Orig.
02/27/06 ...	MI	Frankfort	Frankfort Dow Memorial Field	6/2677	RNAV (GPS) Rwy 33, Orig.
02/27/06 ...	MI	Frankfort	Frankfort Dow Memorial Field	6/2679	VOR/DME-A, Orig.
02/27/06 ...	MI	Frankfort	Frankfort Dow Memorial Field	6/2678	RNAV (GPS) Rwy 15, Orig.
03/03/03 ...	MI	Flint	Bishop International	6/2686	Radar-1, Amdt 8.
03/02/06 ...	VT	Barre-Montpelier	Edward F. Knapp State	6/2689	ILS Rwy 17, Amdt 5A.
03/06/06 ...	IA	Lamoni	Lamoni Muni	6/2691	RNAV (GPS) Rwy 36 Orig.
03/02/06 ...	CT	Windsor Locks	Bradley Intl	6/2697	ILS Rwy 24, Amdt 10.
03/02/06 ...	ME	Presque Isle	Northern Main Regional Arprt at Presque Isle.	6/2698	VOR Rwy 19, Amdt 10.
03/02/06 ...	MA	Westfield	Barnes Muni	6/2699	ILS Rwy 20, Amdt 5B.
03/02/06 ...	MA	Boston	General Edward Lawrence Logan Intl ...	6/2700	ILS Rwy 4R, ILS Rwy 4R, (Cat 11) (Cat 111) ILS Rwy 4R Amdt 9A.
03/07/06 ...	NM	Santa Teresa	Dona Ana County at Santa Teresa	6/2872	RNAV (GPS) Rwy 10, Orig.
03/07/06 ...	FL	Jacksonville	Craig Muni	6/2863	ILS or LOC Rwy 32, Amdt 3D.

[FR Doc. 06-2583 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 97**

[Docket No. 30484; Amdt. No. 3158]

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 March 17, 2006. The compliance date for each SIAP and/or Weather Takeoff Minimums is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 17, 2006.

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

For Examination—

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

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

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

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

code_of_federal_regulations/ibr_locations.html.

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on March 10, 2006.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 13 April 2006

Hyannis, MA, Barnstable Muni-Boardman/
Polando Field, RNAV (GPS) RWY 6, Orig
Newark, NJ, Newark Liberty Intl, RNAV
(RNP) Z RWY 4R, Orig
Newark, NJ, Newark Liberty Intl, RNAV
(GPS) RWY 22R, Amdt 1
Newark, NJ, Newark Liberty Intl, RNAV
(RNP) Y RWY 22L, Orig
Tulsa, OK, Tulsa Intl, ILS OR LOC RWY 18R,
Amdt 7
Tulsa, OK, Tulsa Intl, ILS OR LOC RWY 18L,
Amdt 14
Tulsa, OK, Tulsa Intl, ILS OR LOC RWY 36R,
ILS RWY 36R (CAT II), Amdt 29
Ponce, PR, Mercedita, , RNAV (GPS) RWY
12, Orig
Conway, SC, Conway-Horry County, NDB
RWY 22, Orig
Conway, SC, Conway-Horry County, VOR/
DME-B, Amdt 4, CANCELLED
Union City, TN, Everett-Stewart, NDB RWY
1, Amdt 7, CANCELLED
Christiansted, St. Croix, VI, Henry E Rohlsen,
RNAV (GPS) RWY 10, Amdt 1
Christiansted, St. Croix, VI, Henry E Rohlsen,
ILS OR LOC RWY 10, Amdt 7

Effective 11 May 2006

Fort Pierce, FL, St. Lucie County Intl, NDB
RWY 9, Orig-A, CANCELLED
Tampa, FL, Tampa Intl, NDB OR GPS RWY
36L, Amdt 13B, CANCELLED

Effective 8 June 2006

Juneau, AK, Juneau Int, NDB-1 RWY 8, Amdt
10B, CANCELLED

Madison, IN, Madison Muni, NDB RWY 3,
Amdt 4, CANCELLED
Norwood, MA, Norwood Memorial, RNAV
(GPS) RWY 35, Amdt 1
Allentown, PA, Lehigh Valley Intl, RNAV
(GPS) RWY 31, Amdt 1
Shelbyville, TN, Bomar Field-Shelbyville
Muni, VOR/DME RNAV RWY 18, Amdt
3A, CANCELLED

The FAA published an Amendment in Docket No. 30478, Amdt No. 3152 to Part 97 of the Federal Aviation Regulations (Vol 71, FR No. 26, pages 6345–7; dated Feb 8, 2006) under section 97.33 effective 13 APR 2006, which is hereby rescinded:

Chicago, IL, Chicago-Midway Intl, RNAV
(GPS) Z RWY 22L, Orig

The FAA published an Amendment in Docket No. 30482, Amdt No. 3156 to Part 97 of the Federal Aviation Regulations (Vol 71, FR No. 44, pages 11300–11302; dated Mar 7, 2006) under section 97.33 effective 13 APR 2006, which is hereby rescinded:

Newark, NJ, Newark Liberty Intl, RNAV
(GPS) Z RWY 4R, Amdt 1A

[FR Doc. 06–2584 Filed 3–16–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 381**

[Docket No. RM06–15–000]

Annual Update of Filing Fees

March 10, 2006.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; annual update of Commission filing fees.

SUMMARY: In accordance with 18 CFR 381.104, the Commission issues this update of its filing fees. This notice provides the yearly update using data in the Commission's Management, Administrative, and Payroll System to calculate the new fees. The purpose of updating is to adjust the fees on the basis of the Commission's costs for Fiscal Year 2005.

DATES: *Effective Date:* April 17, 2006.

FOR FURTHER INFORMATION CONTACT: Elizabeth Misiewicz, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Room 4R–03, Washington, DC 20426, 202–502–6240.

SUPPLEMENTARY INFORMATION:**Document Availability**

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington DC 20426.

From FERC's Web site on the Internet, this information is available in the eLibrary (formerly FERRIS). The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field and follow other directions on the search page.

User assistance is available for eLibrary and other aspects of FERC's Web site during normal business hours. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Annual Update of Filing Fees in Part 381

The Federal Energy Regulatory Commission (Commission) is issuing this notice to update filing fees that the Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to 18 CFR 381.104, the Commission is establishing updated fees on the basis of the Commission's Fiscal Year 2005 costs. The adjusted fees announced in this notice are effective April 17, 2006. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this final rule is not a major rule within the meaning of section 251 of Subtitle E of Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2). The Commission is submitting this final rule to both houses of the United States Congress and to the Comptroller General of the United States.

The new fee schedule is as follows:

Fees Applicable to the Natural Gas Policy Act	
1. Petitions for rate approval pursuant to 18 CFR 284.123(b)(2). (18 CFR 381.403)	\$9,900
Fees Applicable to General Activities	
1. Petition for issuance of a declaratory order (except under Part I of the Federal Power Act). (18 CFR 381.302(a))	\$19,890
2. Review of a Department of Energy remedial order:	
<i>Amount in controversy</i>	
\$0–9,999. (18 CFR 381.303(b))	\$100
\$10,000–29,999. (18 CFR 381.303(b))	\$600
\$30,000 or more. (18 CFR 381.303(a))	\$29,040
3. Review of a Department of Energy denial of adjustment:	
<i>Amount in controversy</i>	
\$0–9,999. (18 CFR 381.304(b))	\$100
\$10,000–29,999. (18 CFR 381.304(b))	\$600
\$30,000 or more. (18 CFR 381.304(a))	\$15,230
4. Written legal interpretations by the Office of General Counsel. (18 CFR 381.305(a))	\$5,700
Fees Applicable to Natural Gas Pipelines	
1. Pipeline certificate applications pursuant to 18 CFR 284.224. (18 CFR 381.207(b))	* \$1,000
Fees Applicable to Cogenerators and Small Power Producers	
1. Certification of qualifying status as a small power production facility. (18 CFR 381.505(a))	\$17,110
2. Certification of qualifying status as a cogeneration facility. (18 CFR 381.505(a))	\$19,360
3. Applications for exempt wholesale generator status. (18 CFR 381.801)	\$920

* This fee has not been changed.

List of Subjects in 18 CFR Part 381

Electric power plants, Electric utilities, Natural gas, Reporting and recordkeeping requirements.

Thomas R. Herlihy,
Executive Director.

■ In consideration of the foregoing, the Commission amends part 381, chapter I, title 18, Code of Federal Regulations, as set forth below.

PART 381—FEES

■ 1. The authority citation for part 381 continues to read as follows:

Authority: 15 U.S.C. 717–717w; 16 U.S.C. 791–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

§ 381.302 [Amended]

■ 2. In 381.302, paragraph (a) is amended by removing “\$19,410” and inserting “\$19,890” in its place.

§ 381.303 [Amended]

■ 3. In 381.303, paragraph (a) is amended by removing “\$28,330” and inserting “\$29,040” in its place.

§ 381.304 [Amended]

■ 4. In 381.304, paragraph (a) is amended by removing “\$14,850” and inserting “\$15,230” in its place.

§ 381.305 [Amended]

■ 5. In 381.305, paragraph (a) is amended by removing “\$5,560” and inserting “\$5,700” in its place.

§ 381.403 [Amended]

■ 6. Section 381.403 is amended by removing “\$9,660” and inserting “\$9,900” in its place.

§ 381.505 [Amended]

■ 7. In 381.505, paragraph (a) is amended by removing “\$16,690” and inserting “\$17,110” in its place and by removing “\$18,890” and inserting “\$19,360” in its place.

§ 381.801 [Amended]

■ 8. Section 381.801 is amended by removing “\$890” and inserting “\$920” in its place.

[FR Doc. 06–2587 Filed 3–16–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR PART 12

[CBP Dec. 06–09]

RIN 1505–AB59

Import Restrictions Imposed on Certain Archaeological and Ethnological Materials From Colombia

AGENCY: Customs and Border Protection; Homeland Security; Treasury.

ACTION: Final rule.

SUMMARY: This final rule amends the Customs and Border Protection (CBP)

regulations to reflect the imposition of import restrictions on certain archaeological material and certain ethnological material from Colombia. These restrictions are being imposed pursuant to an agreement between the United States and the Government of Colombia that has been entered into under the authority of the Convention on Cultural Property Implementation Act in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The final rule amends CBP regulations by adding Colombia to the list of countries for which a bilateral agreement has been entered into for imposing cultural property import restrictions. The final rule also contains the designated list that describes the types of archaeological and ethnological articles to which the restrictions apply.

DATES: *Effective Date:* March 17, 2006.

FOR FURTHER INFORMATION CONTACT: For legal aspects, George Frederick McCray, Esq., Office of Regulations and Rulings, (202) 572–8709; for operational aspects, Michael Craig, Chief, Other Government Agencies Branch (202) 344–1684.

SUPPLEMENTARY INFORMATION:

Background

The value of cultural property, whether archaeological or ethnological in nature, is immeasurable. Such items often constitute the very essence of a society and convey important information concerning a people’s origin, history, and traditional setting.

The importance and popularity of such items regrettably makes them targets of theft, encourages clandestine looting of archaeological sites, and results in their illegal export and import.

The United States shares in the international concern for the need to protect endangered cultural property. The appearance in the United States of stolen or illegally exported artifacts from other countries where there has been pillage has, on occasion, strained our foreign and cultural relations. This situation, combined with the concerns of museum, archaeological, and scholarly communities, was recognized by the President and Congress. It became apparent that it was in the national interest for the United States to join with other countries to control illegal trafficking of such articles in international commerce.

The United States joined international efforts and actively participated in deliberations resulting in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)). U.S. acceptance of the 1970 UNESCO Convention was codified into U.S. law as the "Convention on Cultural Property Implementation Act" (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*) (the Act). This was done to promote U.S. leadership in achieving greater international cooperation towards preserving cultural treasures that are of importance to the nations from where they originate and contribute to greater international understanding of our common heritage.

During the past several years, import restrictions have been imposed on archaeological and ethnological artifacts/materials of a number of signatory nations. These restrictions have been imposed as a result of requests for protection received from those nations, as well as pursuant to bilateral agreements between the United States and other countries. More information on import restrictions can be found on the International Cultural Property Protection Web site (<http://exchanges.state.gov/culprop/index.html>).

This document announces that import restrictions are now being imposed on certain archaeological and ethnological materials from Colombia.

Determinations

Under 19 U.S.C. 2602(a)(1), the United States must make certain determinations before entering into an agreement to impose import restrictions under 19 U.S.C. 2602(a)(2). On May 10, 2005, the Assistant Secretary of State for

Educational and Cultural Affairs made the determinations required under the statute with respect to certain archaeological materials originating in Colombia that represent pre-Colombian cultures and certain Colonial ecclesiastical ethnological materials that are described in the designated list set forth further below in this document ("Determinations to Impose Import Restrictions on Archaeological Material from the Pre-Colombian Cultures of Colombia and Colonial Ecclesiastical Ethnological Material"). These determinations include the following:

(1) That the cultural patrimony of Colombia is in jeopardy from the pillage of irreplaceable archaeological materials representing its pre-Colombian heritage (ranging in date from approximately 1500 B.C. to A.D. 1530) and irreplaceable ecclesiastical ethnological materials of the Colonial period (ranging in date from approximately A.D. 1530 to 1830) (19 U.S.C. 2602(a)(1)(A)); (2) that the Government of Colombia has taken measures consistent with the Convention to protect its cultural patrimony (19 U.S.C. 2602(a)(1)(B)); (3) that import restrictions imposed by the United States would be of substantial benefit in deterring a serious situation of pillage and remedies less drastic are not available (19 U.S.C. 2602(a)(1)(C)); and (4) that the application of import restrictions as set forth in this final rule is consistent with the general interests of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes (19 U.S.C. 2602(a)(1)(D)). The Assistant Secretary also found that the materials described in the determinations meet the statutory definition of "archaeological or ethnological material of the state party" (19 U.S.C. 2601(2)).

The Agreement

On March 15, 2006, the United States and the Government of Colombia entered into a bilateral agreement (the Agreement) pursuant to the provisions of 19 U.S.C. 2602(a)(2) covering certain archaeological materials representing its pre-Colombian cultural heritage and certain ecclesiastical ethnological materials of the Colonial period. Dating from approximately 1500 B.C. to approximately A.D. 1530, the pre-Colombian archaeological materials include, but are not limited to, objects generally associated with the Tairona, Sinu, Uraba, Quimbaya, Muisca, Calima, Malagana, Tolima, Tierradentro, Cauca, San Agustín, Tumaco, and Narinao cultures, such as ceramic figurines, vessels, and funerary urns; gold and alloy (gold with copper, platinum, or

other metals) jewelry; wood, such as tools; bone, such as small implements and jewelry; rock art; and lithics, such as large sculpted stone from the San Agustín Culture. Dating from A.D. 1530 to 1830, the ecclesiastical ethnological materials include, but are not limited to, religious oil paintings; altars and altar pieces, including retablos of wood, gold, and silver; statues of saints (santos); textiles such as liturgical vestments and wall hangings; and objects of paper, parchment, or leather, such as documents and incunabula.

Restrictions and Amendment to the Regulations

In accordance with the Agreement, import restrictions are now being imposed on these archaeological and ethnological materials from Colombia. Importation of these materials, described specifically in the designated list below, are subject to the restrictions of 19 U.S.C. 2606 and § 12.104g(a) of the Customs and Border Protection (CBP) Regulations (19 CFR 12.104g(a)) and will be restricted from entry into the United States unless the conditions set forth in 19 U.S.C. 2606 and § 12.104c of the regulations (19 CFR 12.104c) are met. CBP is amending § 12.104g(a) of the CBP Regulations (19 CFR 12.104g(a)) to indicate that these import restrictions have been imposed.

Material Encompassed in Import Restrictions

The bilateral agreement between the Government of Colombia and the United States covers the categories of objects described in the designated list set forth below. These articles are subject to the import restrictions set forth above, in accordance with the above explained applicable law and the regulation amended in this document (19 CFR 12.104(g)(a)).

Categories of Objects from Colombia Designated for Protection From Importation Into the United States

I. Archaeological Materials (1500 B.C.–A.D. 1530)

- I.A. Large Stone Sculptures
- I.B. Rock Art
- I.C. Ceramic Figurines
- I.D. Ceramic Vessels
- I.E. Ceramic funerary Urns
- I.F. Miscellaneous Ceramic Object Types
- I.G. Gold
- I.H. Wood
- I.I. Portable Stone
- I.J. Bone
- I.K. Textiles

II. Ecclesiastical Ethnological Materials (A.D. 1530–1830)

- II.A. Wooden Items
- II.B. Metal Objects, Accoutrements, and Fittings

I.C. Textiles

I.D. Paper, Parchment, Leather

I. Archaeological Materials

The archaeological objects that are covered under this agreement are associated with culture groups that resided in this region from about 1500 BC (late in the Archaic Period), throughout the Formative and Classic Periods, to 1530 AD (late in the Recent Period).

I.A. Large Stone Sculptures

The monolithic sculptures of the San Agustín Culture (1–900 AD) from tombs in Upper Magdalena and the neighboring region in southern and northern Huila, Tierradentro, northern Nariño, the Popayán region, Cundinamarca, Boyacá, and northern Caquetá. Worked primarily in volcanic stone (basalt, tektite, manzonite, and andesite), the tallest statues are up to 3 m. high, with human, avian, and other animal characteristics, carved in low relief and occasionally retaining evidence of pigments.

I.B. Rock Art

Ancient rock art is found throughout Colombia, at sites including Gorgona in Cauca, Mesitas del Colegio in Cundinamarca, San Agustín in Huila, and Sáchica, Sogamoso, Muzo, and Buenavista in Boyacá. Archaeological research has not established a full typology or chronology as yet. The great majority are engravings in low relief (petroglyphs) on the flat surfaces of huge stones or on surfaces of exposed bedrock, some retaining colored pigments.

I.C. Ceramic Figurines

Small sculptures and miniature human and animal figures associated with the Tairona, Muisca, Guane, Tolima, Magdalena Medio, San Agustín, Tierradentro, Nariño, Tumaco, Calima, Malagana, Quimbaya, Cauca, Urabá, and Sinú cultures.

I. c. 1. Cauca and southern Valle. The Popayán style in this region displays highly decorated anthropomorphic figures with zoomorphous appliqué (Height: 20 cm., Width: 13 cm.). Other common forms are the benches on which anthropomorphic figures rest (Height: 7 cm., Width: 10 cm.).

I. c. 2. Guajira. Stylized globular anthropomorphic figures with appliqué features.

I. c. 3. Nariño. This is divided into three types of pottery: Capulí, Piartal, and Tuza. The Capulí pottery presents modeled decoration and black negative resist paint on red. The anthropomorphic figures of coca

chewers (coqueros) are characteristic of this style.

I. c. 4. Quimbaya. The Quimbaya anthropomorphic figures are generally seated with their arms extended or holding objects, on occasion wearing a gold or tumbaga nose ring. These objects are usually painted in two or more colors. The dimensions average from 12 to 40 cm. tall and 8 to 30 cm. wide; miniatures of this type are also common.

I. c. 5. San Jorge. The average dimensions of the realistic anthropomorphic and zoomorphous figures characteristic of the Momil Culture are 5 by 4 by 2 cm. The larger figures come in 15 by 10 by 8 cm. sizes, and the smaller ones measure approximately 2 by 2 by 2 cm.

I. c. 6. Tolima. Anthropomorphic figures, some sitting on benches. Their dimensions vary and are usually painted in black negative resist paint on light brown.

I. c. 7. Tumaco. The most characteristic forms of the Tumaco pottery are the anthropomorphic, zoomorphous and anthropo-zoomorphous heads or figures, and masks. Some are modeled, others molded, and others combine the two techniques and reflect attitudes and expressions of daily and supernatural life. The anthropomorphic heads generally display cranial deformation. The sizes vary from 2 to 30 cm. tall.

I.D. Ceramic Vessels

This category is the most common, varied, and widespread. Vessels appear initially in deposits from the Archaic Period (4000 BC–1000 AD) on the Atlantic Coast and from the Formative period (1000 BC–1 AD) countrywide. The decorative styles, the forms, and the typical functions of the ceramic vessels vary between regions and periods. Types of pre-Columbian pottery that are intensely sought and traded illicitly include very elaborate vessels, profusely decorated (incised, modeled, appliqué, and/or painted). They originated particularly in the Formative and Classic (1 AD–900 AD) periods, come from all regions, and were buried with the dead.

I. D. 1. Vessels of the Early Formative Period. The main sites on the Caribbean coast where evidence is found of the Early Formative Period are: Monsú, Puerto Hormiga, San Jacinto, Canapote, Barlovento, Zambrano, Malambo, Momil, and Crespo. The manufacturing technique includes spirals and modeling, with thick-walled vessels and rough surfaces. The most ancient forms show vegetable fiber and sand temper. The most recent forms display ground

shell and sand temper, or sand temper. The decoration includes incision and clay slip. The slip ranges from very light brown (or beige) to a darker light brown or reddish. The ceramic figures and forms are profusely decorated with abundant dots and deep incisions. Some vessels come with stamped decorations using seashells. The bowls and the pots generally have anthropomorphic and zoomorphous appliqué on the upper part. The Momil pottery also displays black, white, and red paint.

I. D. 1. a. Early phase bowls and pots from the tradition known as *tecomate* are globular and semi-globular with inverted edges and wide mouths, and decorated with incised and excised decoration on the upper part; they measure ~ 30 cm. in diameter and ~ 20 cm. in height.

I. D. 1. b. In more recent phases, such as Malambo, they come in assorted forms, including cups with ring-shaped or foot-type supports (Height: ~ 20 cm., Diameter: ~ 15 cm.). There also are plates, clay griddles (*budares*), and vessels with prominent shoulders.

I. D. 1. c. In Momil, the forms are more varied: narrow-necked and wide everted-edged vessels, compound silhouette cups, globular vessels with downward everted edge, sub-globular downward edge vessels, vessels with mammiform supports, and earthen bowls with base borders.

I. D. 2. Vessels of the Late Formative Period: Coast. On the Pacific Coast, the most representative sites are Tumaco, Monte Alto, Inguapí, El Balsal, Pampa de Nerete, and Cupica (Chocó). On the Atlantic Coast, the sites are Guajira, the Rancheria river valley and part of the Cesar river valley, the Upper Sinú river, the flanks of the Abibe and San Jeronimo Serrania, and the Gulf of Urabá. The chronology of the period is from 1000 BC to the first century AD.

I. D. 2. a. Cupica. The following forms are very common:

I. D. 2. a. i. Semi-globular, sub globular vessels, with everted edge, straight or in a poporo form.

I. D. 2. a. ii. Double-spouted globular or phytomorphic vessels, short-necked sub globular and everted edge vessels.

I. D. 2. a. iii. Globular and phytomorphic cups with ring-shaped support, conical-stemmed cups with punctured supports.

I. D. 2. a. iv. Decoration in Cupica is incised, excised, with appliqué bands forming anthropomorphic and zoomorphous figures, dotted and lentil-shaped appliqué. The slips are generally dark brown with black and red paint.

I. D. 2. a. v. All these vessels vary between a maximum height of 25 cm.

and a minimum of 10 cm., a diameter between 25 and 10 cm., and generally the height and diameter are the same size.

I. D. 2. b. Guajira. The ceramic decoration in this region is characterized by spiral or linear motifs, appliqué bands, manufactured by modeling or by rolls. They come in light brown and reddish slips and positive red, black, and white paint. The most common forms are:

I. D. 2. b. i. Globular and sub globular vessels, short or high-necked, wide or narrow mouthed, zoomorphous (Height: 15 cm., Diameter: 20 cm.).

I. D. 2. b. ii. Semi globular cups with globular support (Height: 15 cm., Diameter: 15 cm.).

I. D. 2. c. Sinú (or Urabá). Pottery manufactured by rolls and modeled, with appliqué bands, incisions, dotted, imprints and applying internal pressure. The slip comes in beige, light brown to reddish, and black. The main forms are:

I. D. 2. c. i. Plates, semi globular earthen bowls, globular wide-mouthed and printed edged vessels (Height: 15 cm., Diameter: some 20 cm.).

I. D. 2. c. ii. Printed, horizontal everted-edge cups, evenly punctured crowning support, some with zoomorphous appliqués and with rattles (Height: 15 cm., Diameter: around 15 cm.).

I. D. 2. d. Tumaco—La Tolita. This pottery is characterized by coming in red, brown, or gray slip. Some vessels display zoned white paint. The common forms are:

I. D. 2. d. i. Globular, semi globular, or keel-shaped earthen bowls with slightly inverted or everted edge (Height: 15 cm., Diameter: 20 cm.).

I. D. 2. d. ii. Globular or sub globular vessels, short or high-necked with everted edge, with or without anthropomorphic or zoomorphous appliqués on the body or appliqué bands, with or without double handles on the body (Height: 10 cm., Diameter: 12 cm.).

I. D. 2. d. iii. Semi globular or cylindrical, or keel-shaped cups, with mammiform tripod-shaped supports (Height: 12 cm., Diameter: 18 cm.).

I. D. 2. d. iv. Alcarrazas (double-spouted jug with a bridge handle), in various animal, avian, and human forms.

I. D. 2. d. v. "Canasteros" or anthropomorphic or zoomorphous figures with a cylindrical container in the back part (Height: 15 cm., Diameter: 15 cm.).

I. D. 3. Vessels of the Late Formative Period: Interior. The Interior comprises the lower and mid-Magdalena valley region, the provinces of Cesar,

Magdalena, Bolívar, Santander, Antioquia, Boyacá, Cundinamarca, Caldas, Tolima, Huila, Putumayo, the Llanos Orientales (Eastern Plains), and the Amazon. The archaeological cultures represented are Tamalameque and Magdalena Medio, Pijao (in Espinal), Panche (in Ricaurte and Honda), Pantagora (in Guarínó, La Miel, and Puerto Serviez), Mosquito (in Ocaña), and Guayupes (Llanos Orientales).

I. D. 3. a. Amazon. This ceramic slip varies from beige to dark brown and reddish, and different tones of gray; the decoration consists of incisions, dots, brushing, impression, grooves, modeled appliqués, geometric designs in red positive paint and occasionally white, brown. Common forms are:

I. D. 3. a. i. Budares (flat clay griddles) with slightly everted edge, usually holding leaf imprints on the base (Height: approximately 5 cm., Diameter: varies between 34 and 56 cm.).

I. D. 3. a. ii. Cylindrical, "hourglass" supports or in the form of a truncated cone (probably for the griddles); they can be hollow or compact with a flat base (Height: variable, Diameter of the base: varies between 10 and 18 cm.).

I. D. 3. a. iii. Semi globular and keel-shaped everted-edge earthen bowls (Height: 7 cm., Diameter: 20 cm.), globular body, or compound silhouette vessels, flat base, short-necked, everted edge (Height: varies between 7 and 18 cm., Diameter: varies between 15 and 36 cm.).

I. D. 3. a. iv. Anthropomorphic and zoomorphous containers of assorted dimensions, modeled, realistic, and stylized.

I. D. 3. b. Calima. The Formative is represented in Calima by the Ilama pottery, characterized by brushed and/or incised fine decoration, with slip ranging from light to dark brown. Some incisions are filled in with white paste. The common forms are:

I. D. 3. b. i. Simple, anthropomorphic, zoomorphous alcarrazas (double-spouted jug). Average dimensions: Height: 15 cm., Diameter: 15 cm.

I. D. 3. b. ii. Canasteros (anthropomorphic vessels with hollow cylinder in the back part) (Height: 16 cm., Diameter: 10 cm.).

I. D. 3. b. iii. Cylindrical, anthropomorphic, or zoomorphous vessels (Height: 10 cm., Diameter: 7 cm.) and the globular narrow-mouthed and everted edge vessels (Height: 12 cm., Diameter: 16 cm.).

I. D. 3. c. Llanos Orientales (Eastern Plains). Vessels from this are semi globular or compound silhouette earthen bowls, with rounded or flat

bases, everted or slightly inverted edges and rounded. Some show triangular or rhomboid mouths and modeled appliqués on the border (Height: 10 cm., Diameter: 20 cm.). The slip is generally reddish and with white positive paint, forming geometrical designs. Common also are globular, semi-globular, sub globular vessels, compound silhouette, keel-shaped, short-necked, everted or straight-edged, rounded or flat based, with or without appliqués, with or without white positive paint (Height: 15 cm., Diameter: 18 cm.).

I. D. 3. d. Putumayo (Guamués). The diagnostic feature of this type is a decoration with visible coils, and corrugated decoration with fingerprints, or corrugated with different imprints. The colors of the slip range from gray to reddish brown. The common forms are globular and sub globular with straight neck and everted edge (Height: 20 cm., Diameter: 30 cm.).

I. D. 3. e. Tamalameque, Mosquito and Chimila. In this zone, we find vessels of various forms associated with burials. The most common forms are the globular narrow-necked vessels, everted-edged, and with incised decoration forming a rhombus. There are also anthropomorphic vessels with ring-shaped supports and very realistic anthropomorphic modeled figures. Multi-colored zoomorphous vessels with geometrical designs, narrow necks, and everted edges have also been found in Ricaurte.

I. D. 4. Vessels from the Classic and Recent Periods. The formation and consolidation of chiefdoms started in these periods, with regional political units and populated towns. The principal chiefdoms in the Classic period are in Magdalena (Sierra Nevada de Santa Marta), Cordoba, Santander, Cundinamarca, Boyacá, Caldas, Risaralda, Quindío, Huila, Valle, Cauca, and Nariño. The archaeological cultures represented are Tairona, Sinú, San Jorge, Guane, Muisca, Quimbaya, Calima, San Agustín, Tierradentro, and Nariño.

I. D. 4. a. Calima. The Classic Period in Calima corresponds to Yotoco pottery, with its characteristic decoration in black negative resist paint on red, orange or white wash, and curvilinear designs. They occasionally carry appliqués. The most common forms are:

I. D. 4. a. i. Simple alcarrazas, anthropomorphic, phytomorphic with ring-shaped, tetrapod or tripod-shaped support (Height: 15 cm., Diameter: 15 cm.).

I. D. 4. a. ii. Whistling Alcarrazas, which could be either simple or double. The dimensions of the simple ones are

the same as the double-spouted alcarrazas. The double ones have the same average height and an average length of 20 cm.

I. D. 4. a. iii. Earthen bowls with flat or rounded base. The negative resist paint is apparent inside and outside (Height: 8 cm., Diameter: 15 cm.).

The Recent Period in Calima encompasses Sonso pottery, characterized by decoration in the form of negative black paint on red or orange wash, with a linear design or light brown to reddish light brown slip. They display appliqué incised bands. The most common forms of the Sonso style are:

I. D. 4. a. iv. Semi globular earthen bowls (Height: 10 cm., Diameter: 15 cm.).

I. D. 4. a. v. Pitchers with three horizontal handles set irregularly on the vessel's body. The neck is phytomorphic or anthropomorphic (Height: 24 cm., Diameter: 22 cm.).

I. D. 4. a. vi. Other common forms are cups with incised brushing and appliqué decoration (Height: 12 cm., Diameter: 16 cm.).

I. D. 4. b. Cauca and southern Valle. We find three pottery styles: Quebrada Seca or Corinto, Río Bolo, and Popayán. In the Quebrada Seca and Río Bolo vessels, the pottery surface is fine and polished with red slip, exception made to the top part of the vessel that conserves the paste's natural color. It generally holds stylized anthropomorphic modeled appliques and incisions on the top part, on the border between the slip and the paste. Sometimes, the body displays incisions around and on the border. Some vessels come in unpolished surfaces, and totally brushed with wide, deep, and intersecting lines. The Popayán style is characterized by the use of modeling. The most common forms are:

I. D. 4. b. i. Semi globular or globular earthen bowls, with straight border, inverted border, or externally reinforced border, sometimes with two handles. (Height: 7 cm., Diameter: 16 cm.).

I. D. 4. b. ii. Semi-globular, sub-globular, globular cups in bell-form, short, medium-sized and tall supports, and straight, inverted, reinforced, everted borders, with or without small handles.

I. D. 4. b. iii. Triple cups on only one support (Height: 15 cm., Diameter: 16 cm.), globular, sub-globular, aribaloide (high-necked, oval-shaped urn type) vessels, narrow-necked, everted, reinforced, straight border, with a flange, with or without false handles. (Height: 15 cm., Diameter: 15 cm.).

I. D. 4. b. iv. Mocasines (shoe shaped) vessels, squash gourds, different-sized

zoomorphous and anthropomorphic figures.

I. D. 4. c. Guane. A characteristic of this pottery is that it has light brown, orange and dark brown slips. The decoration consists of linear, spiral, dotted incisions and geometric designs. It also displays band appliques, molded in anthropomorphic and zoomorphous figures. On the orange slips, the designs are painted in red and/or white, inside or outside. The principal Guane forms are:

I. D. 4. c. i. Semi globular earthen bowls with straight or slightly inverted border (Height: 9 cm., Diameter: 15 cm.) and cups with straight borders, slightly inverted or everted, with low ring-shaped support. Some cups show internal and external decoration, displaying appliqué zoomorphous figures, particularly frogs (Height: 10 cm., Diameter: 15 cm.).

I. D. 4. c. ii. Double or triple earthen bowls joined by a lower bridge and an upper bridge handle; the latter can represent a zoomorphous figure (Height: 10 cm., Length: 24 cm.).

I. D. 4. c. iii. Globular and sub globular pots with inverted border. Some display upper bridge handles and others display two or more rounded handles located on the border of the body; other handles can be placed horizontally on the body (Height: 15 cm., Diameter: 20 cm.).

I. D. 4. c. iv. Globular vessels with low ring-shaped support, short and narrow-necked, slightly everted border, coming with two or more handles from border to body (Height: 15 cm., Diameter: 13 cm.) and sub globular narrow-necked vessels with slightly everted border, and with two opposing handles from border to body, or neck to body (Height: 25 cm., Diameter: 20 cm.).

I. D. 4. c. v. Globular, sub globular, and keel-shaped pitchers, short-necked and long, occasionally displaying anthropomorphic appliqué or painted decoration, straight and slightly everted borders, flat rounded handles from border to body, or neck to body (Height: 25 cm., Diameter: 23 cm.), occasionally portraying this form in miniature or in double vessels joined by lower and upper bridges. Some come with two and three necks for the same body.

I. D. 4. c. vi. Keel-shaped vessel, narrow and short necked with two opposing handles ending in an inverted form with a very narrow mouth (Height: 20 cm., Diameter: 21 cm.).

I. D. 4. c. vii. Barrel-shaped vessels in a horizontal position, narrow and short-necked with opposing handles, separating from the middle of the body. On some occasions, they display appliqué zoomorphous motifs and

hollow cylindrical supports with painted decoration, forming linear and spiral geometrical motifs.

I. D. 4. d. Malagana. This seems to be a local style of the Calima macro-region, because it has very similar vessels to the complex Calima pottery. It is characterized by the use of modeled and negative black and white paint on red. Some vessels display fine incisions and black and light brown slips as decoration. The most common forms of Malagana Vessels are:

I. D. 4. d. i. Semi-globular, globular, and keel-shaped earthen bowls, with mammiform or tubular supports.

I. D. 4. d. ii. Anthropomorphic cups with the figure kneeling down (Height: 16 cm., Diameter: 12 cm.).

I. D. 4. d. iii. Globular, oval, compound, phytomorphic, anthropomorphic and zoomorphous, single or double-spouted alcarrazas (Height: 20 cm., Diameter: 18 cm.).

I. D. 4. d. iv. Realistic zoomorphous containers in very varied dimensions depending on the figure.

I. D. 4. e. Muisca. The main Muisca forms are:

I. D. 4. e. i. Semi globular earthen bowls with straight or slightly inverted border, their decoration black and/or red paint or incised, forming geometric designs.

I. D. 4. e. ii. Semi globular earthen bowls, with flat keel-shaped border portraying lentil-shaped, zoomorphous, spiral and appliqué figures, with dotted decoration and two rounded handles or a bridge handle. The pottery comes in black (Height: 10 cm., Diameter: 15 cm.).

I. D. 4. e. iii. Straight border cups, slightly everted, with short or tall ring-shaped support and with the painted geometric decoration usually at the top. On the external part, they display appliqué or painted serpent-like motifs. Occasionally, the border comes with zoomorphous and anthropomorphic appliques. The most recurrent decoration colors are white and red (Height: 10 cm., Diameter: 15 cm.). Occasionally, there are double cups joined together by bridges.

I. D. 4. e. iv. Globular and sub globular pots with inverted border, the decoration of which consists of red geometric and linear designs. Their characteristic is to have multiple handles; some can even have decorated handles at the top (Height: varies between 10 and 40 cm., Diameter: 15 to 45 cm.).

I. D. 4. e. v. Sub globular or keel-shaped pitchers, narrow-necked and with straight or slightly everted border, and with one or two flat opposing handles from neck to body. Occasionally, they display

representations of anthropomorphous faces, or dotted or striped incisions in the neck, and false handles. Colors vary from red and white to grey and white (Height: 23 cm., Diameter: 18 cm.).

I. D. 4. e. vi. Globular, sub globular, and keel-shaped short-necked pitchers, with straight everted borders, flat or rounded handles from border to body, or neck to body (Height: 20 cm., Diameter: 22 cm.). The decoration consists of linear design with red or gray and white paint.

I. D. 4. e. vii. Globular, sub globular, or keel-shaped *múcuras*, very narrow and tall, with a flat handle from neck to body. The neck generally displays appliqué or painted anthropomorphous and zoomorphous figures, occasionally with false handles; the paint can cover the top part of the vessel's body. Dimensions vary (Height: minimum of 10 cm. to 50 cm., Diameter: 12 cm. to 40 cm.). Occasionally, there can be double *múcuras* joined by bridges or *mucuras* with two necks.

I. D. 4. e. viii. Barrel-shaped vessels in a horizontal position, narrow and short-necked with opposing handles separated from the body; on some occasions they have appliqué anthropomorphous or zoomorphous motifs (Height: 20 cm., Width: 24 cm.). Hollow cylindrical supports with painted decoration forming geometric motifs with lines and spirals.

I. D. 4. e. ix. *Mocasines* (shoe shaped) vessels, generally black, come with a lateral handle from border to body or neck to body. The decoration is appliqué with zoomorphous motifs and dotted incisions. The dimensions vary (Height: 9 to 15 cm., Width: maximum between 10 and 20 cm.).

I. D. 4. e. x. Offertories, or hollow anthropomorphous figures, with an opening in the front or back or on the top. They are modeled figures with incised, dotted and appliqué decoration, displaying great diversity in their attire, especially the head ornaments. On some occasions, these figures have one or more anthropomorphous figures or smaller-sized vessels. The slip varies in tones of brown and occasionally comes in red linear paint. The dimensions are very varied, ranging from a height of 40 cm. to 11 cm. approximately. There also are circular offertories, occasionally showing anthropomorphous figures on the body with simple flat or anthropomorphous lids with similar characteristics to the previous ones. The latter have an average height of 15 cm.

I. D. 4. f. Nariño. This pottery comes in two types: Capulí, and Piartal-Tuza.

The Capulí pottery displays modeled decoration and negative black paint on

red. Cups are its most characteristic form. The common forms are:

I. D. 4. f. i. Globular, semi globular, and square cups, their supports are short, medium, and tall ring-shaped. They occasionally come with modeled anthropomorphous figures supporting the cup. The borders are straight, everted, or slightly inverted (Height: 10 cm., Diameter: 13 cm.).

I. D. 4. f. ii. Semi globular earthen bowls (Height: 8 cm., Diameter: 16 cm.). Some earthen bowls have an upper bridge handle, in the form of a basket. Occasionally, they come in double or triple vessels.

I. D. 4. f. iii. Globular vessels with or without a narrow neck and a wide mouth, everted border, or flanges.

I. D. 4. f. iv. Keel-shaped and lentil-shaped vessels with everted border. Some vessels have three or four light supports attached by internal pressure. These forms can have a flange at the center of the body. Others have serpentine bands appliqué vertically.

I. D. 4. f. v. Tripod-shaped globular vessels or ones with zoomorphous modeled figures forming the border.

I. D. 4. f. vi. Globular, lentil-shaped, or keel-shaped vessels with lentil-shaped appliqué set on the greatest diameter (Height: 8 cm., Diameter: 12 cm.).

I. D. 4. f. vii. Sub globular vessels with narrow neck and straight border, low ring-shaped support.

I. D. 4. f. viii. Zoomorphous or anthropomorphous vessels depicting an animal or human seated on a bench with its legs crossed or extended, chewing coca, or with an open mouth. The dimensions are very varied, and they depend on the theme represented. Some are miniatures.

I. D. 4. f. ix. The Piartal-Tuza pottery is characterized by having red, orange and/or black on brown paint decoration with many stylized representations of fauna, anthropomorphous figures, or geometric designs. Its most characteristic forms are:

I. D. 4. f. x. Dishes with low ring-shaped support (Height: 7 cm., Diameter: 14 cm.).

I. D. 4. f. xi. Semi globular earthen bowls (Height: 6 cm., Diameter: 15 cm.).

I. D. 4. f. xii. Globular vessels, narrow-necked, wide-mouthed, neck slightly everted and short, with tripod-shaped or tetrapod support achieved by internal pressure (Height: 8 cm., Diameter: 13 cm.).

I. D. 4. f. xiii. Cups with low ring-shaped support, straight or everted border, with one or two handles (Height: 12 cm., Diameter: 14 cm.).

I. D. 4. f. xiv. Globular vessels, short-necked, everted border, wide-mouthed

(Height: 15 cm., Diameter: 17 cm.); the globular, keel-shaped or lentil-shaped vessels are very short-necked and have a slightly everted or straight border (Height: 7 cm., Diameter: 10 cm.). These Vessels also come with tripod-shaped support, or low ring-shaped support, sometimes with a flange in the center of the vessel.

I. D. 4. f. xv. Square or rectangular earthen bowls having low ring-shaped support (Height: 5 cm. Width: 7 cm.).

I. D. 4. f. xvi. Amphorae with aribaloide (high-necked, oval-shaped urn) or flat bases, with or without handles (Height: varies between approximately 20 cm. and 120 cm., Diameter: varies between 15 cm. and 50 cm.).

I. D. 4. f. xvii. Small pitchers, with a handle, globular, sub globular or cylindrical body, flat, rounded, or with low ring-shaped support bases (Height: 10 cm., Diameter: 8 cm.).

I. D. 4. f. xviii. Compound silhouette "Piartal" vessels, keel-shaped, very narrow and long necked, everted border, rounded base and diverse geometric designs in brown, black or red on cream positive paint (Height: 25 cm., Diameter: 30 cm.).

I. D. 4. f. xix. "Tuza" vessels, sub-globular, conical, cylindrical, with short neck, straight or everted border, flat or rounded bases with low ring-shaped support, and diverse designs in positive paint (Height: varies between approximately 20 cm. and 90 cm., Diameter: varies approximately between 15 cm. and 50 cm.).

I. D. 4. f. xx. Dishes with low ring-shaped support and design in anthropomorphous and zoomorphous positive paint, especially monkeys, deer, birds, and feline figures.

I. D. 4. f. xxi. One variant of the Piartal-Tuza pottery is the "Quillacinga" style, with white on red paint decoration, in geometric design. Its main forms are low ring-shaped support dishes, globular vessels with lentil-shaped, globular, or keel-shaped appliqué, short-necked and slightly everted border and globular with narrow neck and everted border.

I. D. 4. g. Quimbaya. Classic forms of Quimbaya pottery vessels from the mid-Cauca river zone are decorated with black on red and orange negative resist paint, forming linear designs (cups, vessels, figures). The classic forms include sub-globular keel-shaped bowls and globular keel-shaped and square vessels. They may be decorated with excised decoration covering the entire outer surface, or with incisions or appliqué, using light brown slips (Height: 8 cm., Diameter: 16 cm.). The most common forms are:

I. D. 4. g. i. Rectangular rounded-base vessels with anthropomorphous appliqué on the borders, incised linear decoration, red on cream and orange paint (Height: 10 cm., Width: 20 cm., Length: 30 cm.). With similar colors in linear and circular design inside, everted border earthen bowls. On the outside, they generally have incised decoration, dotted and appliqué bands (Height: Varies between 7 and 10 cm., Diameter: the average is 20 cm.).

I. D. 4. g. ii. Sub globular vessels with narrow, short necks, some with two mouths and two handles (Height: 15 cm., Diameter: 13 cm.).

I. D. 4. g. iii. Keel-shaped vessels, wide-mouthed and with two handles decorated with linear designs in red paint (Height: 10 cm., Diameter: 12 cm.).

I. D. 4. g. iv. Semi globular earthen bowls with inverted or slightly everted border (Height: 10 cm., Diameter: 15 cm.).

I. D. 4. g. v. Truncated cone-shaped, flat-based cups (Height: 20 cm., Diameter: 18 cm.).

I. D. 4. g. vi. Truncated cone-shaped cups with bell-shaped support (Height: 15 cm., Diameter: 16 cm.). A variation of these cups is a semi globular body with appliqué white paint in linear form that overhangs the surface (Height: 15 cm., Diameter: 18 cm.).

I. D. 4. g. vii. Amphorae (Height: Average between 20 and 60 cm., Diameter: between 15 and 40 cm.).

I. D. 4. g. viii. Small squash-type gourds (Height: 10 cm., Diameter: 11 cm.).

I. D. 4. g. ix. Anthropomorphous, zoomorphous, and phytomorphous alcarrazas decorated with negative resist three-colored paint (Height: 15 cm., Diameter: 15 cm.).

I. D. 4. g. x. Bottles with stirrup handle (Height: 29 cm., Diameter: 14 cm.). Hollow cylindrical supports, with lower and upper everted border (Height: 16 cm., Diameter: 14 cm.). Cups decorated with incisions or appliqué (Height: 12 cm., Diameter: 16 cm.).

I. D. 4. g. xi. Globular, sub globular pots, with flanges decorated with appliqué and/or incisions (Height: 15 cm., Diameter: 20 cm.).

I. D. 4. g. xii. Simple incised alcarrazas (Height: 19 cm., Diameter: 15 cm.).

I. D. 4. g. xiii. Vessels with black coloring, including rhomboid vessels with a flat base, everted border, round or square-mouthed and decorated with appliqué anthropomorphous incised bands. Their very diverse dimensions range from 10 cm. to 20 cm., and from 8 cm. to 25 cm. Sometimes they are elongated; at other times they are wider.

I. D. 4. g. xiv. Elongated vessels in the form of a sail, with appliqué incised bands (Height: 10 cm., Length: 30 cm.).

I. D. 4. h. San Agustín. The vessels of this culture display varying slips in differing tones from brown to black with incised decoration in lines, triangles, and dots. Others come in negative resist black paint on red with geometric motifs. A characteristic of the pottery forms is the presence of an everted border inclined downwards. Very common are:

I. D. 4. h. i. Dishes with everted border (Height: 5 cm., Diameter: 15 cm.).

I. D. 4. h. ii. Globular, semi-globular, sub globular earthen bowls, keel-shaped with straight, everted, or slightly everted border (Height: varies between 8 and 20 cm., Diameter: varies between 10 and 30 cm.).

I. D. 4. h. iii. Globular pots and compound silhouette with everted border (Height: 20 cm., Diameter: 20 cm.).

I. D. 4. h. iv. Globular vessels with tripod-shaped everted border (Height: 20 cm., Diameter: 18 cm.).

I. D. 4. h. v. Keel-shaped, globular, and sub globular vessels, narrow-necked and wide-mouthed and everted border (Height: ranging from 50 to 15 cm., Width: from 30 cm. to 10 cm.).

I. D. 4. h. vi. Globular and semi globular cups with tubular support and horizontal everted border (Height: 18 cm., Diameter: 15 cm.).

I. D. 4. h. vii. Simple anthropomorphous alcarrazas (Height: 12 cm., Diameter: 12 cm.).

I. D. 4. h. viii. Double vessels joined together by upper and lower bridge handles (Height: 20 cm., Length: 30 cm.).

I. D. 4. i. San Jorge. The manufacturing technique is spiraled and modeled, with incised decoration, dots, notches, extensive bands, and zoomorphous appliqué. The wide range of browns on this pottery's slip goes from light to dark reddish. The vessels displaying paint use red, forming geometric designs. The texture is granular and sometimes cracked for First Occupation period pottery. By the Second Occupation period, the texture becomes compact and fine.

In the Classic Period:

I. D. 4. i. i. Cups with tall, short, and bell-shaped supports.

I. D. 4. i. ii. Cups with lids.

I. D. 4. i. iii. Cups with narrow mouths.

I. D. 4. i. iv. Cups with keel shapes (Height: 15 cm., Diameter: 15 cm.).

I. D. 4. i. v. Alcarrazas, baskets, globular vessels, globular vessels with ring-shaped support (Height: 15 cm., Diameter: 20 cm.).

The main forms from the Second Occupation period are:

I. D. 4. i. vi. Globular and sub globular vessels (Height: 15 cm., Diameter: 20 cm.).

I. D. 4. i. vii. Cups with low pedestal support and an average diameter of 15 cm. Some cups are approximately 30 cm. high.

I. D. 4. j. Sinú. The ceramic vessels come in a diversity of forms. The main ones are:

I. D. 4. j. i. High pedestal cups with incised and excised decoration, forming geometric designs, especially rhombus (Height: 25 cm., Diameter: 10 cm.).

I. D. 4. j. ii. High pedestal cups with appliqué modeled anthropomorphous figures, with incised decoration. They frequently represent standing female figures (Height: 25 cm., Diameter: 10 cm.).

I. D. 4. j. iii. Cups with perforated compound supports, the globular vessels with a flat base, neck, and everted border with female figures attached to the body, and sub globular vessels with ring-shaped support.

I. D. 4. j. iv. Compound silhouette vessels and also globular narrow-necked vessels, with everted border and black and red on cream decoration, forming a linear design, or with anthropomorphous appliqué (Height: 30 cm., Diameter: 30 cm.). The ceramic slip, also called "Betancí," is light brown, beige, and very light beige.

I. D. 4. k. Tairona. The Tairona manufacturing technique is by rolls and modeled. The slips are beige, gray, black, dark brown, and reddish brown. They also display linear incisions, dotted, zoomorphous, and anthropomorphous appliqué, and appliqué bands. The black and the beige Tairona pottery typically comprise principally ceremonial vessels, whereas the red pottery includes domestic forms. The common forms are:

I. D. 4. k. i. Globular vessels, wide-mouthed and everted border.

I. D. 4. k. ii. Globular vessels, narrow-necked and everted border.

I. D. 4. k. iii. Keel-shaped vessels, wide-mouthed.

I. D. 4. k. iv. Globular vessels, high neck and low ring-shaped support (Height: 20 cm., Diameter: 20 cm.).

I. D. 4. k. v. Semi globular cups with ring-shaped support.

I. D. 4. k. vi. Keel-shaped cups with stylized, high, medium, and low support, especially the tallest ones (Height: 20 cm., Diameter: 15 cm.).

I. D. 4. k. vii. Globular and keel-shaped vessels with ring-shaped support, wide-mouthed, side spout and upper bridge handle, sometimes displaying zoomorphous appliqué at

the top, opposite the spout (Height: 15 cm., Diameter: 15 cm.).

I. D. 4. k. viii. Double vessels joined by a bridge at the bottom with an upper bridge handle, generally with appliqués on the body.

I. D. 4. k. ix. Vessels elongated horizontally with a zoomorphous representation on each end; a narrow and short neck is in the center of the vessel, and the support is ring-shaped (Height: 15 cm., Length: 25 cm.).

I. D. 4. k. x. Zoomorphous and anthropo-zoomorphous (depicting both human and animal characteristics) tetrapod vessels with narrow neck (Height: 10 cm., Length: 20 cm.).

I. D. 4. l. Tierradentro. The ceramic vessels of this archaeological culture are similar in form and decoration to the San Agustín pottery. The most representative vessels of this region are funerary urns with brown, red, and negative resist paint slips, decorated with incised dotted decoration forming triangles filled-in with white paste and/or modeled appliqués in zoomorphous, especially serpent-like figures. Their dimensions vary (Height: 20 to 50 cm., Diameter: 25 and 40 cm.). Another special Tierradentro form is the anthropomorphous mask and alcarraza.

I. D. 4. m. Tolima. This pottery displays anthropomorphous and zoomorphous motifs that are modeled, appliqué, incised, carved, and/or stamped. The slips come in light and dark brown and reddish brown. Some objects have a geometric design decoration in black on light brown or red negative resist paint. The common forms are:

I. D. 4. m. i. Semi globular, keel-shaped earthen bowls, compound silhouette, some with two handles, straight, everted, inverted or compound borders, abundant decoration (Height: 5 cm., Diameter: 10 cm.).

I. D. 4. m. ii. Globular, sub globular, keel-shaped vessels, with flanges in the center of the body, short-necked, wide-mouthed, direct or everted borders, flat or rounded bases, with or without handles, with abundant decoration. Some have tetrapod or tripod-shaped supports and others are phytomorphous (Height: 15 cm., Diameter: 18 cm.).

I. D. 4. m. iii. Semi globular cups, everted border, tall supports generally perforated at intervals (Height: varies between 8 cm. and 35 cm., Diameter: varies between 15 cm. and 32 cm.).

I. D. 4. m. iv. Alcarrazas with straight spouts (Height: 15 cm., Diameter: 18 cm.) with phytomorphous and zoomorphous motifs and those depicting figures of houses.

I. D. 4. m. v. In the Guaduas, Tolima region, globular or keel-shaped vessels,

the top tubular bifurcated part ending in an anthropomorphous or zoomorphous figure (Height: 20 cm., Diameter: 18 cm.).

I.E. Ceramic Funerary Urns

This category of ceramic artifacts consists of a great variety of objects whose function was to contain human remains in secondary burials. They are either alone in the tombs or with funerary accoutrements. They contain, in the untouched deposits, complete human bones or fragments of bones from one or more individuals.

I. E. 1. Buga, Cumbre, Pavas, and Guabas. This pottery relates to the Sonso style, with brown slip and white and red paint whenever present. Some have appliqués with anthropomorphous designs. It consists of cylindrical, globular, and sub globular funerary urns (Height: 70 cm., Diameter: 40 cm.). Another characteristic form is cylindrical vessels with four handles (Height: 20 cm., Diameter: 15 cm.).

I. E. 2. El Espinal, Ricaurte, Honda, and Girardot (Panche and Pijao). These funerary urns for secondary burials come in sub globular inverted-necked, with dish-form lids. The urns generally represent a human face with modeled bands. Some urns are multi-colored, displaying geometric designs in red and black. Others depict zoomorphous modeled and appliqué figures. The dimensions of these urns are similar to the previous ones. Their lids have the following dimensions: about 6 cm. high and 20 cm. wide.

I. E. 3. Guajira. Globular and conical-stemmed funerary urns (Height: 30 cm., Diameter: 30 cm.).

I. E. 4. La Miel, Guarinó, and Puerto Serviez (Pantágora). These urns are oval-shaped in diverse variants; some are cylindrical and short-necked with a wide mouth. The decoration is linear incised at the top, occasionally forming a rhombus. It is dotted, in between parallel lines. A characteristic of the La Miel river urns is that they have anthropomorphous and zoomorphous figures attached, embracing the neck of the urn. The lids are sub globular, with incised and dotted decoration, forming geometric designs. The anthropomorphous figures are attached, sitting on benches with their hands on the rolls or holding earthen bowls or cups in one or both hands. In some, small, perforated shell discs are attached on the figures of the La Miel lids. Other lids come with zoomorphous, preferably ornitomorphic, figures in sets of two or more. The dimensions of the urns range from the largest (Height: 55 cm., Diameter: 42 cm.) to the smallest

(Height: 20 cm., Diameter: 20 cm.). The average lid size is (Height: 20 cm., Diameter: 20 cm.).

The Puerto Serviez urns display gray shaded slips, and others come in different tones of brown to reddish brown slips.

I. E. 5. Llanos Orientales (Eastern Plains). The urns of this region are generally cylindrical, with flanges, or sub globular, compound silhouettes, straight borders, generally flat bases, white positive paint and anthropomorphous or zoomorphous appliqués modeled on the body or on the border (Height: 35 cm., Diameter: 30 cm.). The urns have appliqué zoomorphous decoration (especially bat figures). The slip is usually reddish and with red positive paint, forming geometric designs.

I. E. 6. Putumayo. The main forms of Putumayo funerary urns are sub globular, with straight neck and everted border (Height: 66 cm., Diameter: 65 cm.).

I. E. 7. Quimbaya. Quimbaya pottery is found in mid-Cauca river zone (Cauca Medio). The earliest forms in the zone are associated with the pottery known as *Marrón Inciso* (incised brown), the most common forms of which are cylindrical funerary urns with rounded base, modeled borders, and incised decoration in the form of a fishbone. Also common are urns with anthropomorphous appliqués and phytomorphous urns. This ceramic slip is black and brown. The dimensions vary from (Height: 20 to 40 cm., Diameter: 34 and 15 cm.).

I. E. 8. Sinú. Sub globular funerary urns with slightly everted border and perforated ring-shaped support (Height: 25 cm., Diameter: 20 cm.). A variant of this urn type averages 80 cm. in height.

I. E. 9. Tairona. These funerary urns are common: Globular and sub globular, short and wide-necked, with anthropomorphous appliqués on the neck and body, sometimes with low ring-shaped support (Height: 70 cm., Diameter: 60 cm.).

I. E. 10. Tamalameque, Mosquito, and Chimila. These urns for secondary burials have anthropomorphous lids. The urns in general are cylindrical, with flat or circular bases and straight or slightly inverted border. Mosquito urns are occasionally oval-shaped. Some come with zoomorphous modeled and incised appliqués on the top, like false handles.

The Tamalameque lids are semi globular, with a human figure attached on the top, represented by the head and torso. The head is generally full-sized and very realistic. The heads come in two types: One is modeled in two

dimensions with a straight outline, small extended arms to the sides with open hands; the second head type has a hollow inside and is more realistic. The arms are in various positions.

The Mosquito lids have complete anthropomorphic representations, seated on benches and with their hands resting on their knees. Occasionally, the figures are decorated with zoomorphous motifs.

The bigger urns are approximately 50 cm. high and with a diameter of approximately 31 cm. The smallest ones are approximately 20 cm. high and with a diameter of approximately 18 cm.

The average size of the lids is: Height: 38 cm., Diameter: 30 cm.

The manufacturing technique used in these urns was modeling; the slips vary from light brown to reddish tones, some displaying white paint.

Outstanding in Chimila pottery are the funerary urns, with anthropomorphic modeled figures, represented in the lid—which pertains to the head—and the body—which pertains to the extremities (Height: 20 cm., Diameter: 18 cm.).

I. E. 11. Tumaco—La Tolita. Sub globular with everted border urns (Height: 50 cm., Diameter: 50 cm.).

These containers show fine, linear incisions at the top.

I.F. Miscellaneous Ceramic Object Types

This category contains the articles that do not fit in the Figurines, Vessels, or Urns Categories. It includes materials from cultures from around the country:

I. F. 1. Calima. The Sonso style of Calima pottery is seen in anthropomorphic masks and some miniatures, particularly in the Recent Period.

I. F. 2. Guajira. Zoomorphous Mocasines (shoe shaped) vessels are frequent (Approximate length: 15 cm.).

I. F. 3. Nariño. Ocarinas (whistles) are common in snail form, sometimes with modeled anthropomorphic or zoomorphous representations on one of their ends. The painted designs are diverse, as well as their dimensions. The average length is about 7 cm.

I. F. 4. Quimbaya. Diverse forms of spindle whorls are common, some are hollow and some are rattles with incised decoration filled in with white paste. Their average dimensions are: Height: 3 cm., Diameter: 5 cm. Seals are flat as well as cylindrical, both hollow and solid. They have excised decoration in geometric designs. Common also are *Mocasines* (shoe shaped) vessels with appliqué decoration (Height: 10 cm., Length: 15 cm.).

I. F. 5. San Jorge. Rolls, spindle whorls and anthropomorphic figures. The latter's average dimensions are 10 x 8 x 4 cm. Likewise, miniature pottery with average dimensions of 4 x 3 cm.

I. F. 6. Sinú. Lavishly decorated earthen bowl miniatures. Also *Mocasines* (shoe shaped) vessels, rolls, and spindle whorls.

I. F. 7. Tairona. Anthropomorphic and zoomorphous whistles, especially birds, feline figures, and bats (Height: 5 cm.).

I. F. 8. Tumaco. Tabloid graters in different forms, like fish and others, as well as representations of small dwellings, and seals and molds for pottery production.

I.G. Gold

This category comprises objects of gold and of alloys that include gold with copper, platinum, or other metals, dating mostly to the Classic and Recent Periods and associated with the following culture groups: Calima, Muisca, Nariño, Quimbaya, Sinú, Tairona, Tolima, Tumaco, Cauca, Tierradentro, and San Agustín. Figurative pieces are characterized by elaborate and well-executed work; they represent animal and human forms, as well as supernatural beings. They were produced and decorated using the following techniques: Embossing, soldering, hammering, lost wax casting, no-nucleus melting, stone matrix mold melting, solid no-nucleus melting, sheet fusion, and wire filigree. Examples of articles made in gold and gold alloys include: Beads, Bells, Belts, Bracelets and Anklets, Pectorals and Pendants, Ceremonial Staffs and Finales, Combs, Containers, Mesh, Crowns and Helmets, Ear and Nose Ornaments, Animal and Human Figures, Finger Ornaments, Fishhooks, Gold Casting Paste, Knobs, Lime Containers, Lip Plugs, Masks, Musical Instruments, Necklaces, Needles and Pins, Pincers and Tweezers, and Wire.

I.H. Wood

This category refers to articles carved in hard woods, mainly small benches and chairs, staffs, needles, weavers' tools, sarcophagi, chonta palm wooden swords (especially in the Calima and San Agustín regions), and anthropomorphic sculptures in hard woods (particularly in the Muisca region). They are in evidence from all archaeological periods.

I.I. Portable Stone

Carved and polished archaeological stone articles in Colombia are common and varied. Lithic articles come from tombs and other types of storage from

all periods, ranging from the Paleo-Indian to the Colonial era. The most common stone artifacts that are looted and traded on the illicit market are flat decorative pendants, tabular necklace beads, ritual monolithic hand axes, hoes, and other small hard polished stone articles mainly from the Calima, Tairona, Guane, Muisca, and Alto Magdalena regions.

I.J. Bone

Articles carved from animal bone, from all archaeological periods. They are in the form of needles, netting hooks, musical instruments (flutes), and beads, or pendants (especially in the Muisca, Guane, Calima and San Agustín regions).

I.K. Textiles

The majority of archaeological textiles found in Colombia originate in human burial offerings. These textiles were made mainly on looms, utilizing cotton, sometimes dyed, as the raw material. They come from the Muisca, Guane, and Nariño Classic periods. In Nariño, they also include additions in metal like tumbaga and gold.

II. Ecclesiastical Ethnological Materials

The categories of Colombian ethnological materials excluded from importation into the United States comprise objects that were made between A.D. 1530 and 1830, with ecclesiastic purpose or association, under the stewardship of the Church.

II.A. Wooden Items

II. A. 1. Paintings on wood panels (depicting religious and symbolic themes).

II. A. 2. Sculpture (polychrome on gesso preparation over wood, including dressed and dressable figures used in religious settings).

II. A. 3. Crucifixes.

II. A. 4. Altarpieces.

II. A. 5. Retablos (carved altar screens).

II.B. Metal Objects, Accoutrements & Fittings (Gold, Silver, and Other Metals)

II. B. 1. Paintings with religious motifs on metal panels.

II. B. 2. Chalices, pitchers, and drinking cups used for religious ceremonies.

II. B. 3. Urns and custodia (monstrances) used to display the communion wafer.

II. B. 4. Processional or stationary crosses.

II. B. 5. Head pieces, wings, and other accoutrements from statues or effigies.

II. B. 6. Candlesticks and candelabra.

II. B. 7. Plaques.

II.C. Textiles

II. C. 1. Garments, such as vestments and tunics worn by clergy (often embroidered with silver and gold threads, with stone appliqués).

II. C. 2. Altar hangings and altar garments.

II. C. 3. Tapestries and carpets.

II. C. 4. Paintings on cloth.

II.D. Paper, Parchment, Leather

II. D. 1. Unique letters, artwork, documents, and manuscripts on paper, parchment, or leather.

II. D. 2. Incunabula (books made before printing, such as hymnals and other Colonial-era books, usually with special bindings).

Signing Authority

This regulation is being issued in accordance with § 0.1(a)(1) of the CBP Regulations (19 CFR 0.1(a)(1)).

Inapplicability of Notice and Delayed Effective Date

Because this amendment to the CBP regulations imposing import restrictions on the above-listed cultural property of Colombia is being made in response to a bilateral agreement entered into in

furtherance of a foreign affairs function of the United States, pursuant to section 553(a)(1) of the Administrative Procedure Act, (5 U.S.C. 553(a)(1)), no notice of proposed rulemaking or public procedure is necessary. For the same reason, a delayed effective date is not required pursuant to 5 U.S.C. 553(d)(3).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. Accordingly, this final rule is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12866

This amendment does not meet the criteria of a “significant regulatory action” as described in E.O. 12866.

List of Subjects in 19 CFR Part 12

Customs duties and inspections, Imports, Cultural property.

Amendment to the Regulations

■ Accordingly, Part 12 of the Customs Regulations (19 CFR Part 12) is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority and specific authority citations for Part 12, in part, continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

■ 2. In § 12.104g, paragraph (a), containing the list of agreements imposing import restrictions on described articles of cultural property of State Parties, is amended by adding Colombia to the list in appropriate alphabetical order as follows:

§ 12.104(g) Specific items or categories designated by agreements or emergency actions.

(a) * * *

State party	Cultural property	Decision No.
* * * * *	* * * * *	* * * * *
Colombia	Pre-Colombian Archaeological Material ranging approximately from 1500 B.C. to 1530 A.D. and ecclesiastical ethnological material of the Colonial period ranging approximately from A.D. 1530 to 1830.	CBP Dec. 06–09.
* * * * *	* * * * *	* * * * *

* * * * *

Deborah J. Spero,
Acting Commissioner, Customs and Border Protection.

Approved: March 14, 2006.

Timothy E. Skud,
Deputy Assistant Secretary of the Treasury.
[FR Doc. 06–2620 Filed 3–16–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1
[TD 9239]
RIN 1545–BE00

Time for Filing Employment Tax Returns and Modifications to the Deposit Rules; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final and temporary regulations.

SUMMARY: This document contains a correction to final and temporary regulations that were published in the **Federal Register** on Tuesday, January 3, 2006 (71 FR 11). These regulations relate to the annual filing of Federal employment tax returns and requirements for employment tax deposits for employers in the

Employers’ Annual Federal Tax Program (Form 944).

FOR FURTHER INFORMATION CONTACT: Raymond Bailey, (202) 622–4910 and Audra M. Dineen, (202) 622–4940 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations (TD 9239) that is the subject of this correction is under section 6302 of the Internal Revenue Code.

Need for Correction

As published, the final and temporary regulations (TD 9239) contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

■ Accordingly, the publication of the final and temporary regulations (TD 9239), that was the subject of FR Doc. 05–24565, is corrected as follows:

■ 1. On page 12, column 3, in the preamble under paragraph heading "Background and Explanation of Provisions", second paragraph, fourth line from the bottom of the paragraph, the language, "is subject the One-Day rule of" is corrected to read "is subject to the One-Day rule of".

Guy R. Traynor,

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

[FR Doc. 06-2534 Filed 3-16-06; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9244]

RIN 1545-BC05; 1545-BE88

Determination of Basis of Stock or Securities Received in Exchange for, or With Respect to, Stock or Securities in Certain Transactions; Treatment of Excess Loss Accounts; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction notice to final and temporary regulations.

SUMMARY: This document contains a correction to final and temporary regulations (TD 9244), that was published in the **Federal Register** on Thursday, January 26, 2006 (71 FR 4264). This regulation provides guidance regarding the determination of the basis of stock or securities received in exchange for, or with respect to stock or securities in certain transactions.

DATES: This correction is effective January 23, 2006.

FOR FURTHER INFORMATION CONTACT: Theresa M. Kolish, (202) 622-3070 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations (TD 9244) that are the subject of these corrections are under sections 356, 358 and 1502 of the Internal Revenue Code.

Need for Correction

As published, TD 9244 contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

■ Accordingly, the publication of the final and temporary regulations (TD 9244), that were the subject of FR Doc. 06-585, is corrected as follows:

PART 1—[CORRECTED]

■ 1. On page 4274, column 2, under **Par. 5.**, the language, "3. Revising the paragraph heading for paragraph (h)." is removed.

■ 2. On page 4274, column 3, the language, "**Par. 6.** Section 1.1502-19T is revised to read as follows:" is corrected to read "**Par. 6.** Section 1.1502-19T is added to read as follows:".

Guy R. Traynor,

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

[FR Doc. 06-2537 Filed 3-16-06; 8:45 am]

BILLING CODE 4830-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R01-OAR-2005-ME-0003; A-1-FRL-8038-1]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Architectural and Industrial Maintenance (AIM) Coatings Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maine. This revision establishes requirements to reduce volatile organic compound (VOC) emissions from architectural and industrial maintenance (AIM) coatings. The intended effect of this action is to approve these requirements into the Maine SIP. This action is being taken under the Clean Air Act (CAA).

DATES: This rule will become effective on April 17, 2006.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2005-ME-0003. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA

New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Copies of the documents relevant to this action are also available for public inspection during normal business hours, by appointment at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B-108, 1301 Constitution Avenue, NW., Washington, DC; and the Bureau of Air Quality Control, Department of Environmental Protection, First Floor of the Tyson Building, Augusta Mental Health Institute Complex, Augusta, ME 04333-0017.

FOR FURTHER INFORMATION CONTACT:

Anne Arnold, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAQ), Boston, MA 02114-2023, (617) 918-1047, arnold.anne@epa.gov.

SUPPLEMENTARY INFORMATION: This section is organized as follows:

- A. What action is EPA taking?
- B. What are the requirements of Maine's new regulation?
- C. Why is EPA approving this regulation?

A. What action is EPA taking?

EPA is approving Maine's Chapter 151, "Architectural and Industrial Maintenance (AIM) Coatings," and incorporating this regulation into the Maine SIP.

On December 15, 2005, (70 FR 74259), EPA proposed approval of Maine's Chapter 151 (the proposal). No one submitted comments on the proposal.

B. What are the requirements of Maine's new regulation?

Maine's Chapter 151 applies to any person who supplies, sells, offers for sale, or manufactures, any architectural coating for use within the State of Maine and to any person who applies, or solicits the application of, any architectural coating within the State of Maine. The rule includes VOC content limits for several categories of architectural coatings such as roof coatings, swimming pool coatings, and traffic marking coatings. Aerosol coating products, as well as architectural coatings sold in a container with a volume of one liter or less, are exempt from the regulation.

In addition, Chapter 151 includes the appropriate testing and recordkeeping

requirements to ensure compliance with the specified performance standards. Specifically, the rule requires the use of EPA test methods and test procedures adopted by ASTM, South Coast AQMD, and Bay Area AQMD. The rule also allows the use of alternative test methods that have been approved by the Maine DEP and EPA. Finally, the rule requires compliance with the specified VOC content limits by January 1, 2006 (with one exception).¹ However, coatings manufactured prior to January 1, 2006, may be sold, supplied, offered for sale, or applied after January 1, 2006, so long as the coating complied with the standards in effect at the time the coating was manufactured.

Other specific requirements of Chapter 151 are explained in the proposal and TSD² and will not be restated here.

C. Why is EPA approving this regulation?

The rationale for EPA's approval is stated in the proposal and in the TSD and will not be restated here. The Agency has determined this rule is approvable as a SIP strengthening measure. The reductions from Maine's AIM rule will be evaluated in a separate rulemaking where EPA is proposing approval of Maine's five percent increment of progress plan which relies on reductions from the AIM rule. See notice of proposed rulemaking at 71 FR 569 (January 5, 2006).

Final Action: EPA is approving Maine's Chapter 151, "Architectural and Industrial Maintenance (AIM) Coatings," and incorporating this regulation into the Maine SIP.

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), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule

may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 16, 2006.

Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 14, 2006.

Robert W. Varney,

Regional Administrator, EPA New England.

■ Part 52 of 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 U—Maine

■ 2. Section 52.1020 is amended by adding paragraph (c)(59) to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(59) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on December 3, 2004, January 5, 2005, October 31, 2005, and November 9, 2005.

(i) Incorporation by reference.

¹ The rule includes both a January 1, 2006, and a January 1, 2011, emission limit for varnishes.

² "Technical Support Document—Maine—Architectural and Industrial Maintenance Coatings Regulation." (TSD) EPA memorandum, dated November 10, 2005.

(A) Chapter 151 of the Maine Department of Environmental Protection Regulations, "Architectural and Industrial Maintenance (AIM) Coatings," effective in the State of Maine on November 1, 2005.

(ii) Additional materials.
 (A) Nonregulatory portions of the submittal.
 ■ 3. In § 52.1031, Table 52.1031 is amended by adding a new state citation, 151, to read as follows:

§ 52.1031 EPA-approved Maine regulations.
 * * * * *

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by state	Date approved by EPA	Federal Register citation	52.1020
151	Architectural and Industrial Maintenance (AIM) Coatings.	10/06/05	3/17/06	[Insert FEDERAL REGISTER page number where the document begins].	(c)(59)

Note 1. The regulations are effective statewide unless stated otherwise in comments section.

[FR Doc. 06–2601 Filed 3–16–06; 8:45 am]
 BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[FRL–8011–3]

Underground Storage Tank Program: Approved State Program for Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The Resource Conservation and Recovery Act of 1976, as amended (RCRA), authorizes EPA to grant approval to States to operate their underground storage tank programs in lieu of the Federal program. Title 40 of the Code of Federal Regulations (40 CFR) codifies EPA's decision to approve State programs and incorporates by reference those provisions of the State statutes and regulations that will be subject to EPA's inspection and enforcement authorities in accordance with sections 9005 and 9006 of RCRA Subtitle I and other applicable statutory and regulatory provisions. This rule codifies the prior approval of the Commonwealth of Pennsylvania's underground storage tank program and incorporates by reference appropriate provisions of State statutes and regulations.

DATES: This regulation is effective May 16, 2006, unless EPA publishes a prior **Federal Register** notice withdrawing this immediate final rule. All comments

on the codification of the Commonwealth of Pennsylvania's underground storage tank program must be received by the close of business April 17, 2006. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of May 16, 2006, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Send written comments to Carletta Parlin, U.S. EPA Region 3, Mailcode 3WC21, RCRA State Programs Branch, 1650 Arch Street, Philadelphia, PA 19103–2029. Comments may also be submitted electronically through the Internet to: *parlin.carletta@epa.gov* or by facsimile at (215) 814–3163. You can examine copies of the codification materials during normal business hours at the following location: EPA Region 3, Library, 2nd Floor, 1650 Arch Street, Philadelphia, PA 19103–2029. Phone: (215) 814–5254.

FOR FURTHER INFORMATION CONTACT: Carletta Parlin, U.S. EPA Region 3, Mailcode 3WC21, RCRA State Programs Branch, 1650 Arch Street, Philadelphia, PA 19103–2029. Phone: (215) 814–3380.

SUPPLEMENTARY INFORMATION:

Background

Section 9004 of RCRA, 42 U.S.C. 6991c, allows the EPA to approve a State underground storage tank program to operate in the State in lieu of the Federal underground storage tank program. EPA published a rule in the **Federal Register** granting approval to the Commonwealth of Pennsylvania on September 11, 2003, and approval was effective on September 11, 2003 (66 FR 53520).

EPA codifies its approval of a State program in 40 CFR part 282 and incorporates by reference therein the State's statutes and regulations that

make up the approved program which is federally-enforceable in accordance with sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions. Today's rulemaking codifies EPA's approval of the Commonwealth of Pennsylvania's underground storage tank program. This codification reflects the State program in effect at the time EPA granted the Commonwealth approval, in accordance with RCRA section 9004(a), 42 U.S.C. 6991c(a), for its underground storage tank program. Notice and opportunity for comment were provided earlier on the Agency's decision to approve the Commonwealth's program, and EPA is not now reopening that decision nor requesting comment on it.

To codify EPA's approval of the Commonwealth of Pennsylvania's underground storage tank program, EPA has added § 282.88 to title 40 of the CFR. 40 CFR 282.88(d)(1)(i) incorporates by reference the State's statutes and regulations that make up the approved program which is federally-enforceable. 40 CFR 282.88 also references the Attorney General's Statement, the Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which were evaluated as part of the approval process of the underground storage tank program, in accordance with Subtitle I of RCRA.

EPA retains the authority in accordance with sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions, to undertake inspections and enforcement actions in approved States. With respect to such an enforcement action, EPA will rely on Federal sanctions, Federal inspection authorities, and Federal procedures rather than the State

analogues to these provisions. Therefore, the Commonwealth of Pennsylvania's inspection and enforcement authorities are not incorporated by reference, nor are they part of the Commonwealth of Pennsylvania's approved state program which operates in lieu of the Federal program. These authorities, however, are listed in 40 CFR 282.88(d)(1)(ii) for informational purposes, and also because EPA considered them in determining the adequacy of the Commonwealth's enforcement authority. The Commonwealth of Pennsylvania's authority to inspect and enforce the State's underground storage tank requirements continues to operate independently under State law.

Some provisions of the Commonwealth's underground storage tank program are not part of the federally-approved State program. These non-approved provisions are not part of the RCRA Subtitle I program because they are "broader in scope" than Subtitle I of RCRA, or are otherwise not applicable. See 40 CFR 281.12(a)(3)(ii). As a result, State provisions which are "broader in scope" than the Federal program, or are otherwise not applicable, are not incorporated by reference for purposes of Federal enforcement in 40 CFR part 282. Section 282.88(d)(1)(iii) of the codification simply lists for reference and clarity the Commonwealth's statutory and regulatory provisions which are "broader in scope" than the Federal program and which are not, therefore, part of the approved program being codified today. "Broader in scope" provisions cannot be enforced by EPA; the State, however, will continue to enforce such provisions.

When the phrases, "insofar" and "except insofar," are used in Appendix A (which provides an informational listing of the state requirements incorporated by reference in Part 282 of the Code of Federal Regulations), refer to the binders in the codification materials for specifics as to any words, phrases, sentences, paragraphs, or subsections that are "crossed-out" in the binders. These crossed-out materials are not incorporated by reference in Part 282 of the Code of Federal Regulations.

Statutory and Executive Order Reviews

This rule only codifies EPA-authorized underground storage tank program requirements pursuant to RCRA section 9004 and imposes no requirements other than those imposed by State law (see **SUPPLEMENTARY INFORMATION**). Therefore, this rule complies with applicable executive

orders and statutory provisions as follows.

1. *Executive Order 12866: Regulatory Planning Review*—The Office of Management and Budget has exempted this rule from its review under Executive Order (EO) 12866.

2. *Paperwork Reduction Act*—This rule does not impose an information collection burden under the Paperwork Reduction Act.

3. *Regulatory Flexibility Act*—After considering the economic impacts of today's rule on small entities under the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

4. *Unfunded Mandates Reform Act*—Because this rule codifies 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.

5. *Executive Order 13132: Federalism*—EO 13132 does not apply to this rule because it will not have federalism implications (*i.e.*, 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).

6. *Executive Order 13175: Consultation and Coordination with Indian Tribal Governments*—EO 13175 does not apply to this rule because it will not have tribal implications (*i.e.*, 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).

7. *Executive Order 13045: Protection of Children from Environmental Health & Safety Risks*—This rule is not subject to EO 13045 because it is not economically significant and it is not based on health or safety risks.

8. *Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use*—This rule is not subject to EO 13211 because it is not a significant regulatory action as defined in EO 12866.

9. *National Technology Transfer and Advancement Act*—EPA has previously addressed the non-applicability of the National Technology Transfer and Advancement Act in its final approval of this state program. See 66 FR 53520. Section 12(d) of the National Technology Transfer and Advancement Act does not apply to this rule.

10. *Congressional Review Act*—EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication 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). Nevertheless, to allow time for public comment, this action will be effective on May 16, 2006.

List of Subjects in 40 CFR Part 282

Environmental protection, Hazardous substances, Incorporation by reference, Intergovernmental relations, State program approval, Underground storage tanks, Water pollution control.

Dated: November 30, 2005.

Donald S. Welsh,

Regional Administrator, EPA Region 3.

■ For the reasons set forth in the preamble, 40 CFR part 282 is amended as follows:

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

■ 1. The authority citation for part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

Subpart B—Approved State Programs

■ 2. Subpart B is amended by adding § 282.88 to read as follows:

§ 282.88 Pennsylvania State-Administered Program.

(a) The Commonwealth of Pennsylvania's underground storage tank program is approved in lieu of the Federal program in accordance with Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Pennsylvania Department of Environmental Protection, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Pennsylvania underground storage tank program on September 11, 2003, and approval was effective on September 11, 2003.

(b) The Commonwealth has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, regardless of

whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) To retain program approval, the Commonwealth must revise its approved program to adopt new changes to the Federal Subtitle I program that make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If the Commonwealth obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the **Federal Register**.

(d) The Commonwealth has final approval for the following elements submitted to EPA in the State's program application for final approval. On September 11, 2003, EPA published a rule approving the State's program in the **Federal Register**, 66 FR 53520. That approval became effective on September 11, 2003. Copies of the Commonwealth's program application may be obtained from the Pennsylvania Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Storage Tank Program, Rachel Carson State Office Building, Harrisburg, PA 17105-8762.

(1) *State statutes and regulations.* (i) The provisions cited in paragraph (d)(1)(i) of this section are incorporated by reference as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Pennsylvania Statutory Requirements Applicable to the Underground Storage Tank Program, 2002.

(B) Pennsylvania Regulatory Requirements Applicable to the Underground Storage Tank Program, 2002.

(ii) EPA considered the following statutes and regulations in evaluating the State program, but did not incorporate them by reference.

(A) The statutory provisions include:

(1) Storage Tank and Spill Prevention Act of 1989, Public Law 169, No. 32

35 PS Section 6021.107 Powers and duties of department (*insofar as paragraphs (b), (c), (e), and (f) grant the department enforcement authorities*)

35 PS Section 6021 Ch. 13 Enforcement

(2) Title 35. Health and Safety; Chapter 44. Environmental Hearing Board Act

35 P.S. Section 7514 Jurisdiction

(3) Title 71. Article IV. Organization of Departmental Administrative Boards

and Commissions and of Advisory Boards and Commissions

71 P.S. Section 180-1 Environmental Quality Board

(4) Title 71. Article XIX-A. Powers and Duties of the Department of Environmental Resources, its Officers and Departmental and Advisory Boards and Commissions

71 P.S. Section 510-17 Abatement of nuisances

71 P.S. Section 510-20 Environmental Quality Board

(B) The regulatory provisions include:

(1) Pennsylvania Code, Chapter 245, Administration of the Storage Tank and Spill Prevention Programs

Section 245.303 General

(2) Pennsylvania Rules of Civil Procedure

Pa R.C.P. Rule 2326 Definitions

Pa R.C.P. Rule 2327 Who May Intervene

Pa R.C.P. Rule 2328 Petition to Intervene

Pa R.C.P. Rule 2329 Action of Court on Petition

Pa R.C.P. Rule 2330 Practice

(iii) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the approved program, and are not incorporated by reference. These provisions are not federally enforceable.

(A) The statutory provisions include:

Storage Tank and Spill Prevention Act of 1989, Public Law 169, No. 32

35 PS Section 6021.103 Definitions (*insofar as the section addresses aboveground storage tanks; encompasses a broader range of regulated substances; and insofar as certain classes of tanks excluded or deferred under the federal definition of "underground storage tank" are not excluded or deferred under the state definition*)

35 PS Section 6021.106 Powers and duties of Environmental Quality Board (*insofar as it addresses aboveground storage tanks*)

35 PS Section 6021.107 Powers and duties of department (*insofar as paragraph (d) establishes the Department's duties regarding a certification program*)

35 PS Section 6021.108 Interim certification of installers and inspectors (*insofar as the section establishes a certification program for installers and inspectors*)

35 PS Section 6021 Ch 3 Aboveground storage tanks (*insofar as the Chapter regulates aboveground storage tanks*)

35 PS Section 6021.501 Underground storage tank requirements (*insofar as subparagraph (a)(1) requires payment of registration fees; subparagraph (a)(8) sets forth permitting requirements; subparagraph (a)(12) addresses permitting; subparagraph (a)(15) regulates handlers of regulated substances; and paragraph (c) establishes a certified installer and inspector program*)

35 PS Section 6021.502 Interim requirements and discontinued use

(*insofar as paragraph (a) establishes interim registration fees; and subparagraph (b)(5) requires tanks to be installed by a certified installer*)

35 PS Section 6021.503 Registration (*insofar as paragraph (a) requires payment of registration fees; paragraph (b) regulates selling, distributing, depositing, or filling unregistered underground storage tanks; and paragraph (c) establishes uses for registration fees*)

35 PS Section 6021.504 Permits and plans

35 PS Section 6021.506 Small operator assistance program for underground storage tanks

35 PS Section 6021.507 Reimbursement for testing

35 PS Section 6021.702 Storage Tank Fund (*insofar as paragraph (a) addresses aboveground storage tanks*)

35 PS Section 6021.704 Underground Storage Tank Indemnification Fund (*insofar as subparagraph (e)(3) addresses payment of fees*)

35 PS Section 6021.705 Powers and duties of Underground Storage Tank Indemnification Board (*insofar as paragraphs (d) and (e) address payment of fees*)

35 PS Section 6021 Ch 9 Spill Prevention Response Plan

35 PS Section 6021 Ch 11 Siting of New Aboveground Storage Tank Facility and Regulations

35 PS Section 6021.2101 Start-up costs (*insofar as it addresses aboveground storage tanks*)

(B) The regulatory provisions include:

Pennsylvania Code, Chapter 245, Administration of the Storage Tank and Spill Prevention Programs

Section 245.1 Definitions (*insofar as the section addresses aboveground storage tanks; insofar as it encompasses a broader range of regulated substances; and insofar as it includes individuals that are not regulated under the federal program under its definition of "responsible party"*)

Section 245.21 Tank handling and inspection requirements (*insofar as the section imposes requirements on tank installers and addresses requirements for aboveground tanks*)

Section 245.31 Underground storage tank tightness testing requirements (*insofar as paragraph (a) requires Department certification for underground tightness testing installers*)

Ch 245, Subch. B Certification Program for Installers and Inspectors of Storage Tanks and Storage Tank Facilities (*insofar as the Subchapter establishes a certification program*)

Ch 245, Subch. C Permitting of Underground and Aboveground Storage Tank Systems and Facilities (*insofar as the Subchapter establishes a permitting program*)

Section 245.305 Reporting releases (*insofar as paragraph (h) addresses aboveground storage tanks*)

Section 245.306 Interim remedial actions (*insofar as subparagraph (b)(3) requires permits for treatment and disposal activities; and paragraph (d) regulates parties removing contaminated materials*)

Section 245.411 Inspection frequency (*insofar as the section addresses inspections by certified inspectors*)

Section 245.424 Standards for new field constructed tank systems (*insofar as the section sets forth requirements that exceed the federal requirements*)

Section 245.425 Reuse of removed tanks (*insofar as subparagraph (1) requires installation by a certified installer*)

Section 245.434 Repairs allowed (*insofar as subparagraph (1) requires repairs to be performed by a certified installer*)

Section 245.441 General requirements for underground storage tank systems (*insofar as subparagraph (a)(3)(i) requires third-party verification; and subparagraph (a)(3)(ii) requires manufacturers to reevaluate methods within 24 months of EPA changes*)

Ch 245, Subch. F Technical standards for Aboveground Storage Tanks and Facilities (*insofar as the Subchapter addresses aboveground storage tanks*)

Ch 245, Subch. G Simplified Program for Small Aboveground Storage Tanks (*insofar as the Subchapter addresses aboveground storage tanks*)

(2) *Statement of legal authority.* (i) "Attorney General's Statement," signed by the State Attorney General on October 1, 2002, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Pennsylvania to EPA, October 1, 2002, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application on November 25, 2002, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on November 25, 2002, though not incorporated by reference, are referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 3 and the Pennsylvania Department of Environmental Protection, signed by the EPA Regional Administrator on August 22, 2003, though not incorporated by reference, is

referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

■ 3. Appendix A to Part 282 is amended by adding in alphabetical order "Pennsylvania" and its listing.

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

Pennsylvania

(a) The statutory provisions include: Pennsylvania Storage Tank and Spill Prevention Act of 1989, Public Law 169, No. 32

35 PS Section 6021.101 Short title

35 PS Section 6021.102 Legislative findings

35 PS Section 6021.103 Definitions (*except insofar as the section addresses aboveground storage tanks; encompasses a broader range of regulated substances; and insofar as certain classes of tanks excluded or deferred under the federal definition of "underground storage tank" are not excluded or deferred under the state definition*)

35 PS Section 6021.104 API

35 PS Section 6021.105 Advisory committee

35 PS Section 6021.106 Powers and duties of Environmental Quality Board (*except insofar as it addresses aboveground storage tanks*)

35 PS Section 6021.107 Powers and duties of department (*except insofar as paragraphs (b), (c), (e), and (f) grant the Department enforcement authorities; and paragraph (d) establishes the Department's duties regarding a certification program*)

35 PS Section 6021.109 Construction

35 PS Section 6021.110 Applicability of certain provisions to the Commonwealth

35 PS Section 6021.501 Underground storage tank requirements (*except insofar as subparagraph (a)(1) requires payment of registration fees; subparagraph (a)(8) sets forth permitting requirements; subparagraph (a)(12) addresses permitting; subparagraph (a)(15) regulates handlers of regulated substances; and paragraph (c) establishes a certified installer and inspector program*)

35 PS Section 6021.502 Interim requirements and discontinued use (*except insofar as paragraph (a) establishes interim registration fees; and subparagraph (b)(5) requires tanks to be installed by a certified installer*)

35 PS Section 6021.503 Registration (*except insofar as paragraph (a) requires payment of registration fees; paragraph (b) regulates selling, distributing, depositing or filling unregistered underground storage tanks; and paragraph (c) establishes uses for registration fees*)

35 PS Section 6021.701 Financial responsibility

35 PS Section 6021.702 Storage Tank Fund (*except insofar as paragraph (a) addresses aboveground storage tanks*)

35 PS Section 6021.703 Underground Storage Tank Indemnification Board

35 PS Section 6021.704 Underground Storage Tank Indemnification Fund (*except insofar as subparagraph (e)(3) addresses payment of fees*)

35 PS Section 6021.705 Powers and duties of Underground Storage Tank Indemnification Board (*except insofar as paragraphs (d) and (e) address payment of fees*)

35 PS Section 6021.706 Eligibility of claimants

35 PS Section 6021.707 Audit

35 PS Section 6021.708 Performance review

35 PS Section 6021.710 Underground Storage Tank Environmental Cleanup Program

35 PS Section 6021.711 Underground Storage Tank Pollution Prevention Program

35 PS Section 6021.712 Upgrade Loan Program

35 PS Section 6021.2101 Start-up costs (*except insofar as it addresses aboveground storage tanks*)

35 PS Section 6021.2102 Saved from repeal

35 PS Section 6021.2103 Severability

35 PS Section 6021.2104 Repeals

35 PS Section 6021.2105 Effective date

(b) The regulatory provisions include: Pennsylvania Code, Chapter 245, Administration of the Storage Tank and Spill Prevention Programs

Section 245.1 Definitions (*except insofar as the section addresses aboveground storage tanks; encompasses a broader range of regulated substances; and includes individuals that are not regulated under the federal program under its definition of "responsible party"*)

Section 245.2 General

Section 245.31 Underground storage tank tightness testing requirements (*except insofar as paragraph (a) requires Department certification for underground tightness testing installers*)

Section 245.301 Purpose

Section 245.302 Scope

Section 245.304 Investigation of suspected releases

Section 245.305 Reporting releases (*except insofar as paragraph (h) addresses aboveground storage tanks*)

Section 245.306 Interim remedial actions (*except insofar as subparagraph (b)(3) requires permits for treatment and disposal activities; and paragraph (d) regulates parties removing contaminated materials*)

Section 245.307 Affected or diminished water supplies

Section 245.308 Onsite storage of contaminated soil

Section 245.309 Site characterization

Section 245.310 Site characterization report

Section 245.311 Remedial action plan

Section 245.312 Remedial action

Section 245.313 Remedial action completion report

Section 245.314 Professional seals

Section 245.401 Purpose

Section 245.402 Scope

Section 245.403 Applicability

Section 245.404 Variances

Section 245.405 Codes and standards

Section 245.421 Performance standards for new underground storage tank systems

- Section 245.422 Upgrading of existing underground storage tank systems
- Section 245.423 Registration requirements
- Section 245.425 Reuse of removed tanks (except insofar as subparagraph (1) requires installation by a certified installer)
- Section 245.431 Spill and overfill control
- Section 245.432 Operation and maintenance including corrosion protection
- Section 245.433 Compatibility
- Section 245.434 Repairs allowed (except insofar as subparagraph (1) requires repairs to be performed by a certified installer)
- Section 245.435 Reporting and recordkeeping
- Section 245.441 General requirements for underground storage tank systems (except insofar as subparagraph (a)(3)(i) requires third-party verification; and subparagraph (a)(3)(ii) requires manufacturers to reevaluate methods within 24 months of EPA changes)
- Section 245.442 Requirements for petroleum underground storage tank systems
- Section 245.443 Requirements for hazardous substance underground storage tank systems
- Section 245.444 Methods of release detection for tanks
- Section 245.445 Methods of release detection for piping
- Section 245.446 Release detection recordkeeping
- Section 245.451 Temporary closure
- Section 245.452 Permanent closure and changes-in-service
- Section 245.453 Assessing the site at closure or change-in-service
- Section 245.454 Applicability to previously closed underground storage tank systems
- Section 245.455 Closure records
- Section 245.701 Purpose
- Section 245.702 Scope
- Section 245.703 Owner or operator financial responsibility
- Section 245.704 General requirements
- Section 245.705 Owner and operator liability
- Section 245.706 Underground storage tanks not covered by USTIF
- Section 245.707 Coverage amounts for financial responsibility
- Section 245.708 Failure to maintain financial responsibility

[FR Doc. 06-2480 Filed 3-16-06; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA-7915]

Suspension of Community Eligibility

AGENCY: Mitigation Division, Federal Emergency Management Agency

(FEMA), Department of Homeland Security.

ACTION: Final rule.

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

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

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

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

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

their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

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

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

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

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

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of

Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

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

PART 64—[AMENDED]

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

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

§ 64.6 [Amended]

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

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region V				
Minnesota:				
Boyd, City of, Lac Qui Parle County.	270240	April 4, 1975, Emerg; May 25, 1984, Reg; March 16, 2006, Susp.	Mar. 16, 2006 ...	Mar. 16, 2006.
Dawson, City of, Lac Qui Parle County.	270241	May 15, 1974, Emerg; January 16, 1980, Reg; March 16, 2006, Susp.	.....do*	Do.
Lac Qui Parle, Unincorporated Areas.	270239	July 3, 1974, Emerg; June 4, 1980, Reg; March 16, 2006, Susp.	.....do	Do.
Ohio: Batavia, Village of, Clermont County.	390066	March 3, 1976, Emerg; February 4, 1981, Reg; March 16, 2006, Susp.	.....do	Do.
Clermont County, Unincorporated Areas.	390065	April 14, 1976, Emerg; April 15, 1981, Reg; March 16, 2006, Susp.	.....do	Do.
Milford, City of, Clermont County.	390227	April 15, 1975, Emerg; January 16, 1981, Reg; March 16, 2006, Susp.	.....do	Do.
Neville, Village of, Clermont County.	390641	March 6, 1974, Emerg; September 29, 1978, Reg; March 16, 2006, Susp.	.....do	Do.
South Point, Village of, Lawrence County.	390630	February 9, 1976, Emerg; May 2, 1983, Reg; March 16, 2006, Susp.	.....do	Do.
Region VII				
Missouri:				
Airport Drive, Village of, Jasper County.	290761	June 9, 1999, Emerg; March 4, 2002, Reg; March 16, 2006, Susp.	.....do	Do.
Baldwin Park, Village of, Cass County.	290880	July 19, 1979, Emerg; August 5, 1985, Reg; March 16, 2006, Susp.	.....do	Do.
Belton, City of, Cass County ...	290062	September 3, 1974, Emerg; September 5, 1979, Reg; March 16, 2006, Susp.	.....do	Do.
Carl Junction, City of, Jasper County.	290179	October 28, 1975, Emerg; June 1, 1982, Reg; March 16, 2006, Susp.	.....do	Do.
Cartersville, City of, Jasper County.	290180	January 17, 1977, Emerg; July 16, 1984, Reg; March 16, 2006, Susp.	.....do	Do.
Carthage, City of, Jasper County.	290181	July 21, 1975, Emerg; June 15, 1983, Reg; March 16, 2006, Susp.	.....do	Do.
Cass County, Unincorporated Areas.	290783	April 21, 1975, Emerg; April 15, 1982, Reg; March 16, 2006, Susp.	.....do	Do.
Creighton, City of, Cass County.	290063	August 3, 1979, Emerg; June 30, 1980, Reg; March 16, 2006, Susp.	.....do	Do.
Drexel, City of, Cass County ...	290064	June 23, 1975, Emerg; April 8, 1977, Reg; March 16, 2006, Susp.	.....do	Do.
Duenweg, City of, Jasper County.	290182	April 1, 2004, Emerg; April 1, 2004, Reg; March 16, 2006, Susp.	.....do	Do.
East Lynne, City of, Cass County.	290065	August 11, 1975, Emerg; March 25, 1980, Reg; March 16, 2006, Susp.	.....do	Do.
Freeman, City of, Cass County	290066	December 15, 1976, Emerg; May 1, 1980, Reg; March 16, 2006, Susp.	.....do	Do.
Garden City, City of, Cass County.	290067	July 15, 1975, Emerg; April 8, 1977, Reg; March 16, 2006, Susp.	.....do	Do.
Joplin, City of, Jasper County	290183	October 8, 1971, Emerg; December 8, 1976, Reg; March 16, 2006, Susp.	.....do	Do.
Lake Annette, City of, Cass County.	290953	June 25, 2004, Emerg; June 25, 2004, Reg; March 16, 2006, Susp.	.....do	Do.
Oronogo, City of, Jasper County.	290185	May 6, 1975, Emerg; March 4, 1985, Reg; March 16, 2006, Susp.	.....do	Do.
Peculiar, City of, Cass County	290878	April 19, 1979, Emerg; September 10, 1984, Reg; March 16, 2006, Susp.	.....do	Do.
Pleasant Hill, City of, Cass County.	295269	April 30, 1971, Emerg; September 15, 1972, Reg; March 16, 2006, Susp.	.....do	Do.
Purcell, City of, Jasper County	290539	September 3, 1975, Emerg; September 10, 1984, Reg; March 16, 2006, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Raymore, City of, Cass County	290070	February 4, 1976, Emerg; May 15, 1986, Reg; March 16, 2006, Susp.	.....do	Do.
Sarcoxie, City of, Jasper County.	290186	May 29, 1974, Emerg; July 16, 1979, Reg; March 16, 2006, Susp.	.....do	Do.
Strasburg, City of, Cass County.	290071	August 5, 1976, Emerg; March 18, 1980, Reg; March 16, 2006, Susp.	.....do	Do.
Webb City, City of, Jasper County.	290187	May 19, 1975, Emerg; June 1, 1982, Reg; March 16, 2006, Susp.	.....do	Do.
Region VIII				
Utah:				
Coalville, City of, Summit County.	490135	July 24, 1975, Emerg; January 30, 1984, Reg; March 16, 2006, Susp.	.....do	Do.
Henefer, Town of, Summit County.	490136	July 23, 1975, Emerg; May 20, 1980, Reg; March 16, 2006, Susp.	.....do	Do.
Oakley, Town of, Summit County.	490138	June 11, 1975, Emerg; September 24, 1984, Reg; March 16, 2006, Susp.	.....do	Do.

*.....do = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

David I. Maurstad,

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

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BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA-7913]

Suspension of Community Eligibility

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

ACTION: Final rule.

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

DATES: Effective Dates: The effective date of each community's scheduled

suspension is the third date ("Susp.") listed in the third column of the following tables.

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

FOR FURTHER INFORMATION CONTACT: William H. Lesser, Mitigation Division, 500 C Street, SW., Room 412, Washington, DC 20472, (202) 646-2807.

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

will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

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

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were

made, this final rule may take effect within less than 30 days.

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

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement

measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

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

PART 64—[AMENDED]

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

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

§ 64.6 [Amended]

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

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region V				
Ohio: Washington County, Unincorporated Areas.	390566	December 24, 1975, Emerg; February 18, 1981, Reg; February 16, 2006, Susp.	02/16/2006	03/02/2006
Region VI				
Arkansas: Quitman, Town of, Cleburne County.	050280	December 22, 1982, Emerg; October 15, 1985, Reg; February 16, 2006, Susp.	.....do	Do.
Region VII				
Missouri: Annapolis, City of, Iron County	290763	July 27, 1976, Emerg; August 1, 1986, Reg; February 16, 2006, Susp.	.....do	Do.
Browning, City of, Linn County	290619	July 25, 1975, Emerg; September 18, 1985, Reg; January 19, 2006, Susp.	01/19/2006	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

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

[FR Doc. 06-2593 Filed 3-16-06; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 051128313-6029-02; I.D.111705C]

RIN 0648 AT20

Fisheries of the Northeastern United States; Atlantic Bluefish Fisheries; 2006 Atlantic Bluefish Specifications; Quota Adjustment; 2006 Research Set-aside Project

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

ACTION: Final rule; correction.

SUMMARY: NMFS is correcting a final rule that appeared in the **Federal**

Register of February 24, 2006. The document issued final specifications for the 2006 Atlantic bluefish fisheries. Inadvertently, Table 1 of the final rule contained incorrect individual state commercial quota allocations (after adjusting for the research set-aside quota). This document corrects that error.

DATES: Effective March 27, 2006.

FOR FURTHER INFORMATION CONTACT: Bonnie Van Pelt, Fishery Policy Analyst, (978) 281-9244, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION: The final rule, including final quota specifications for the Atlantic bluefish fisheries, was published in the **Federal Register** on February 24, 2006 (71 FR 9471). The final rule presented a new alternative (different than the alternative published in the proposed rule) to ensure that recreational harvest limits would not be

exceeded. Table 1 listed incorrect individual state commercial quota allocations in the columns entitled "2006 Commercial Quota (lb) with Research Set-Aside" and "2006

Commercial Quota (kg) with Research Set-Aside." The amounts that appear in the row entitled "Total" remain the same. The following corrections are made:

1. On page 9473, Table 1. Commercial State-by-State Allocations for 2006 as Adjusted by the Research Set-Aside (RSA) is corrected to read as follows:

TABLE 1. CORRECTED COMMERCIAL STATE-BY-STATE ALLOCATIONS FOR 2006 AS ADJUSTED BY THE RSA

States	Quota	2006 Commercial Quota		2006 Commercial Quota (lb)	2006 Commercial Quota (kg)
	Percent Share	(lb)	(kg)	With Research Set-Aside	With Research Set-Aside
ME	0.6685	54,022	24,504	53,230	24,145
NH	0.4145	33,496	15,194	33,005	14,971
MA	6.7167	542,783	246,205	534,823	242,592
RI	6.8081	550,169	249,555	542,101	245,893
CT	1.2663	102,331	46,417	100,830	45,736
NY	10.3851	839,230	380,672	826,923	375,086
NJ	14.8162	1,197,311	543,097	1,179,753	535,127
DE	1.8782	151,779	68,847	149,553	67,836
MD	3.0018	242,578	110,033	239,021	108,418
VA	11.8795	959,994	435,450	945,915	429,060
NC	32.0608	2,590,864	1,175,208	2,552,869	1,157,962
SC	0.0352	2,845	1,290	2,803	1,271
GA	0.0095	768	348	756	343
FL	10.0597	812,934	368,744	801,012	363,333
Total	100.0001	8,081,096	3,665,561	7,962,586	3,611,769

¹ Metric tons and kilograms are as converted from pounds and may not necessarily add due to rounding.

The Assistant Administrator for fisheries, NOAA (AA) finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be impracticable and contrary to the public interest. This rule corrects a calculation error in the state allocations for bluefish in the final rule published on February 24, 2006 (71 FR 9471). When the final state allocations were calculated to reflect the new transfer amount, NMFS inadvertently made an error in calculation; i.e., the table that revised the individual state quota allocations carried over a conversion factor that did not correctly account for the RSA quota based on the new proportion (recreational/commercial split). Providing for a public comment period for this rule would prevent the correction of the aforementioned final rule before it becomes effective. Publication of incorrect state quota allocations could cause some unnecessary confusion among those states whose allocation is different from the levels previously calculated. The correction provides a slightly higher allocation to each of the states.

The AA further finds pursuant to 5 U.S.C. 553(d)(3) good cause to waive the thirty (30) delayed effectiveness period for the reasons stated above. This rule corrects a calculation error in the state allocations for bluefish in the final rule published on February 24, 2006 (71 FR 9471). When the final state allocations were calculated to reflect the new

transfer amount, NMFS inadvertently made an error in calculation; i.e., the table that revised the individual state quota allocations carried over a conversion factor that did not correctly account for the RSA quota based on the new proportion (recreational/commercial split). Providing for a 30-day delay in effectiveness for this rule would prevent the correction of the aforementioned final rule before it becomes effective. Publication of incorrect state quota allocations could cause some unnecessary confusion among those states whose allocation is different from the levels previously calculated.

This rule has been determined to be not significant under Executive Order 12866.

Dated: March 13, 2006.

James W. Balsiger,

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

[FR Doc. 06-2617 Filed 3-16-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216045-6045-01; I.D. 031406B]

Fisheries of the Exclusive Economic Zone Off Alaska; Adjustment of Pacific Cod Total Allowable Catch Amounts in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS is adjusting the Pacific cod total allowable catch (TAC) amount in the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to prevent exceeding the Pacific cod acceptable biological catch (ABC) in the BSAI and is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the BSAI (FMP).

DATES: Effective March 14, 2006, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2007.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the FMP prepared by

the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) establish the 2006 and 2007 Pacific cod ABCs as 194,000 metric tons (mt) and 148,000 mt, respectively. The TACs are set equal to the ABCs for Pacific cod in the BSAI.

On March 1, 2006, the Alaska Department of Fish and Game announced by emergency regulation, a Pacific cod guideline harvest level

(GHL), west of 170 degrees west longitude in the Aleutian Islands subarea, equal to 3% of the Pacific cod ABC in the BSAI established in the final harvest specifications for groundfish in the BSAI (71 FR 10984, March 3, 2006).

As of March 1, 2006, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that the current TACs are incorrectly specified and an adjustment is necessary to prevent exceeding the ABC. The best available scientific information for the Pacific cod fisheries in the BSAI indicates that the addition of a state waters GHL in the Aleutian Islands subarea would result in overall harvest amounts that exceed the 2006 and 2007 Pacific cod ABCs in the BSAI.

The Council, its Advisory Panel, and its Scientific and Statistical Committee have determined that the acceptable harvest level for the combined State and Federal Pacific cod fisheries should not exceed the ABC since this could result in an unacceptable change in the biological stock status of Pacific cod in the BSAI. Therefore, in accordance with § 679.25(a)(1)(iii) and (2)(iv), the Regional Administrator adjusts the 2006 and 2007 Pacific cod TACs in the BSAI.

Pursuant to § 679.20(a)(7), Tables 1, 2, 5, 12, and 14 of the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) are revised for the 2006 and 2007 Pacific cod TACs consistent with this adjustment.

TABLE 1.—2006 AND 2007 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUND FISH IN THE BSAI ¹
[Amounts are in metric tons]

Species	Area	2006					2007				
		OFL	ABC	TAC	ITAC ²	CDQ ³	OFL	ABC	TAC	ITAC ²	CDQ ³
Pollock ⁴	BS ²	2,090,000	1,930,000	1,485,000	1,336,500	148,500	1,930,000	1,790,000	1,500,000	1,350,000	150,000
	AI ²	39,100	29,400	19,000	17,100	1,900	39,100	29,400	19,000	17,100	1,900
	Bogoslof	50,600	5,500	10	10	n/a	50,600	5,500	10	10	n/a
Pacific cod	BSAI	230,000	194,000	188,180	159,953	14,114	176,000	148,000	143,560	122,026	10,767
	BS	3,680	3,060	2,820	2,327	388	3,260	2,700	2,700	1,148	101
Sablefish ⁵	AI	3,740	3,100	3,000	2,438	499	3,300	2,740	2,740	582	51
	BSAI	130,000	110,000	63,000	53,550	4,725	107,000	91,000	63,000	53,550	4,725
Atka mackerel	EAI/BS	n/a	21,780	7,500	6,375	563	n/a	18,020	7,500	6,375	563
	CAI	n/a	46,860	40,000	34,000	3,000	n/a	38,760	38,000	32,300	2,850
	WAI	n/a	41,360	15,500	13,175	1,163	n/a	34,220	17,500	14,875	1,313
Yellowfin sole	BSAI	144,000	121,000	95,701	81,346	7,178	137,000	116,000	107,641	91,495	8,073
Rock sole	BSAI	150,000	126,000	41,500	35,275	3,113	145,000	122,000	44,000	37,400	3,300
Greenland turbot	BSAI	14,200	2,740	2,740	2,329	206	13,400	2,630	2,630	2,236	197
	BS	n/a	1,890	1,890	1,607	142	n/a	1,815	1,815	1,543	136
	AI	n/a	850	850	723	64	n/a	815	815	693	61
Arrowtooth flounder	BSAI	166,000	136,000	13,000	11,050	975	174,000	142,000	18,000	15,300	1,350
Flathead sole	BSAI	71,800	59,800	19,500	16,575	1,463	67,900	56,600	22,000	18,700	1,650
Other flatfish ⁶	BSAI	24,200	18,100	3,500	2,975	263	24,200	18,100	5,000	4,250	375
Alaska plaice	BSAI	237,000	188,000	8,000	6,800	600	231,000	183,000	15,000	12,750	1,125
Pacific ocean perch	BSAI	17,600	14,800	12,600	10,710	945	17,600	14,800	14,800	12,580	1,110
	BS	n/a	2,960	1,400	1,190	105	n/a	2,960	2,960	2,516	222
	EAI	n/a	3,256	3,080	2,618	231	n/a	3,256	3,256	2,768	244
	CAI	n/a	3,212	3,035	2,580	228	n/a	3,212	3,212	2,730	241
	WAI	n/a	5,372	5,085	4,322	381	n/a	5,375	5,372	4,566	403
Northern rockfish	BSAI	10,100	8,530	4,500	3,825	338	9,890	8,320	5,000	4,250	375
Shortraker rockfish	BSAI	774	580	580	493	44	774	580	580	493	44
Rougheye rockfish	BSAI	299	224	224	190	17	299	224	224	190	17
Other rockfish ⁷	BSAI	1,870	1,400	1,050	893	79	1,870	1,400	1,400	1,190	105
	BS	n/a	810	460	391	35	n/a	810	810	689	61
	AI	n/a	590	590	502	44	n/a	590	590	502	44
Squid	BSAI	2,620	1,970	1,275	1,084	n/a	2,620	1,970	1,275	1,084	n/a
Other species ⁸	BSAI	89,404	58,882	29,000	24,650	2,175	89,404	62,950	27,000	22,950	2,025
Total		3,476,987	3,013,086	1,994,180	1,770,073	187,522	3,224,217	2,799,914	1,995,560	1,769,284	187,290

¹ These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.

² Except for pollock and the portion of the sablefish TAC allocated to hook-and-line and pot gear, 15 percent of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves.

³ Except for pollock, squid and the hook-and-line or pot gear allocation of sablefish, one half of the amount of the TACs placed in reserve, or 7.5 percent of the TACs, is designated as a CDQ reserve for use by CDQ participants (see §§ 679.20(b)(1)(iii) and 679.31).

⁴ Pursuant to § 679.20(a)(5)(i)(A)(1), the annual Bering Sea pollock TAC after subtraction for the CDQ directed fishing allowance—10 percent and the ICA—3.35 percent, is further allocated by sector for a directed pollock fishery as follows: inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance—10 percent and second for the ICA—1,800 mt, is allocated to the Aleut Corporation for a directed pollock fishery.

⁵ Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear and 7.5 percent of the sablefish TAC allocated to trawl gear is reserved for use by CDQ participants (see § 679.20(b)(1)(iii)).

⁶ "Other flatfish" includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder and Alaska plaice.

⁷ "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern, shortraker, and rougheye rockfish.

⁸ "Other species" includes sculpins, sharks, skates and octopus. Forage fish, as defined at § 679.2, are not included in the "other species" category.

TABLE 2.—2006 AND 2007 APPORTIONMENT OF RESERVES TO ITAC CATEGORIES

[Amounts are in metric tons]

Species—area or subarea	2006 reserve amount	2006 final ITAC	2007 reserve amount	2007 final ITAC
Atka mackerel—Eastern Aleutian District and Bering Sea subarea	563	6,938	563	6,938
Atka mackerel—Central Aleutian District	3,000	37,000	2,850	35,150
Atka mackerel—Western Aleutian District	1,163	14,338	1,313	16,188
Pacific ocean perch—Eastern Aleutian District	231	2,849	244	3,012
Pacific ocean perch—Central Aleutian District	228	2,808	241	2,971
Pacific ocean perch—Western Aleutian District	381	4,703	403	4,969
Pacific cod—BSAI	14,113	174,066	10,767	132,793
Shortraker rockfish—BSAI	44	537	44	537
Rougheye rockfish—BSAI	17	207	17	207
Northern rockfish—BSAI	338	4,163	375	4,625
Other rockfish—Bering Sea subarea	35	426	61	750
Total	20,113	248,035	16,878	208,140

TABLE 5.—2006 AND 2007 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD ITAC

[Amounts are in metric tons]

Gear sector	Percent	2006 share of gear sector total	2006 subtotal percentages for gear sectors	2006 share of gear sector total	2006 seasonal apportionment ¹		2007 share of gear sector total	2007 subtotal percentages for gear sectors	2007 share of gear sector total	2007 seasonal apportionment ¹	
					Date	Amount				Date	Amount
Total hook-and-line/pot gear	51	88,774	n/a	n/a	n/a	n/a	67,724	n/a	n/a	n/a	n/a
Hook-and-line/pot ICA	n/a	n/a	n/a	500	n/a	n/a	n/a	n/a	500	n/a	n/a
Hook-and-line/pot subtotal ..	n/a	88,274	n/a	n/a	n/a	n/a	67,224	n/a	n/a	n/a	n/a
Hook-and-line C/P	n/a	n/a	80	70,619	Jan 1–Jun 10	42,372	n/a	80	53,780	Jan 1–Jun 10	32,268
.....	.....	.....	.....	.....	June 10–Dec 31	28,248	.....	.....	.....	Jan 10–Dec 31	21,512
Hook-and-line CV	n/a	n/a	0.3	265	Jan 1–Jun 10	159	n/a	0.3	202	Jan 1–Jun 10	121
.....	.....	.....	.....	.....	June 10–Dec 31	106	.....	.....	.....	Jan 10–Dec 31	81
Pot C/P	n/a	n/a	3.3	2,913	Jan 1–Jun 10	1,749	n/a	3.3	2,218	Jan 1–Jun 10	1,331
.....	.....	.....	.....	.....	Sept 1–Dec 31	1,165	.....	.....	.....	Sept 1–Dec 31	887
Pot CV	n/a	n/a	15	13,241	Jan 1–Jun 10	7,945	n/a	15	10,084	Jan 1–Jun 10	6,050
.....	.....	.....	.....	.....	Sept 1–Dec 31	5,296	.....	.....	.....	Sept 1–Dec 31	4,033
CV < 60 feet LOA using Hook-and-line or Pot gear.	n/a	n/a	1.4	1,236	n/a	n/a	n/a	1.4	941	n/a	n/a
Total Trawl Gear	47	81,811	n/a	n/a	n/a	n/a	62,413	n/a	n/a	n/a	n/a
Trawl CV .....	.....	.....	50	40,906	Jan 20–Apr 1	28,634	.....	50	31,206	Jan 20–Apr 1	21,844
.....	.....	.....	.....	.....	Apr 1–Jun 10	4,091	.....	.....	.....	Apr 1–Jun 10	3,121
.....	.....	.....	.....	.....	Jun 10–Nov 1	8,181	.....	.....	.....	Jun 10–Nov 1	6,241
Trawl CP .....	.....	.....	50	40,906	Jan 20–Apr 1	20,453	.....	50	31,206	Jan 20–Apr 1	15,603
.....	.....	.....	.....	.....	Apr 1–Jun 10	12,272	.....	.....	.....	Apr 1–Jun 10	9,362
.....	.....	.....	.....	.....	Jun 10–Nov 1	8,181	.....	.....	.....	Jun 10–Nov 1	6,241
Jig	2	3,481	n/a	n/a	Jan 1–Apr 30	1,393	2,656	n/a	n/a	Jan 1–Apr 30	1,062
.....	.....	.....	n/a	n/a	Apr 30–Aug 31	696	.....	n/a	n/a	Apr 30–Aug 31	531
.....	.....	.....	n/a	n/a	Aug 31–Dec 31	1,392	.....	n/a	n/a	Aug 31–Dec 31	1,062
Total	100	174,066	n/a	n/a	n/a	n/a	132,793	n/a	n/a	n/a	n/a

¹ For most non-trawl gear the first season is allocated 60 percent of the ITAC and the second season is allocated 40 percent of the ITAC. For jig gear, the first season and third seasons are each allocated 40 percent of the ITAC and the second season is allocated 20 percent of the ITAC. No seasonal harvest constraints are imposed for the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is allocated 60 percent of the ITAC and the second and third seasons are each allocated 20 percent of the ITAC. The trawl catcher vessels' allocation is further allocated as 70 percent in the first season, 10 percent in the second season and 20 percent in the third season. The trawl catcher/processors' allocation is allocated 50 percent in the first season, 30 percent in the second season and 20 percent in the third season. Any unused portion of a seasonal Pacific cod allowance will be reapportioned to the next seasonal allowance.

TABLE 12.—2006 AND 2007 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS

[Amounts are in metric tons]

Target species	Area	1995–1997			2006 ITAC available to trawl C/Ps	2006 C/P sideboard limit	2007 ITAC available to trawl C/Ps	2007 C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Pacific cod trawl	BSAI	12,424	48,177	0.258	40,906	10,554	31,206	8,051
Sablefish trawl	BS	8	497	0.016	1,199	19	1,148	18
.....	AI	0	145	0.000	638	0	582	0
Atka mackerel	Central AI	n/a	n/a	n/a	n/a	n/a	n/a	n/a
.....	A season ¹	n/a	n/a	0.115	18,500	2,128	17,575	2,021
.....	HLA limit ²	n/a	n/a	n/a	11,100	1,277	10,545	1,213
.....	B season ¹	n/a	n/a	0.115	18,500	2,128	17,575	2,021

TABLE 12.—2006 AND 2007 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS—Continued
[Amounts are in metric tons]

Target species	Area	1995–1997			2006 ITAC available to trawl C/Ps	2006 C/P sideboard limit	2007 ITAC available to trawl C/Ps	2007 C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
	HLA limit ²	n/a	n/a	n/a	11,100	1,277	10,545	1,213
	Western AI ...	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	A season ¹	n/a	n/a	0.200	7,169	1,434	8,094	1,619
	HLA limit ²	n/a	n/a	n/a	4,301	860	4,856	971
	B season ¹	n/a	n/a	0.200	7,169	1,434	8,094	1,619
	HLA limit ²	n/a	n/a	n/a	4,301	860	4,856	971
Yellowfin sole	BSAI	100,192	435,788	0.230	81,346	18,710	91,495	21,044
Rock sole	BSAI	6,317	169,362	0.037	35,275	1,305	37,400	1,384
Greenland turbot	BS	121	17,305	0.007	1,607	11	1,543	11
	AI	23	4,987	0.005	723	4	693	3
Arrowtooth flounder	BSAI	76	33,987	0.002	11,050	22	15,300	31
Flathead sole	BSAI	1,925	52,755	0.036	16,575	597	18,700	673
Alaska plaice	BSAI	14	9,438	0.001	6,800	7	12,750	13
Other flatfish	BSAI	3,058	52,298	0.058	2,975	173	4,250	247
Pacific ocean perch	BS	12	4,879	0.002	1,190	2	2,516	5
	Eastern AI ...	125	6,179	0.020	2,849	57	3,012	60
	Central AI	3	5,698	0.001	2,808	3	2,971	3
	Western AI ...	54	13,598	0.004	4,703	19	4,969	20
Northern rockfish	BSAI	91	13,040	0.007	4,163	29	4,625	32
Shortraker rockfish	BSAI	50	2,811	0.018	537	10	537	10
Rougheye rockfish	BSAI	50	2,811	0.018	207	4	207	4
Other rockfish	BS	18	621	0.029	426	12	750	22
	AI	22	806	0.027	502	14	502	14
Squid	BSAI	73	3,328	0.022	1,084	24	1,084	24
Other species	BSAI	553	68,672	0.008	24,650	197	22,950	184

¹ The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the annual ITAC specified for the Western Aleutian District, and 11.5 percent of the annual ITAC specified for the Central Aleutian District.

² Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (see § 679.2). In 2006 and 2007, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

TABLE 14.—2006 AND 2007 BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS
[Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2006 initial TAC	2006 catcher vessel sideboard limits	2007 initial TAC	2007 catcher vessel sideboard limits
Pacific cod	BSAI	n/a	n/a	n/a	n/a	n/a
	Jig gear	0.0000	3,481	0	2,656	0
	Hook-and-line CV	n/a	n/a	n/a	n/a	n/a
	Jan 1–Jun 10	0.0006	159	0	121	0
	Jun 10–Dec 31	0.0006	106	0	81	0
	Pot gear CV	n/a	n/a	n/a	n/a	n/a
	Jan 1–Jun 10	0.0006	7,945	5	6,050	4
	Sept 1–Dec 31	0.0006	5,296	3	4,033	2
	CV < 60 feet LOA using hook-and-line or pot gear.	0.0006	1,236	1	941	1
	Trawl gear CV	n/a	n/a	n/a	n/a	n/a
	Jan 20–Apr 1	0.8609	28,634	24,651	21,844	18,805
	Apr 1–Jun 10	0.8609	4,091	3,522	3,121	2,687
	Jun 10–Nov 1	0.8609	8,181	7,043	6,241	5,373
Sablefish	BS trawl gear	0.0906	1,199	109	1,148	104
	AI trawl gear	0.0645	638	41	582	38
Atka mackerel	Eastern AI/BS	n/a	n/a	n/a	n/a	n/a
	Jig gear	0.0031	69	0	69	0
	Other gear	n/a	n/a	n/a	n/a	n/a
	Jan 1–Apr 15	0.0032	3,434	11	3,434	11
	Sept 1–Nov 1	0.0032	3,434	11	3,434	11
	Central AI	n/a	n/a	n/a	n/a	n/a
	Jan–Apr 15	0.0001	18,500	2	17,575	2
	HLA limit	0.0001	11,100	1	10,545	1
	Sept 1–Nov 1	0.0001	18,500	2	17,575	2
	HLA limit	0.0001	11,100	1	10,545	1
	Western AI	n/a	n/a	n/a	n/a	n/a
	Jan–Apr 15	0.0000	7,169	0	8,094	0

TABLE 14.—2006 AND 2007 BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS—Continued

[Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2006 initial TAC	2006 catcher vessel sideboard limits	2007 initial TAC	2007 catcher vessel sideboard limits
	HLA limit	n/a	4,301	0	4,856	0
	Sept 1–Nov 1	0.0000	7,169	0	8,094	0
	HLA limit	n/a	4,301	0	4,856	0
Yellowfin sole	BSAI	0.0647	81,346	5,263	91,495	5,920
Rock sole	BSAI	0.0341	35,275	1,203	37,400	1,275
Greenland Turbot	BS	0.0645	1,607	104	1,543	100
	AI	0.0205	723	15	693	14
Arrowtooth flounder	BSAI	0.0690	11,050	762	15,300	1,056
Alaska plaice	BSAI	0.0441	6,800	300	12,750	562
Other flatfish	BSAI	0.0441	2,975	131	4,250	187
Pacific ocean perch	BS	0.1000	1,190	119	2,516	252
	Eastern AI	0.0077	2,849	22	3,012	23
	Central AI	0.0025	2,808	7	2,971	7
	Western AI	0.0000	4,703	0	4,969	0
Northern rockfish	BSAI	0.0084	4,163	35	4,625	39
Shorthead rockfish	BSAI	0.0037	537	2	537	2
Rougheye rockfish	BSAI	0.0037	207	1	207	1
Other rockfish	BS	0.0048	426	2	750	4
	AI	0.0095	502	5	502	5
Squid	BSAI	0.3827	1,084	415	1,084	415
Other species	BSAI	0.0541	24,650	1,334	22,950	1,242
Flathead Sole	BS trawl gear	0.0505	16,575	837	18,700	944

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 adjustment of the 2006 and

2007 Pacific cod TACs to account for the state waters GHL in the Aleutian Islands subarea. On March 1, 2006, ADF&G announced the state waters GHL in the Aleutian Islands subarea. Since the 2006 fisheries are currently underway and the 2006 and 2007 TACs are jointly established, it is necessary to immediately adjust the TACs to avoid overharvesting gear shares and seasonal allowances of Pacific cod in the BSAI. Immediate adjustment is necessary to allow for the orderly conduct and efficient operation of this fishery, allow the industry to plan for the remainder of the 2006 and 2007 fishing seasons, and avoid potential disruption to the fishing fleet and processors.

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

This action is required by § 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: March 14, 2006.

James P. Burgess,

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

[FR Doc. 06–2616 Filed 3–14–06; 2:34 pm]

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Proposed Rules

Federal Register

Vol. 71, No. 52

Friday, March 17, 2006

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 26

RIN-3150-AF12

Fitness for Duty Programs; Notice of Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: NRC's purpose in holding a meeting is to obtain stakeholder feedback on the staff's alternative concepts for work-hour controls and the applicability of drug, alcohol and, access authorization program requirements to combined license (COL) holders during construction. The NRC is seeking to have an exchange of views during the scheduled public meeting, as part of the development of alternatives. The meeting agenda and the staff's concepts for alternative requirements are included in the Supplemental Information section of this meeting notice. The staff will also discuss the development of implementation guidance for the fatigue management provisions of this rulemaking.

DATES: *Wednesday, March 29, 2006.* 9 a.m.–12 p.m. Session 1 (FFD for COL applicants). 1 p.m.–5 p.m. Session 2 (Alternative work hour controls).

Thursday, March 30, 2006. 9 a.m.–12 p.m. Session 1 (Implementation guidance for fatigue management provisions).

A limited number of telephone lines are available for interested members of the public to participate in this meeting via a toll-free teleconference: 1-800-638-8081. Pass Code: 9516# (for March 29, 2006) and 1-800-475-0212. Pass Code 48994 (for March 30, 2006).

ADDRESSES: Nuclear Regulatory Commission, Two White Flint North Auditorium, 11545 Rockville Pike, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT:

David Diec, Nuclear Reactor Regulation, Nuclear Regulatory Commission 301-415-2834, DTD@NRC.GOV.

Dave Desaulniers, Nuclear Reactor Regulation, Nuclear Regulatory Commission 301-415-1043, DRD@NRC.GOV.

Tim McCune, Nuclear Security and Incident Response, Nuclear Regulatory Commission. 301-415-6474, TSM5@NRC.GOV.

SUPPLEMENTARY INFORMATION: On August 26, 2005, the NRC published proposed amendment for Fitness for Duty (FFD) programs to Title 10, part 26 of the Code of Federal Regulations (10 CFR part 26) in the *Federal Register* (70 FR 50442). The 120-day public comment period ended on December 27, 2005. The NRC received a number of substantive public comments both in support of and against the fatigue management provisions of the proposed rule that would require a 24-hour break in any 7-day period, a 48-hour break in any 14-day period, and collective work hour limits. The NRC also received comments on the applicability of drug and alcohol and access authorization programs associated with facilities under construction. In developing the final rule, the staff determined that additional stakeholder input would help resolve these issues.

Agenda: Meetings With Stakeholders To Obtain Feedback on Staff's Concepts for FFD Requirements for Combined License Holders During Construction and Alternative Work Hour Controls

Wednesday March 29, 2006

Session 1 (9 a.m.–12 p.m.) (FFD for COL applicants)

9 a.m.–9:05 a.m.—Introduction and Opening Remarks (D. Diec/NRC).

9:05 a.m.–9:10 a.m.—Remarks on Stakeholder Comments on Construction Applicant (T. McCune/NRC).

9:10 a.m.–9:20 a.m.—Summary of Stakeholder Comments on Construction Applicant (V. Barnes/NRC).

9:20 a.m.–9:40 a.m.—Overview of Resolution Concept—Modified FFD Program for Individuals with Unescorted Access (T. McCune/V. Barnes/NRC).

9:40 a.m.–10:30 a.m.—Questions and Comments.

10:30 a.m.–10:50 a.m.—Break.

10:50 a.m.–11:10 a.m.—Overview of Resolution Concept—Full FFD

Requirements for Certain Individuals With Unescorted Access to a Construction Site (T. McCune/V. Barnes/NRC).

11:10 a.m.–11:55 a.m.—Questions and Comments.

11:55 a.m.–12 p.m.—Closing Remarks (David Diec/NRC).

Session 2 (1 p.m.–5 p.m.) (Alternative Work Hour Controls)

1 p.m.–1:10 p.m.—Introduction and Opening Remarks (D. Diec/NRC).

1:10 p.m.–1:45 p.m.—Summary of Stakeholder Comments on Work Hour Controls Overview of Resolution Concept—Non-Outage Periods (D. Desaulniers/NRC).

1:45 p.m.–2:15 p.m.—Questions and Comments.

2:15 p.m.–2:30 p.m.—Break.

2:30 p.m.–2:45 p.m.—Overview of Resolution Concept—Outage Periods Operations, Maintenance, HP/Chemistry and Fire Brigade Personnel (J. Persensky/NRC).

2:45 p.m.–3:15 p.m.—Questions and Comments.

3:15 p.m.–3:30 p.m.—Overview of Resolution Concept: Outage Periods and Security Personnel (E. Skarpac/NRC).

3:30 p.m.–4 p.m.—Questions and Comments.

4 p.m.–5 p.m.—Additional Questions and Comments if needed.

Thursday March 30, 2006

Session 1 (9 a.m.–12 p.m.) (Implementation guidance for fatigue management provisions)

9 a.m.–9:10 a.m.—Introduction and Opening Remarks (D. Diec/NRC).

9:10 a.m.–9:30 a.m.—Process for development of guidance to support Final Rule (NRC Staff).

9:30 a.m.–10 a.m.—Outline of NEI proposed guidance (NEI).

10 a.m.–10:30 a.m.—Guidance on 26.199(c) as a performance-based rule (NEI/NRC).

10:30 a.m.–10:45 a.m.—Break.

10:45 a.m.–11:15 a.m.—Work hour scheduling (NEI).

11:15 a.m.–11:30 a.m.—Managing hours worked (calculating hours/turnover)(NEI).

11:30 a.m.–11:50 a.m.—Questions and Comments.

11:50 a.m.–12 p.m.—Summary, Path forward and Closing Remarks (D. Diec/NRC).

Issues Discussion—Alternative Concepts for Fitness-for-Duty Requirements for Construction Sites

Background

The current 10 CFR part 26 requires FFD programs for licensees holding permits to construct a nuclear power plant. The provisions of the FFD programs are stipulated in § 26.2(c). The proposed 10 CFR part 26 updates the rule and increases consistency with changes in other relevant Federal rules and guidelines. In particular, the proposed § 26.3(e) expands the scope of FFD programs to include combined license holders and holders of manufacturing licenses (under 10 CFR part 52). In addition, the NRC recently asked the Office of the Federal Register to publish the agency's proposed Amendment for Licenses, Certifications, and Approvals for Nuclear Power Plants to Title 10 of the Code of Federal Regulations, parts 1, 2, 10, 19, 20, 21, 25, 26, 50, 51, 52, 54, 55, 72, 73, 75, 95, 140, 170, and 171 to clarify the applicability of various requirements to each of the licensing processes (i.e., for early site permit, standard design approval, standard design certification, combined licensing, and manufacturing license). The NRC expects this proposed amendment to be available for public comment around March 13, 2006.

As a result of public comments on proposed § 26.3(e) and industry efforts to develop guidance for implementing FFD programs at construction sites for new reactors, the NRC is reconsidering its proposed requirements for FFD programs at construction sites (the point at which construction begins will be defined in proposed § 52.103(c) and § 50.10(e)(3) of Title 10 of the Code of Federal Regulations). In comments on proposed § 26.3(e), NEI and other industry stakeholders suggested that nuclear power plant construction sites should be regulated on the basis of industrial safety considerations, rather than public health and safety or the common defense and security, and that full FFD programs were unnecessary.

The NRC agrees with these commenters that activities at a construction site before the arrival of nuclear fuel will not pose immediate radiological risks to public health and safety. However, poor workmanship by construction workers who are impaired could introduce flaws into systems and components and challenge safe plant operations after a new plant goes on-line, if the flaws are not detected through the extensive testing of systems and components that is planned for new construction. A more immediate concern is individuals working at new

plant construction sites will have access to information about the design, layout, and intended operations of the systems and components they construct, information that could be of benefit to an adversary if disclosed. Furthermore, some construction workers may have opportunities to engage in sabotage. Undetected involvement with illegal drugs or an untreated alcohol problem could make these individuals vulnerable to influence. Therefore, the NRC believes that regulating construction activities for new reactors solely in terms of industrial safety would not provide the necessary level of assurance of public health and safety and the common defense and security.

The NRC also recognizes the many logistical and cost challenges of implementing several of the requirements in proposed § 26.3(e) for FFD programs at construction sites. The NRC agrees that much of the workforce at a construction site will likely be transient and rapidly changing and that applying some of the proposed requirements to such workers may be overly burdensome. For example, the proposed requirements that these workers have access to an employee assistance program (EAP) and that determinations of fitness be done by a substance abuse expert in accordance with proposed § 26.189 may impose costs on licensees that are not commensurate with the potential benefits to public health and safety and the common defense and security. Furthermore, although some new construction sites will be near existing nuclear power plants, other construction sites will likely be distant from a current licensee's specimen collection facilities for drug and alcohol testing. Imposing requirements for random testing of all individuals who will work at such "greenfield" construction sites could have the unintended consequence of requiring licensees to build specimen collection and alcohol testing facilities at these sites before construction can begin.

Therefore, the NRC is considering alternative approaches to the requirements in proposed part 26 that would apply to construction sites. One alternative under consideration is a two-tiered approach to FFD programs for construction sites after construction has begun: Licensees and other entities could implement modified FFD programs for certain individuals who would have unescorted access to the construction site while requiring other individuals with specific job duties at the construction site to be subject to a full FFD program.

Modified FFD Program for Individuals With Unescorted Access to the Construction Site

The modified FFD program that the NRC is considering would be intended to provide reasonable assurance that individuals who have unescorted access to a construction site are fit for duty and trustworthy and reliable, commensurate with the risk to public health and safety and the common defense and security that their activities and their access to certain information would impose. The modified FFD program would apply only to individuals who have unescorted access to the construction site and work at the construction site for more than 5 days in any 1-year period. Individuals who work at the construction site for 5 days or fewer in a year, or who visit the site for other reasons, would not be subject to an FFD program, instead would be escorted while on site.

Under the modified FFD program, construction workers who have unescorted access to the construction site would be subject to some of the elements of a full Part 26 FFD program, but not to others. In addition, the licensees and other entities who are responsible for construction activities (i.e., combined license holders under part 52 before the Commission has made the finding under § 52.103(g), combined license applicants who have received authorization to construct under § 50.10(e)(3), construction permit holders under part 50, and construction permit applicants who have received authorization to construct under § 50.10(e)(3)) would be permitted to establish procedures for implementing certain FFD program elements that are best-suited to the circumstances at their site, but may not fully comply with the requirements for each program element in proposed part 26.

The following FFD program elements would not apply to individuals who have unescorted access to a construction site under the modified program: (1) The fatigue management requirements in proposed subpart I; (2) the FFD training requirements in proposed § 26.29; (3) random drug and alcohol testing requirements in proposed § 26.31(c)(5); (4) the requirement for access to an EAP under proposed § 26.35, and (5) the determination-of-fitness process described in proposed §§ 26.187 and 26.189. Individuals who have unescorted access to a construction site would be subject to behavioral observation, as described in proposed § 26.33, but would not be required to perform behavioral observation of others

because they would not be trained to do so.

The modified FFD program would be required to implement the following specific requirements in proposed part 26: (1) FFD policies and procedures for a more limited set of topics than specified in proposed § 26.27; (2) pre-access drug and alcohol testing in § 26.31(c)(1), for-cause drug and alcohol testing in § 26.31(c)(2), and post-event testing for industrial accidents, as specified in proposed § 26.31(c)(3)(I); (3) the protection of information requirements in proposed § 26.37; (4) collecting specimens and conducting alcohol tests in accordance with the requirements in proposed subpart E, although licensees and other entities would be permitted to rely on collection sites that meet the requirements of 49 CFR part 40.43; (5) at the licensee's discretion, testing of specimens at a licensee testing facility in accordance with the requirements in proposed subpart F; (6) initial and confirmatory testing of urine specimens for drugs and validity at an HHS-certified laboratory in proposed subpart G; (7) NRC review of drug test results in accordance with §§ 26.183 and 26.185; and (8) annual reports of FFD program performance data under proposed § 26.217 and the applicable reports required under § 26.219(b) of significant FFD policy violations or programmatic failures. Imposing the specific requirements in proposed part 26 for these FFD program elements under the modified programs would: (1) Ensure that individuals who are subject to the program understand their responsibilities; (2) provide for the detection and deterrence of drug and alcohol abuse; (3) protect the privacy of personal information that may be collected under part 26; (4) ensure the integrity of the drug and alcohol testing performed under the modified program; and (5) meet the NRC's need for certain information to monitor the ongoing effectiveness of the modified programs.

Specific requirements would also be added for granting unescorted access to construction sites under a modified FFD program. The added requirements would be similar to the requirements in proposed subpart C for granting and maintaining authorization under the full FFD program that are contained, including requirements for obtaining a self-disclosure and employment history in proposed § 26.61, conducting a suitable inquiry in proposed § 26.63, and performing pre-access drug and alcohol testing in proposed § 26.65. The NRC believes that the same stringent requirements as proposed for granting authorization to a nuclear power plant protected area should be applied in

granting unescorted access to a construction site to ensure that individuals are trustworthy and reliable, as demonstrated by the avoidance of substance abuse.

Individuals who are applying for unescorted access to a construction site under the modified FFD program would be subject to pre-access testing before they could be granted unescorted access to a construction site in more circumstances than under the full FFD program, particularly with respect to reinstating individuals' unescorted access to a construction site after a short absence from the site during which they were not subject to behavioral observation. Pre-access testing would be required in more circumstances under the modified FFD program because the modified program would not require random testing. Licensees and other entities that implement a modified program would be permitted to grant unescorted access to a construction site without pre-access testing only if (1) the individual previously held authorization and had been subject to both a drug and alcohol testing program that included random testing and to a behavioral observation and arrest-reporting program that met part 26 requirements from the date on which the individual's last authorization was terminated through the date upon which the individual would be granted unescorted access to the construction site, or (2) the licensee or other entity relies on negative results from drug and alcohol tests conducted before the individual applied for unescorted access to the construction site, as permitted under proposed § 26.65(b), and the individual remained subject to a behavioral observation and arrest-reporting program that met part 26 requirements, beginning on the date on which the drug and alcohol testing was conducted through the date on which the individual is granted unescorted access to a construction site and thereafter.

The extent to which licensees and other entities could accept and rely on elements of the modified FFD program to meet the requirements for granting authorization in proposed subpart C would also be more limited than the extent to which the proposed rule would permit them to rely on other, full FFD programs. For example, if an individual who had unescorted access to a construction site had a positive drug test result that was confirmed by an NRC under the modified program, and if the FFD violation was reviewed and resolved without a determination of fitness by a substance abuse expert (as would be permitted under the modified

program, but would be required for a full FFD program under proposed § 26.187), then a licensee who is seeking to grant the individual unescorted access to a nuclear power plant protected area could not do so without ensuring that a substance abuse expert made a determination of fitness in accordance with proposed § 26.189. In addition, because an individual who was subject to a modified FFD program would not have received any FFD training, a licensee who was seeking to grant unescorted access to the individual would be required to ensure that the individual received the required training before granting unescorted access to the protected area of a nuclear power plant.

The reciprocity between full FFD programs described in proposed § 26.53(d) would also be permitted between modified FFD programs. However, licensees and other entities would not be permitted to rely on program elements from a modified FFD program when granting authorization, except if the modified FFD program elements fully complied with the specific requirements in proposed part 26 for that element.

There would be several FFD program elements in the modified program that licensees and other entities would be permitted to develop and implement on the basis of the circumstances at their specific construction site. These program elements would not be required to fully comply with the specific requirements for each program element in proposed part 26, as follows:

Modified FFD programs would be required to have procedures that describe the process to be followed if an individual's behavior raises a concern regarding the possible use, sale, or possession of illegal drugs on or off site, the possible possession or consumption of alcohol on site, or impairment from any cause which in any way could adversely affect the individual's ability to safely and competently perform his or her duties, but the modified program would not be required to comply with the specific requirements in proposed § 26.77 for management actions regarding possible impairment.

Modified FFD programs would also be required to establish sanctions for FFD policy violations that, at a minimum, would prohibit the individual from having access to or performing any job duties at the construction site until the licensee or other entity determined that the individual's behavior would not pose a risk to public health and safety or the common defense and security. However, the modified programs would not be required to implement the

minimum requirements for sanctions in proposed § 26.75 or apply the specific procedures for conducting a determination of fitness in proposed § 26.189.

Modified FFD programs would be required to have procedures for determining and tracking individuals' identities and maintaining records in a manner that would enable the program to function, but would not be required to meet the specific recordkeeping requirements in proposed § 26.213.

Modified FFD programs would be required to provide for an objective and impartial review of the facts related to a determination that an individual had violated the FFD policy, but would not be required to meet the specific requirements in proposed § 26.39 for a review process for FFD violations.

Modified FFD programs would also be required to conduct audits to assure the continuing effectiveness of the FFD program, including FFD program elements that would be provided by C/Vs, the FFD programs of any C/Vs that would be accepted by the licensee or other entity, and the programs of the HHS-certified laboratories on which the licensee or other entity and its C/Vs would rely. The modified FFD program would be audited at a frequency that would assure its continuing effectiveness and corrective actions would be required to resolve any problems identified. Licensees and other entities that implemented modified FFD programs would also be permitted to jointly conduct audits, or accept audits of C/Vs and HHS-certified laboratories by other licensees and entities that are subject to part 26. However, modified FFD programs would not be required to meet the specific requirements in proposed § 26.41 for the audits and corrective actions required for a full FFD program. In addition, audits would be required to verify the honesty and integrity of FFD program personnel, but modified FFD programs would not be required to meet the specific requirements in proposed § 26.31(b).

Licensees and other entities would also be permitted, at their discretion, to implement full FFD programs to which all individuals with unescorted access to a construction site would be subject. Or they may choose to implement all of the specific requirements for any FFD program element required under part 26 or, at their discretion, a subset of program elements. However, if a licensee or other entity chose to implement one of the modified FFD program elements listed above that did not fully comply with the specific requirements for that element in

proposed part 26, the NRC would require the licensee or other entity to submit its modified FFD program plans to the NRC for review and approval as part of the COL review process. These plans would then become part of the COL. The NRC believes that the flexibility to implement modified FFD program elements would eliminate undue restrictions on construction site activities while assuring that individuals who have unescorted access to construction sites are fit for duty and trustworthy and reliable, as demonstrated by the avoidance of substance abuse.

Full FFD Requirements for Certain Individuals With Unescorted Access to a Construction Site

A second tier of requirements, the full FFD program, would apply to individuals who are granted unescorted access to a construction site and who perform the following job duties: (1) Supervise construction activities at the site; (2) perform security duties as an armed security force officer, alarm station operator, response team leader, or watchperson for the construction site; (3) serve as an escort at the construction site for visitors (i.e., individuals who are not performing construction activities at the site or who will be performing construction activities but will be present on site for 5 days or fewer in a year); or (4) serve as a reviewing official to grant or deny unescorted access to the construction site. The individuals who perform these job duties will have frequent opportunities to conduct behavioral observation of construction workers who have unescorted access to the construction site, as well as visitors to the site. They would therefore be in a position to detect behavior that may indicate impairment, and to detect and deter other undesirable conditions or actions. However, it would be necessary to ensure that the individuals in these job duties are trained in behavioral observation. In addition, the individuals who perform these job duties would have important responsibilities for assuring that work is performed correctly and that construction site security is maintained. Therefore, the NRC believes it would be necessary to ensure that individuals who perform these job duties are subject to a full FFD program, including random testing. However, to reduce the logistical impact of the random testing requirement, licensees and other entities would not be required to establish specimen collection facilities at a 'greenfield' site, for example, but would be permitted to have these individuals tested at a local hospital or other facility in accordance

with the requirements of 49 CFR part 40, "Procedures for Department of Transportation Workplace Drug and Alcohol Testing Programs" (65 FR 1944, August 9, 2001).

Specific Thoughts About FFD Requirements for Construction Sites

1. Under a modified FFD program, individuals who have unescorted access to a construction site would not be subject to random drug and alcohol testing. The purpose of random testing is to deter and detect substance abuse. However, these individuals would be subject to behavioral observation from supervisors and security personnel at the site and for-cause drug and alcohol testing if any indications of altered behavior are observed. A review of FFD program performance data, which licensees and other entities are required to report to the NRC under the current and proposed rules, indicates that short-term contractors have consistently had higher rates of positive drug and alcohol test results than long-term contractors and licensee employees. The NRC believes that the majority of construction site personnel will be contractor/vendor, rather than licensee, personnel.

2. Under a modified FFD program, licensees and other entities would be required to provide the FFD policy statement to individuals who are subject to the modified program, rather than making the policy statement "readily available," as permitted in proposed § 26.27(b). The requirement to "provide" the policy statement to affected individuals would be necessary to ensure that these individuals are aware of what is expected of them and what consequences may result from a lack of adherence to the policy. The policy statement would be the only means by which individuals would be informed of their responsibilities under the modified program because they would not receive FFD training.

3. The modified FFD program under consideration would not require the determination of fitness process specified in proposed § 26.189 to be performed by a substance abuse expert in proposed § 26.187. The modified program also would not establish requirements for followup testing if an individual had violated the FFD policy. The modified program would not include these requirements because of past experience with how licensees and other entities respond to FFD policy violations for C/V personnel. That is, the NRC expects that licensees and other entities will terminate the unescorted access of any individual who has violated the FFD policy and

deny them further access to a construction site, because, in many cases, the skills of short-term C/V personnel are easily replaced. If a licensee or other entity sought to grant, maintain, or reinstate unescorted access to an individual who had violated the FFD policy, the modified FFD program would require the licensee or other entity to determine that the individual's behavior does not pose a risk to public health and safety or the common defense and security, but would not specify the process to be followed to achieve this goal.

4. The NRC is also seeking comment on the scope of the job duty groups who would be subject to the second tier of more stringent requirements (i.e., a full FFD program). That is, are there job duty groups, other than supervisors, escorts, security personnel, and reviewing officials, whose activities could pose a sufficient risk to public health and safety or the common defense and security that subjecting them to the full FFD program is warranted?

5. The NRC is also considering excluding holders of manufacturing licenses (under proposed part 52 of 10 CFR) from FFD requirements at this time. These potential licensees may not be constructing reactors at the same fixed sites at which the reactors would be installed and their construction activities may occur elsewhere. Therefore, the NRC believes that additional study of the circumstances of these potential licensees is warranted.

6. As discussed above, the modified FFD program under consideration retains specific requirements for some FFD program elements, eliminates requirements for some program elements, and establishes general performance objectives for other program elements without establishing specific requirements. There may be other mixes of general and specific requirements that could be applied to FFD programs at construction sites that would provide adequate assurance of public health and safety and the common defense and security, commensurate with the potential risks of construction site activities.

Subpart I—Fatigue Management

In response to the publication of the Proposed Part 26 rulemaking for public comment (70 FR 50442, August 26, 2005), the NRC received many comments from stakeholders regarding Subpart I, Fatigue Management. The full text of these comments is available at http://ruleforum.llnl.gov/cgi-bin/rulemake?source=Part26_risk&st=prule. Requirements that were the subject of

substantive comment include: (1) The proposed requirement for individuals to have at least one 24-hour break in any 7-day period (§ 26.199(d)(2)(ii)), (2) the proposed requirement for individuals to have at least one 48-hour break in any 14-day period (§ 26.199(d)(2)(iii)), and (3) the proposed requirement for collective work hour limits (§ 26.199(f)). Although many comments supported these provisions, a number of comments expressed concerns regarding the potential unintended consequences, necessity, or effectiveness of these requirements.

Several stakeholders commented that the proposed requirement for individuals to have at least one 24-hour break in any 7-day period would not provide the flexibility necessary for licensees to effectively schedule 8-hour shifts (many licensees currently use a schedule that includes periods of 7 consecutive 8-hour shifts). Regarding the requirement for individuals to have at least one 48-hour break in any 14-day period, several stakeholders expressed concern about the potential effect of this requirement on the ability of licensees to provide adequate coverage for unplanned maintenance (e.g., to quickly restore inoperable equipment). Other stakeholders commented that a 48-hour break during a series of night shifts would adversely affect an individual's circadian adjustment of individuals to the night shift. Several stakeholders commented that the collective work hour limits were unnecessary because they were redundant with other requirements whereas other stakeholders expressed the concern that the collective work hour limits were not adequate because they did not address worker fatigue on an individual basis. Additional comments concerning collective work hour limits included the concern that collective work hour calculations were susceptible to manipulation and that the maximum 8-week period of exemption from the collective work hour limits would not be adequate for certain longer term outages.

The NRC believes the concerns described above may be largely addressed through alternative requirements that would be equally effective in meeting the objectives of the rulemaking. To address stakeholder comment regarding the proposed minimum break requirements and collective work hour controls, the staff is considering the following concept for amending the proposed fatigue management provisions.

Proposed Resolution of Comments Concerning Minimum Break Requirements and Collective Work Hour Controls

Delete the following provisions from the proposed rulemaking:

- Requirement for a minimum 24-hour break in any 7-day period.
- Requirement for a minimum 48-hour break in any 14-day period.
- Collective work hour limits.

Add the following minimum break requirements:

- Individuals subject to work hour controls as described by § 26.199(a)(1–5) of the proposed rule would be required to have a minimum 36-hour break in any 9-day period. This requirement would be applicable whether the plant is operating or in an outage.

- While the plant is operating, individuals subject to work hour controls as described by § 26.199(a)(1–5) of the proposed rule would be subject to the following break requirements:

- Individuals working 8 hour shift schedules would be required to have a minimum of one 24-hour break per week, averaged over a shift cycle.

- Individuals working 10 hour shift schedules would be required to have a minimum of two 24-hour breaks per week, averaged over a shift cycle.

- Individuals working 12 hour shift schedules would be required to have a minimum of three 24-hour breaks per week, averaged over a shift cycle.

- During the first 60 days of a plant outage, individuals subject to work hour controls as described by § 26.199(a)(1–4) of the proposed rule would be required to have a minimum of three 24-hour breaks in each successive (i.e., non-rolling) 15-day period.

- During the first 60 days of a plant outage, security outage, or increased threat condition, individuals subject to work hour controls as described by § 26.199(a)(5) of the proposed rule would be required to have a minimum of four 24-hour breaks in each successive (i.e., non-rolling) 15-day period.

- Beginning day 61 of a plant outage, security outage, or increased threat condition, individuals subject to work hour controls as described by § 26.199(a)(1–5) of the proposed rule would be subject to the controls applicable to an operating plant, except as follows:

- The maximum 60 day period for application of outage or increased threat condition limits could be extended 7 days for an individual or

group of individuals for each independent 7 day period the individual or group works not more than 48 hours during the outage or increased threat condition.

Implementation Details

For purposes of compliance with the minimum 24-hour break requirements:

- Because work schedules may contain shifts of more than one length (e.g., combinations of 8 and 12-hour shifts), shift schedules would be defined as follows:

- ▶ 8-hour shift schedules average not more than 9 hours per day.
- ▶ 10-hour shift schedule average not more than 11 hours per day.
- ▶ 12-hour shift schedule average not more than 12 hours per day.

- Only break periods of 24 consecutive hours or more would count towards the break requirements.

- Breaks would be counted in 24-hour increments. For example, a 36 hour break would count as one 24-hour break. A break of 48 consecutive hours would count as two 24-hour breaks.

- The maximum duration of a shift cycle over which a licensee would be able to average breaks would be limited to six weeks.

- Any portion of a plant outage, security outage, or increased threat condition that does not comprise a complete 15 day period would be subject to the individual work hour limits in proposed § 26.199(d)(1), § 26.199(d)(1)(I), and the requirement described above for a minimum 36-hour break in any 9-day period.

Dated at Rockville, Maryland, this 10th day of March, 2006.

For the Nuclear Regulatory Commission.

Eileen McKenna,

Chief, Financial, Policy and Rulemaking Program, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. E6-3922 Filed 3-16-06; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2004-19930; Directorate Identifier 2004-NE-33-AD]

Airworthiness Directives: Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM). That NPRM proposed a new airworthiness directive (AD) that applies to Rolls-Royce plc (RR) RB211 Trent 800 series turbofan engines. That proposed action would have required initial and repetitive borescope inspections of the high pressure-and-intermediate pressure (HP-IP) turbine internal and external oil vent tubes for coking and carbon buildup, and cleaning or replacing the vent tubes if necessary. Since we issued that NPRM, RR notified us that the RB211 Trent 800 series turbofan engines are significantly less susceptible to vent tube carbon build-up than the RB211 Trent 700 series turbofan engines. Repeat on-wing inspections therefore, are not required to maintain fleet safety. Accordingly, we withdraw the proposed rule.

FOR FURTHER INFORMATION CONTACT: Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7178; fax (781) 238-7199.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed airworthiness directive (AD). The proposed AD applies to Rolls-Royce plc RB211 Trent 800 series turbofan engines. We published the proposed AD in the **Federal Register** on December 27, 2004 (69 FR 77144). That proposed action would have required initial and repetitive borescope inspections of the HP-IP turbine internal and external oil vent tubes for coking and carbon buildup, and cleaning or replacing the vent tubes if necessary. That proposed action resulted from a report of an RB211 Trent 700 series engine experiencing a disk shaft separation, overspeed of the intermediate pressure (IP) turbine rotor, and multiple blade release of IP turbine blades.

Since we issued that NPRM, RR notified us that data collected from a onetime inspection of 200 RB211 Trent 800 series turbofan engines shows that these engines are significantly less susceptible to vent tube carbon build-up than the RB211 Trent 700 series turbofan engines. The RB211 Trent 800 series engines had no evidence of significant accumulation. RR's analysis concluded that repeat on-wing inspections are not required to maintain fleet safety. The vent tube inspection and cleaning can be done at each shop visit. This will ensure that the probability of carbon blockage and spontaneous ignition will be negligible. Based on this analysis, RR has stated

they will cancel Alert Service Bulletin RB.211-72-AE362, dated May 7, 2004.

Upon further consideration, we hereby withdraw the proposed rule based on RR's analysis and conclusion stated above.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule. Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) do not cover this withdrawal.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, we withdraw the notice of proposed rulemaking, FAA-2004-19930; Directorate Identifier 2004-NE-33-AD, published in the **Federal Register** on December 27, 2004 (69 FR 77144).

Issued in Burlington, Massachusetts, on March 13, 2006.

Peter A. White,

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

[FR Doc. E6-3907 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-24036; Directorate Identifier 2006-NE-04-AD]

RIN 2120-AA64

Airworthiness Directives; Sicma Aero Seat, Passenger Seat Assemblies

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Sicma Aero Seat, passenger seat assemblies. This proposed AD would require modifying the aft track fittings on these passenger seat assemblies by installing new tab locks, and then torquing the aft track fitting locking bolts. This proposed AD results from

reports of loose and unlocked aft track fittings on Sicma Aero Seat, passenger seat assemblies. We are proposing this AD to prevent detachment of passenger seat assemblies, especially during emergency conditions, leading to occupant injury.

DATES: We must receive any comments on this proposed AD by May 16, 2006.

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

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- 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 Sicma Aero Seat, 7 Rue Lucien Coupet, 36100 Issoudun, France, telephone: (33) 54 03 39 39; fax: (33) 54 03 15 16, for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, FAA, 12 New England Executive Park, Burlington, MA 01803-5213; telephone (781) 238-7161; fax (781) 238-7170.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2006-24036; Directorate Identifier 2006-NE-04-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

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

Examining the AD Docket

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

Discussion

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition might exist on Sicma Aero Seat, passenger seat assemblies, part numbers (P/Ns) 42XX series, 50XX series, 63XX series, 65XX series, 71XX series, 78XX series, 83XX series, 85XX series, 90XX series, 91XX series, and 92XX series, with aft track fittings, P/N 90-000120-790-0, installed. The DGAC advises that reports have been received of aft track fittings, P/N 90-000120-790-0, becoming loose in service. Loose aft track fittings can lead to detachment of passenger seat assemblies, especially during emergency conditions, leading to occupant injury.

Relevant Service Information

We have reviewed and approved the technical contents of Sicma Aero Seat Service Bulletin (SB) No. 90-25-005, Issue 2, dated March 31, 1999, that describes procedures for modifying the aft track fittings, P/N 90-000120-790-0, by installing new tab locks, P/N 00-4399, and torquing the aft track locking bolts. The tab lock prevents the locking bolt from loosening. The DGAC classified this SB as mandatory and issued airworthiness directive 1994-085(AB) R2, dated July 13, 1999, in order to ensure the airworthiness of these passenger seat assemblies in France.

Differences Between the Proposed AD and the Manufacturer's Service Information

Although the SB allows repetitive checking for proper engagement and proper locking bolt torque of aft track fittings as an alternative method to installing the new tab locks, this proposed AD would not allow that alternative method.

FAA's Determination and Requirements of the Proposed AD

These Sicma Aero Seat, passenger seat assemblies, manufactured in France, are installed in airplanes type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. In keeping with this bilateral airworthiness agreement, the DGAC kept us informed of the situation described above. We have examined the DGAC's findings, reviewed all available information, and determined that AD action is necessary for passenger seat assemblies of this type design that are installed in airplanes certificated for operation in the United States. For this reason, we are proposing this AD, which would require modifying the aft track fittings, P/N 90-000120-790-0, by installing new tab locks, P/N 00-4399, and torquing the aft track fitting locking bolts. The proposed AD would require you to use the service information described previously to perform these actions.

Costs of Compliance

We estimate that this proposed AD would affect 239,209 Sicma Aero Seat, passenger seat assemblies, installed on 1,016 airplanes of U.S. registry. We also estimate that it would take about 4 work hours per airplane to perform the proposed actions, and that the average labor rate is \$80 per work hour. Required parts would cost about \$235 per airplane. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be \$563,880. The manufacturer has indicated they might provide the parts at no cost to the operators.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII,

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

Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. 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, Safety.

The Proposed Amendment

Under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Sicma Aero Seat: Docket No. FAA-2006-24036; Directorate Identifier 2006-NE-04-AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by May 16, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Sicma Aero Seat, passenger seat assemblies, part numbers (P/Ns) 42XX series, 50XX series, 63XX series, 65XX series, 71XX series, 78XX series, 83XX series, 85XX series, 90XX series, 91XX series, and 92XX series, with aft track fittings, P/N 90-000120-790-0, installed. Refer to Annex 1 of Sicma Aero Seat Service Bulletin No. 90-25-005, Issue 2, dated March 31, 1999, for the full part numbers. These seat assemblies are installed on, but not limited to, Airbus A300, A310, A318, A319, A320, A321, and A330 series airplanes.

Unsafe Condition

(d) This AD results from reports of loose and unlocked aft track fittings on Sicma Aero Seat, passenger seat assemblies. We are issuing this AD to prevent detachment of passenger seat assemblies, especially during emergency conditions, leading to occupant injury.

Compliance

(e) You are responsible for having the actions required by this AD performed within 600 flight hours after the effective date of this AD, unless the actions have already been done.

Aft Track Fitting Modification

(f) Modify aft track fittings, P/N 90-000120-790-0, by installing new tab locks, P/N 00-4399, under the locking bolts.

(g) Torque locking bolts to 17.4-to-34.7 inch pounds.

(h) Stamp amendment "Z" on the seat assembly identification plate.

(i) Use the Accomplishment Instructions of Sicma Aero Seat Service Bulletin No. 90-25-005, Issue 2, dated March 31, 1999, to do these actions.

Alternative Methods of Compliance

(j) The Manager, Boston 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) Direction Generale de L'Aviation Civile, AD 1994-085(AB) R2, dated July 13, 1999, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on March 13, 2006.

Peter A. White,

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

[FR Doc. E6-3908 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2006-24027; Airspace Docket No. 06-ASO-1]

RIN 2120-AA66

Proposed Modification of VOR Federal Airways; and Establishment of Area Navigation Route; NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify Very High Frequency Omnidirectional Range (VOR) Federal Airways V-56 and V-290, NC; and Colored Federal Airway G-13, NC; to remove unusable airway segments. The affected airway segments are unusable because they are based on nondirectional beacon (NDB) navigation aids that have been permanently decommissioned. In addition, the FAA proposes to establish a new low altitude area navigation (RNAV) route, designated T-243, to enhance instrument flight rules (IFR) access to the Outer Banks area of North Carolina.

DATES: Comments must be received on or before May 1, 2006.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify FAA Docket No. FAA-2006-24027 and Airspace Docket No. 06-ASO-1, at the beginning of your comments. You may also submit comments through the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic,

environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2006-24027 and Airspace Docket No. 06-ASO-1) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://dms.dot.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2006-24027 and Airspace Docket No. 06-ASO-1." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov>, or the **Federal Register's** Web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

VOR Federal Airways V-56 and V-290, and Colored Federal Airway G-13

include segments that are based on navigational information derived from the Pamlico, NC, NDB, and/or the Hatteras Inlet, NC, NDB. These state-owned navigation aids have been permanently decommissioned and are no longer available as a navigation reference source. As a result, the descriptions of these airways must be revised to delete the segments that were rendered unusable by the decommissioning of the NDBs.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to modify the descriptions of VOR Federal Airways V-56 and V-290, and Colored Federal Airway G-13, by deleting segments that are based on NDBs that are no longer in service. The FAA is also proposing to establish a Global Positioning System (GPS)/Global Navigation Satellite System (GNSS) area navigation route, designated T-243, to enhance IFR navigation in the Outer Banks area of North Carolina.

Specifically, the FAA proposes to amend V-56 by deleting the airway segment that extends from the charted PUNGO fix to the Hatteras Inlet NDB. V-290 would be modified by deleting the segment that extends from the PUNGO fix to the Pamlico NDB. Colored Federal Airway G-13 would be modified by removing the segments that are based on the Pamlico NDB and the Hatteras Inlet NDB. A short segment of G-13, extending from the Manteo, NC, NDB to a point defined by the intersection of the Manteo NDB 139° (T)/148° (M) bearing and the Wright Brothers VOR/DME 22-mile DME arc, would be retained. Proposed RNAV route T-243 would extend from the PUNGO fix, southeastward to HULIP WP, then northeastward to ZOLMN fix. The proposed T-243 route would extend over the North Carolina Outer Banks in the general vicinity of the unusable airway segments discussed above. This route would enhance IFR access to that area and provide connectivity to the Federal airway structure.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not

warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 15, 2005, is amended as follows:

Paragraph 6009(a) Colored Federal Airways.

* * * * *

G-13 [Revised]

From Manteo, NC, NDB, to INT Manteo, NC, NDB 139° (T)/148° (M) bearing and Wright Brothers, NC, 22 miles DME.

* * * * *

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V-56 [Revised]

From Meridian, MS; Kewanee, MS; Montgomery, AL; Tuskegee, AL; Columbus, GA; INT Columbus 087° (T) and Macon, GA, 266° (T) radials; Macon; Colliers, SC; Columbia, SC; Florence, SC; Fayetteville, NC, 41 miles 15 MSL, INT Fayetteville 098° (T) and New Bern, NC 256° (T) radials; to New Bern.

* * * * *

V-290 [Revised]

From Rainelle, WV; Montebello, VA; to Flat Rock, VA. From Tar River, NC; to INT Tar River 109° (T)/114° (M) radial and New Bern, NC, 042° (T)/050° (M) radial.

* * * * *

Paragraph 6011 Contiguous United States
Area Navigation Routes.

* * * * *

T-243 PUNGO to ZOLMN [New]

PUNGO	Fix	Lat. 35°36'38" N., long. 76°27'03" W.
HULIP	WP	Lat. 35°07'47" N., long. 75°48'32" W.
ZOLMN	Fix	Lat. 35°38'42" N., long. 75°24'27" W.

* * * * *

Issued in Washington, DC, on March 9, 2006.

Edith V. Parish,

Manager, Airspace and Rules.

[FR Doc. E6-3852 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-138879-05]

RIN 1545-BE87

Treatment of Excess Loss Accounts; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains corrections to a notice of proposed rulemaking by cross-reference to temporary regulations that was published in the **Federal Register** on Thursday, January 26, 2006 (71 FR 4319). These regulations provide guidance under section 1502 that governs certain basis determinations and adjustments of subsidiary stock in certain transactions involving members of a consolidated group.

FOR FURTHER INFORMATION CONTACT: Theresa M. Kolish, (202) 622-7530 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking by cross-reference to temporary regulations (REG-138879-05) that is the subject of these corrections is under section 1502 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking by cross-reference to temporary regulations (REG-138879-05) contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the notice of proposed rulemaking by cross-reference to temporary regulations (REG-138879-05), that was the subject of FR Doc. 06-586, are corrected as follows:

PART 1—[CORRECTED]

1. On page 4319, column 2, in the preamble under the paragraph heading **FOR FURTHER INFORMATION CONTACT**, line 4, the language, "Sonya Cruse, (202) 622-4693 (not toll-)" is corrected to read "Treena Garrett, (202) 622-7180 (not toll-".

2. On page 4319, column 3, in the preamble under the paragraph heading "Special Analysis", line 15, the language, "business, Moreover, the number of" is corrected to read "businesses. Moreover, the number of".

3. On page 4320, column 1, under the paragraph heading "PART 1—INCOME TAXES", **Par. 2.**, item 3, the language, "3. Revising the paragraph heading for paragraph (h)." is removed.

4. On page 4320, column 1, under the paragraph heading "PART 1—INCOME TAXES", **Par. 2.**, item 5, the language, "5. Adding new paragraph (h)(3)." is corrected to read "5. Adding a new sentence at the end of paragraph (h)(3).".

§ 1.1502-19 [Corrected]

4. On page 4320, column 1, the section heading, "§ 1.1502-19 Excess Loss Accounts." is corrected to read "§ 1.1502-19 Excess loss accounts."

5. On page 4320, column 1, under the heading "BILLING CODE", the language, "4820-01-P" is corrected to read "4830-01-P".

Guy R. Traynor,

*Chief, Publications and Regulations Branch,
Legal Processing Division, Associate Chief
Counsel (Procedure and Administration).*

[FR Doc. 06-2535 Filed 3-16-06; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-107722-00]

RIN 1545-AY22

Corporate Estimated Tax; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of public hearing cancellation on proposed rulemaking.

SUMMARY: This document contains a correction to a cancellation of public hearing notice which was published in the **Federal Register** on Friday, March 3, 2006 (71 FR 10940) relating to corporate estimated taxes.

FOR FURTHER INFORMATION CONTACT: Pamela Fuller, (202) 622-4910 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulation that is the subject of this correction is under sections 6425 and 6655 of the Internal Revenue Code.

Need for Correction

As published, the proposed regulation (REG-107722-00) contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the cancellation of notice of public hearing on proposed rulemaking (REG-107722-00), which was the subject of FR Doc. E6-3062, is corrected as follows:

On page 10940, column 1, in the preamble under the section caption **SUMMARY**, the paragraph is corrected to read as follows:

SUMMARY: The public hearing cancellation notice published in the **Federal Register** on Friday, March 3, 2006 (71 FR 10940) cancelled only the public hearing and does not withdraw the proposed regulations (REG-107722-00), published in the **Federal Register** on Monday, December 12, 2005 (70 FR

73393), as the hearing cancellation notice indicated.

LaNita VanDyke,

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

[FR Doc. E6-3848 Filed 3-16-06; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024-AC99

Curecanti National Recreation Area, Personal Watercraft Use

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing to designate areas where personal watercraft (PWC) may be used in Curecanti National Recreation Area, Colorado. This proposed rule implements the provisions of the NPS general regulations authorizing park areas to allow the use of PWC by promulgating a special regulation. The individual parks must determine whether PWC use is appropriate for a specific park area based on an evaluation of that area's enabling legislation, resources and values, other visitor uses, and overall management objectives.

DATES: Comments must be received by May 16, 2006.

ADDRESSES: You may submit comments, identified by the number RIN 1024-AC99, by any of the following methods:

—Federal rulemaking portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

—E-mail NPS at CurecantiPWC@urscorp.com. Use RIN 1024-AC99 in the subject line.

—Mail or hand delivery to: Superintendent, Curecanti National Recreation Area, 102 Elk Creek, Gunnison, CO 81230.

—For additional information see “Public Participation” under **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: Jerry Case, Regulations Program Manager, National Park Service, 1849 C Street, NW., Room 7241, Washington, DC 20240. Phone: (202) 208-4206. E-mail: jerry_case@nps.gov.

SUPPLEMENTARY INFORMATION:

Background

Additional Alternatives

The information contained in this proposed rule supports implementation of the preferred alternative for Curecanti National Recreation Area (CNRA) in the Environmental Assessment (EA) published April, 2003, as modified by the errata issued March 10, 2005. The changes to the environmental assessment in the errata were made to modify the preferred alternative and its analysis, to address public comments on the EA, and to clarify the text. The public should be aware that two other alternatives were presented in the EA, including a no PWC alternative. Those alternatives should also be reviewed and considered when making comments on this proposed rule.

Personal Watercraft Regulation

On March 21, 2000, the National Park Service published a regulation (36 CFR 3.24) on the management of personal watercraft (PWC) use within all units of the national park system (65 FR 15077). This regulation prohibits PWC use in all national park units unless the NPS determines that this type of water-based recreational activity is appropriate for the specific park unit based on the legislation establishing that park, the park's resources and values, other visitor uses of the area, and overall management objectives. The regulation banned PWC use in all park units effective April 20, 2000, except 21 preserves, lakeshores, seashores, and recreation areas. The regulation established a 2-year grace period following the final rule publication to provide these 21 park units time to consider whether PWC use should be allowed. On November 7, 2002 PWC use was discontinued at CNRA.

Description of Curecanti National Recreation Area

Curecanti National Recreation Area (Curecanti) was established in 1965 to provide for conservation of scenic, natural, historic, archeological, and wildlife values. The goal of the National Recreation Area is to provide for public use and enjoyment while ensuring visitor safety, resource preservation, and conservation. Curecanti is located on U.S. Highway 50 (U.S. 50) west of Gunnison, Colorado.

Three reservoirs, named for corresponding dams on the Gunnison River, form the heart of Curecanti National Recreation Area. The three reservoirs are Blue Mesa Reservoir, Morrow Point Reservoir, and Crystal Reservoir. Blue Mesa Reservoir is Colorado's largest body of water and is

home to the biggest Kokanee Salmon fishery in the United States. Morrow Point Reservoir is the beginning of the Black Canyon of the Gunnison. Crystal Reservoir is the site of the Gunnison Diversion Tunnel, a National Historic Civil Engineering Landmark. In addition to the three reservoirs, recently discovered dinosaur fossils, a 5,000 acre archeological district, a narrow gauge train, and traces of 6,000 year old dwellings further enhance the significance of Curecanti.

Purpose of Curecanti National Recreation Area

The purpose and significance statements listed below are from Curecanti's Strategic Plan and General Management Plan. Curecanti National Recreation Area was established for the following purposes:

1. Conserve the scenery, natural, historic, and archeological resources, and wildlife of Curecanti.
2. Provide for public use and enjoyment in such a way as to ensure visitor safety and resource preservation or conservation by establishing and maintaining facilities and providing protection and interpretive services.
3. Manage the lands, waters, and activities of Curecanti in such a way that it does not interfere with the purposes of the Colorado River Storage Project Act and other Bureau of Reclamation agreements affecting the operation of the Aspinall Unit.
4. Mitigate the loss of fish and wildlife resources as a result of the Colorado River Storage Project.

Significance of Curecanti National Recreation Area

The following statements summarize the significance of Curecanti:

1. Blue Mesa Reservoir is one of the largest high-altitude bodies of water in the United States. It provides an exciting diversity of water recreation opportunities for windsurfers, sail boaters, and water skiers.
2. The scenic values of the canyon, the needles, the pinnacles, and the reservoirs provide dramatic contrast, which causes visitors to slow down, pause, and reflect on the diversity of the landscape and its spaciousness.
3. Curecanti provides one of the best cold-water fishing opportunities in the nation. This is due primarily to the Kokanee salmon run occurring in Blue Mesa. The Morrow Point and Crystal Reservoirs' trout fisheries routinely attract fishing enthusiasts from throughout the nation because of the high-quality trout fishing and uniqueness of the canyon environment.

4. The prehistoric and historic stories of human culture in the Curecanti area are recorded in the traces and tracks left by Native Americans, miners, railroaders, and ranchers. The cultural history of this area documents not only the human struggles to survive but also how changing human value systems; economic, social, and technological changes; and the importance of water have shaped the use and character of the land and its people. Cultural history contains archeological examples of some of the oldest villages found in North America, predating the building of the pyramids.

5. The narrow-gauge railroad exhibit in Cimarron graphically portrays the story of technology's effects of shaping people and using land; the agony and difficulties of building track in narrow canyons in the winter where the sun seldom shined; and of taking the hard way instead of the easy trail. Examples of a locomotive, tender, and caboose used on the railroad are on exhibit at Cimarron.

The park's mission statement is as follows: "Curecanti National Recreational Area will preserve, protect, and interpret the tremendous collection of nationally significant, diverse natural and cultural resources balanced with the provision of outstanding recreational opportunities."

Authority and Jurisdiction

Under the National Park Service's Organic Act of 1916 (Organic Act) (16 U.S.C. 1 *et seq.*) Congress granted the NPS broad authority to regulate the use of the Federal areas known as national parks. In addition, the Organic Act (16 U.S.C. 3) allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks * * *"

16 U.S.C. 1a-1 states, "The authorization of activities shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established * * *"

As with the United States Coast Guard, NPS's regulatory authority over waters subject to the jurisdiction of the United States, including navigable waters and areas within their ordinary reach, is based upon the Property and Commerce Clauses of the U.S. Constitution. In regard to the NPS, Congress in 1976 directed the NPS to "promulgate and enforce regulations concerning boating and other activities on or relating to waters within areas of

the National Park System, including waters subject to the jurisdiction of the United States * * *" (16 U.S.C. 1a-2(h)). In 1996 the NPS published a final rule (61 FR 35136, July 5, 1996) amending 36 CFR 1.2(a)(3) to clarify its authority to regulate activities within the National Park System boundaries occurring on waters subject to the jurisdiction of the United States.

PWC Use at Curecanti National Recreation Area

Curecanti National Recreation Area includes Blue Mesa Reservoir, which was created with the completion of the Blue Mesa Dam. Blue Mesa Reservoir is comprised of three basins: Sapinero, Cebolla, and Iola as well as various arms. The basins are often referred to as the main body of the reservoir to distinguish activities there from activities in the arms.

Approximately 1 million visitors use Curecanti's facilities annually. This figure includes visitors who pursue recreation activities on the reservoir and those who engage in other recreation opportunities. Motorboats and other watercraft have been used in Curecanti since 1975. Personal watercraft have emerged at Curecanti only since their introduction in the 1980s, and particularly since the summer of 1995 when personal watercraft were available for rent from a park concessioner. Park staff believes PWC use has increased since 1995, and a registration survey mailed to vessel users requesting an annual permit revealed that in 2000, 0.69% of over 400 respondents were PWC users. The annual use is estimated to be 792 PWC in 2002, increasing at approximately 2% annually to 965 PWC in 2012. Based on ranger observation, most PWC users are from Colorado, they limit their PWC use to approximately 2 hours, and they wear a wetsuit because of cold-water temperatures and high afternoon winds. In addition, PWC use has conflicted with both bank and boat fishermen from Dry Creek to Bay of Chickens.

Before the ban on PWC use, the General Management Plan and Superintendent's Compendium allowed personal watercraft and other watercraft to operate only on the main body of the Blue Mesa Reservoir and lake arms with speed and zone restrictions. PWC use was prohibited in all other areas of the park through restrictions on horsepower and restrictions on motorized vessels. Personal watercraft generally did not operate at the extreme ends of lake arms because the arms are narrow in width. On the main body of the reservoir, personal watercraft were widely distributed. In addition to the main

body, high-use areas include the Iola Basin and Colorado State Highway 149 (Highway 149) areas. Other locations with limited use include Stevens Creek, Cebolla Basin, Soap Creek Arm, Bay of Chickens, and the main marina at Elk Creek.

This rulemaking is focusing exclusively on PWC use at the park. The park also intends to develop a water/vessel management plan for the use of other vessels.

Resource Protection and Public Use Issues

Curecanti National Recreation Area Environmental Assessment

As a companion document to this NPRM, NPS has issued the *Personal Watercraft Use Environmental Assessment for Curecanti National Recreation Area*. The Environmental Assessment (EA) was open for public review and comment from June 11, 2003 until July 13, 2003. The EA is available at http://www.nps.gov/cure/webvc/pwc_use.htm.

The purpose of the environmental assessment was to evaluate a range of alternatives and strategies for the management of PWC use at Curecanti to ensure the protection of park resources and values while offering recreational opportunities as provided for in the National Recreation Area's enabling legislation, purpose, mission, and goals. In March, 2005 an errata was issued. The changes to the environmental assessment were made to modify the preferred alternative and its analysis, to address public comments, and to clarify the text. The assessment assumed alternatives would be implemented beginning in 2002 and considered a 10-year period, from 2002 to 2012. The assessment also compares each alternative to PWC use before November 7, 2002, when the ban took effect. In addition, the Environmental Assessment defines such terms as "negligible" and "adverse." In this document, these terms are used to describe the environmental impact. Refer to the EA for complete definitions.

The environmental assessment evaluates three alternatives addressing the use of personal watercraft at Curecanti:

Alternative A—By using a special regulation, the park would reinstate PWC use as previously managed prior to November 7, 2002, and would add one buffer zone as described below. Under this alternative, PWC use would occur in areas of Blue Mesa Reservoir and portions of the lake arms. Areas appropriate for PWC use would include Sapinero, Cebolla, and Iola Basins; Bay

of Chickens; Dry Creek; Elk Creek; the Highway 149 area; and Lake Fork, Soap Creek, and West Elk arms. Operation of all motorized watercraft would continue to be prohibited in areas east of Beaver Creek within the Gunnison River Canyon and in the area downstream from the East Portal diversion dam. All designated launch areas on Blue Mesa Reservoir (developed and unimproved) would remain open to PWC use. Personal watercraft would be allowed to land on any shoreline at Blue Mesa Reservoir.

The following areas would remain closed to all boating, including personal watercraft, and shoreline entry: Blue Mesa Dam downstream for 225 yards, Morrow Point Dam downstream for 130 yards, Crystal Dam downstream for 700 yards, and East Portal diversion dam upstream for 60 yards. In addition, the following areas would be zoned as flat-wake speed areas: the area upstream from Lake City Bridge to Beaver Creek; the area within the arms of Blue Mesa Reservoir that is less than 1,000 feet from shore to shore at full pool level. These areas will be marked by designated buoys. These arms include Soap Creek Arm, West Elk Arm, Lake Fork Arm, and Cebolla Arm; narrow waterways off the Bay of Chickens and Dry Creek; Elk Creek and Lake Fork Marinas; and Iola and Stevens Creek boat launch areas.

In addition to the areas outlined above, a 100-foot buffer zone from the shoreline would be established at the Stevens Creek campground, as marked by buoys. The buffer area would be zoned as a flat-wake speed area. A buffer zone will provide for the protection of an active Gunnison sage grouse lek and nesting area, and would mitigate potential noise impacts from PWC use and associated shoreline use during the lek and nesting season (mid-March–July).

Alternative B—Same as alternative A, with the following additional restrictions. This alternative would establish a 100-foot buffer zone along the south shore of Blue Mesa Reservoir from 0.5 mile west of Iola to 0.5 mile east of Middle Bridge for soundscape, cultural resource, and wildlife protection as well as to prevent erosion.

Alternative B includes further speed restrictions. Under this alternative, the additional speed restrictions would apply to PWC use in each of the lake arms on Blue Mesa Reservoir from the mouth of each lake arm upriver to the flat-wake areas. In these restricted areas PWC use would need to operate at flat-wake speeds when within 150 feet of another boat, a person in or floating on the water, shore fisherman, a launching

ramp, a dock, or a designated swimming area.

No-Action Alternative—The park would continue the PWC ban. PWC use would not be reinstated and the National Park Service would not take action to draft a special regulation to reinstate PWC use.

Alternative A is the park's preferred alternative because it would best fulfill the park responsibilities as trustee of the sensitive habitat; ensure safe, healthful, productive, and aesthetically and culturally pleasing surroundings; and attain a wider range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.

This document proposes regulations to implement alternative A at Curecanti National Recreation Area.

The following summarizes the predominant resource protection and public use issues associated with the proposed rule which implements alternative A at Curecanti National Recreation Area. Each of these issues is analyzed in the *Curecanti National Recreation Area, Personal Watercraft Use Environmental Assessment*.

Water Quality

Most research on the effects of personal watercraft on water quality focuses on the impacts of two-stroke engines. Fuel used in PWC engines contains many hydrocarbons, including benzene, toluene, ethylbenzene, and xylene (collectively referred to as BTEX) and polyaromatic hydrocarbons (PAH). PAH also are released from boat engines, including those in personal watercraft. These compounds are not found appreciably in the unburned fuel mixture, but rather are products of combustion. Discharges of these compounds—BTEX and PAH—have potential adverse effects on water quality.

A typical conventional (i.e., carbureted) two-stroke PWC engine discharges as much as 30% of the unburned fuel mixture directly into the water. At common fuel consumption rates, an average two-hour ride on a personal watercraft may discharge 3 gallons of fuel into the water. According to the California Air Resources Board, an average personal watercraft can discharge between 1.2 and 3.3 gallons of fuel during one hour at full throttle. However, hydrocarbon (HC) discharges to water are expected to decrease substantially over the next 10 years due to mandated improvements in engine technology.

Cumulative emissions in Blue Mesa Reservoir would be similar to those

previous to the ban on PWC use. In addition to the personal watercraft that use Blue Mesa Reservoir, other two-stroke outboard motorboats, and to a lesser degree the inboard or inboard/outboard motorboats would contribute pollutants to the water. A total of 216 vessels in 2002 and 256 vessels in 2012 are estimated during a peak use day. The EA found there would be negligible adverse effects on water quality based on ecotoxicological threshold volumes. Ecotoxicological threshold volumes are the volume of water needed to dilute the emissions from PWCs. Human health benchmark is the threshold volume of water needed to avoid impacts to human health. All pollutant loads in 2002 and 2012 from personal watercraft and other motorboats would be well below ecotoxicological benchmarks and criteria as described in the EA.

PWC impacts on water quality from benzo(a)pyrene, naphthalene, and benzene based on human health (ingestion of water and fish); and Environmental Protection Agency (EPA) and State of Colorado water quality criteria, would range from negligible to minor adverse in both 2002 and 2012. Cumulative impacts from PWC and other motorboats would be negligible adverse for benzo(a)pyrene and naphthalene. Cumulative water quality impacts due to benzene would be minor to moderate adverse in 2002 and 2012 based on human health benchmarks. Impacts in Blue Mesa Reservoir due to benzene would be reduced to minor adverse impacts when the half-life of benzene is considered. Implementation of this proposed rule would not result in an impairment of water quality.

Air Quality

Personal watercraft emit various compounds that pollute the air. In the two-stroke engines commonly used in personal watercraft, the lubricating oil is used once and is expelled as part of the exhaust; and the combustion process results in emissions of air pollutants such as volatile organic compounds (VOC), nitrogen oxides (NO_x), particulate matter (PM), and carbon monoxide (CO). Personal watercraft also emit fuel components such as benzene that are known to cause adverse health effects. Even though PWC engine exhaust is usually routed below the waterline, a portion of the exhaust gases go into the air. These air pollutants may adversely impact park visitor and employee health, as well as sensitive park resources.

In the presence of sunlight, VOC and NO_x emissions combine to form ozone. Ozone causes respiratory problems in humans, including cough, airway

irritation, and chest pain during inhalations. Ozone is also toxic to sensitive species of vegetation. It causes visible foliar injury, decreases plant growth, and increases plant susceptibility to insects and disease. Carbon monoxide can affect humans as well. It interferes with the oxygen carrying capacity of blood, resulting in lack of oxygen to tissues. NO_x and PM emissions associated with PWC use can also degrade visibility. NO_x can also contribute to acid deposition effects on plants, water, and soil. However, because emission estimates show that NO_x from personal watercraft are minimal (less than 5 tons per year), acid deposition effects attributable to personal watercraft use are expected to be minimal.

As was the case before the ban on PWC use, negligible adverse impacts for CO, HC, PM₁₀, and NO_x would occur in 2002 and 2012. The human health risk from PAH would also be negligible. Cumulative emission levels would be minor adverse for CO and negligible adverse for PM₁₀, HC, and NO_x. This alternative would maintain existing air quality conditions, with future reductions in PM₁₀ and HC emissions due to improved emission controls. Overall, PWC emissions of HC are estimated to be approximately 16% of the cumulative boating emissions in 2002 and 2012. Therefore, implementation of this proposed rule would not result in an impairment of air quality.

Soundscapes

The proposed rule would manage noise from PWC use in affected areas so that visitors' health, safety, and experiences are not adversely affected and would protect birds, waterfowl, and other wildlife from the effects of PWC noise.

Soundscapes include both natural and human components. Natural soundscapes include all naturally occurring sounds such as waves on the shoreline, running water, bird calls, wind blowing through trees, or the sound of thunder. It also includes "natural quiet" that occurs in the absence of natural or human caused sound. The opportunity to experience natural sounds is an enjoyable part of visits to the recreation area.

Common human-caused sounds at Curecanti include engines from PWC and other vessels, vehicle noise, human vocalizations, radios, and other sounds generated by people picnicking and camping. Human sounds are not unexpected or inappropriate at the recreation area, but are a part of the overall soundscape in an area where

water activities, picnicking, camping, and other recreation use are part of the purpose of the park. Evaluation of the appropriateness of human sounds is accomplished by considering visitor expectation, management guidelines, resource sensitivity, and park purpose.

Specific areas within the park where visitors may be sensitive to noise include the surface of Blue Mesa Reservoir and surrounding campgrounds, picnic areas, and hiking trails, including Stevens Creek, Elk Creek, Dry Gulch, and Lake Fork campgrounds as well as Blue Mesa, Old Stevens, Iola, Dry Creek, Bay of Chickens, Dillon Pinnacles, McIntyre Gulch, and Elk Creek picnic areas. Visitors would likely be less sensitive to noise in those areas located close to U.S. 50, which runs along Blue Mesa Reservoir, often close to the shoreline, and rarely more than 0.75-mile away from the shoreline; therefore, providing a relatively high ambient automobile noise.

Noise sensitive activities that may occur throughout the reservoir and immediate area include boat and shoreline fishing and wildlife watching. Noise related to PWC and other watercraft, and sounds related to other human activity, are typically highest during the summer months, especially at Elk Creek and Lake Fork, where most PWC launch. PWC generate noise that varies in pitch and frequency due to the nature of their construction and use. The two-stroke engines are often used at high speeds, and the craft bounce along the top of the water such that the motor discharges noise below and above the water surface. To recreation area visitors, this irregular noise seems to be more annoying than that of a standard motorboat that is cruising along the shoreline, even though the maximum noise levels may be similar for the two watercraft (approximately 80 to 90 dBA at 50 feet). Additionally, visitors who expect to experience natural quiet may consider the irregular noise of PWC more annoying, especially if the craft is operating in one location for extended periods of time.

The proposed rule would result in a minor to moderate adverse impact at certain locations along the reservoir on days when PWC use is relatively heavy. Minor impacts would occur where use is infrequent and distanced from other park users, for example, as PWC users operated far from shore. Moderate impacts could occur from concentrated PWC use in one area, particularly in the narrow canyon between Cebolla and Iola Basins near Elk Creek, where motorized noise could predominate on busy summer weekends. On the highest

PWC use days of the year, such as a Saturday on the Fourth of July holiday weekend, motorized noise could predominate for most of the day at Elk Creek marina. Although noise levels may be bothersome for some, most visitors to Curecanti on a busy holiday weekend will expect to hear motorized noises, and PWC and other motorized use is consistent with park purpose of supplying visitors with water-based recreational opportunities. The cumulative effect of PWC and boating noise would have a minor to moderate adverse impact because it would be heard occasionally throughout the day. Impacts are generally short term, since noise would usually be of limited duration, except on very busy holidays when motorized noise from PWC, other motorboats, automobiles, and other human-caused sounds can predominate for most of the day at the high use, near shore recreation areas such as Elk Creek.

Therefore, noise from PWC would have minor to moderate adverse impacts at most locations at Curecanti and immediate surrounding area. Impact levels would be related to the number of personal watercraft operating as well as the sensitivity of other visitors. Cumulative noise impacts from personal watercraft, motorboats, automobiles on U.S. 50, and other visitors would be minor to moderate adverse because these sounds would be heard occasionally throughout the day and may predominate on busy days during the high use season. The proposed new buffer zone would have speed and wake restrictions that would provide beneficial improvements to the soundscape values.

Implementation of this proposed rule would not result in an impairment of soundscape values.

Wildlife and Wildlife Habitat

The proposed rule aims to manage PWC use to protect fish and wildlife including the bald eagle, great blue heron (park native species of special concern) and Gunnison sage grouse (park native species of special concern and Federal candidate for designation as an endangered species) and their habitats from PWC disturbances. Also, the proposed rule would manage PWC use to protect fish and wildlife from the adverse effects that result from the bioaccumulation of contaminants emitted from personal watercraft.

Some research suggests that PWC use affects wildlife by causing interruption of normal activities, alarm or flight, avoidance or degradation of habitat, and effects on reproductive success. This is thought to be a result of a combination of PWC speed, noise, and ability to

access sensitive areas, especially in shallow-water depths. Waterfowl and nesting birds are the most vulnerable to personal watercraft. Fleeing a disturbance created by personal watercraft may force birds to abandon eggs during crucial embryo development stages, prevent nest defense from predators, and contribute to stress and associated behavior changes. Impacts on sensitive species are documented under "Threatened, Endangered, or Special Concern Species."

PWC use could affect wildlife wherever motorized vessels are allowed. When PWC were allowed throughout the main body and arms of Blue Mesa Reservoir prior to the November 2002 ban, use was most concentrated between Elk Creek and the Lake City Bridge, and in the Soap Creek Arm. Most access was from the Ponderosa Campground and the Elk Creek Marina. Due to cool ambient air and water temperatures throughout the majority of the year, PWC use occurred from June through September with peak use during July and August. Due to heavy winds and wave action on Blue Mesa Reservoir, average time of use for PWC per day was 2 hours.

Within the impact analysis area, wildlife such as waterfowl is most likely to occur near the shoreline due to habitat constraints. Some species such as small mammals may visit the shoreline often, even though their primary habitat is outside of the immediate shoreline area. Other wildlife species that occur within the recreation area occur at the shoreline only infrequently. The addition of flat-wake zoning at the Stevens Creek campground and the expanded wake restriction zones in the lake arms would decrease the likelihood of impacts to waterfowl and other species along the shoreline. In the shoreline buffer areas, noise, physical disturbance, and emissions from PWC would be decreased or eliminated. There are no documented cases of deliberate harassment or collisions with wildlife by PWC users on Blue Mesa Reservoir.

Potential cumulative effects to wildlife and wildlife habitat are related to various visitor activities that occur in proximity to wildlife species. Visitors have access to the shoreline by many types of non-personal watercraft, or by automobile and hiking. Non-PWC boating activities account for over 90% of total boating activity in the recreation area. Wildlife routinely exhibit movement or flight response due to disturbance by powerboats.

Interactions between wildlife and human visitors would be limited

because of the low abundance of wildlife within the high use areas and the dispersion of visitors along the shoreline. Shoreline use tends to be concentrated around developed facilities such as marinas, where habitat characteristics are lacking relative to undeveloped shoreline areas. Visitor interactions would not interfere with feeding, reproduction, or other activities necessary for the survival of the wildlife species. Overall, visitors (including PWC users) at Curecanti would cause moderate, short-term adverse impacts to wildlife that are dispersed over a large area along the shoreline.

PWC use at Curecanti would have negligible adverse effects on fish, and minor to moderate adverse impacts on waterfowl and other wildlife. There would be no perceptible changes in wildlife populations or their habitat community structure. Due to low levels of PWC use, coupled with a lack of substantial habitat areas, any impacts to fish, wildlife and respective habitats would be temporary and short term. The intensity and duration of impacts is not expected to increase substantially over the next 10 years, since PWC numbers would not increase substantially and engine technology would continue to improve under EPA industry regulations. On a cumulative basis, all visitor activities would have moderate adverse effects on wildlife and wildlife habitat. All wildlife impacts would be temporary and short term.

Therefore, implementation of the proposed rule would not result in impairment to wildlife or wildlife habitat.

Threatened, Endangered, or Special Concern Species

By implementing this proposed rule, the park aims to protect threatened and endangered species, and species of special concern, and their habitats from PWC disturbances.

The same issues described for PWC use and general wildlife also pertain to special concern species. Potential impacts from personal watercraft include inducing flight and alarm responses, disrupting normal behaviors and causing stress, degrading habitat quality, and potentially affecting reproductive success. Special status species at the recreation area include Federal or State listed threatened, endangered, or candidate species. In addition to Federal and State designated species, Curecanti National Recreation Area contains species that park staff considers to be native species of special concern.

The Endangered Species Act (16 U.S.C 1531 *et seq.*) mandates that all

Federal agencies consider the potential effects of their actions on species listed as threatened or endangered. If the National Park Service determines that an action may adversely affect a Federally listed species, consultation with the U.S. Fish and Wildlife Service is required to ensure that the action will not jeopardize the species' continued existence or result in the destruction or adverse modification of critical habitat.

The following species found in Curecanti are Federally listed or candidates for designation as an endangered species according to the U.S. Fish and Wildlife Service (USFWS): bald eagle (threatened), southwestern willow flycatcher (endangered), yellow-billed cuckoo (candidate), Canada lynx (threatened), and boreal toad (candidate). The Colorado Wildlife Commission maintains a list of special status species including State-listed threatened, endangered, or special concern species. The Federally listed species mentioned above with the exception of the yellow-billed cuckoo are also given special status by the State. Other State listed species that may potentially be affected by the action at Curecanti include the greater Sandhill crane, Gunnison sage grouse, American peregrine falcon, and long-billed curlew. All of these species are listed as special concern species and therefore do not have protected status. However, these species have been determined by the Colorado Wildlife Commission to be at risk of eventual threatened or endangered status. One State-listed (threatened) species that is protected is the Colorado River cutthroat trout, which is also Federally listed as threatened. However, USFWS did not include any fish species in their list of Federally listed species potentially affected by PWC management actions. Also, according to the USFWS, there are no federally listed or candidate plant species at Curecanti National Recreation Area that would be affected by PWC use on Blue Mesa Reservoir. However, there are two plant species that occur within the recreation area that are ranked by the Nature Conservancy's Natural Heritage ranking system. The skiff milkvetch (State listed as "critically imperiled") and the Gunnison milkvetch (State listed as "imperiled") occur in upland sagebrush communities within the recreation area, but do not occur along the shoreline of Blue Mesa Reservoir.

The proposed rule would allow PWC use but would include additional PWC management strategies. A resource monitoring program would be established to monitor future impacts. Also, a 100-foot buffer zone would be

established for Gunnison sage grouse habitat on the northern shore of the main body at Stevens Creek. The establishment of a PWC buffer zone along portions of Blue Mesa Reservoir would potentially have beneficial impacts on threatened and endangered species, particularly the Gunnison sage grouse. Effects from PWC noise, physical disturbance, and access would be decreased along this portion of the shoreline. Under the proposed rule, PWC use in Curecanti National Recreation Area may affect but is not likely to adversely affect bald eagle, yellow billed cuckoo, American peregrine falcon, and both milkvetch plant species. As before the ban, there would be no effect on all other Federal or State-listed species, and no likely effects on park sensitive species.

Cumulative impacts to the special status animal and plant species discussed in the EA include impacts from human presence and all other water-based recreational activities such as boating, swimming, and fishing. In addition, visitors who focus more on upland activities such as picnicking, camping, hiking, and hunting also may cause minor adverse disturbances to the above species in the short term. However, most visitor activities occur in or near already disturbed or developed sites such as boat ramps, marinas, and camp or picnic areas.

Cumulative impacts from activities within Curecanti National Recreation Area may affect but are not likely to affect federally or state listed species or other special status wildlife or plant species in the short term but not in the long term.

PWC use at Curecanti National Recreation Area may affect, but is not likely to adversely affect the federally or state listed bald eagle, Gunnison sage grouse, yellow-billed cuckoo, American peregrine falcon, skiff milkvetch, and Gunnison milkvetch. There would be no effect to all other federal or state listed species. All park sensitive species are unlikely to be affected. Cumulative effects from all park visitor activities would also be unlikely to cause adverse effects to special status species due to lack of species occurrences as well as a lack of access to the species or their habitats in the short or long term.

Therefore, implementation of the proposed rule would not result in impairment of threatened or endangered species.

Shoreline Vegetation

Personal watercraft provide access to the shoreline and operators may disembark to explore shoreline areas. As a result, vegetation could be trampled

by visitors. PWC are able to access areas where other types of watercraft cannot, which may disturb sensitive plant species. In addition, wakes created by personal watercraft may affect shorelines and cause erosion. However, vegetation along the reservoir shoreline is generally lacking, so the proposed rule would manage PWC use in order to protect what sensitive shoreline areas there are from PWC activity and access.

Reinstated PWC use could affect vegetation in areas between Elk Creek and the Lake City Bridge and in the Soap Creek Arm where visitor use and shoreline access is concentrated. Potential impacts to vegetation from PWC use include short-term wave action and trampling as a result of PWC operators accessing and walking on the shore. Because vegetation is generally lacking along many shoreline areas, PWC use would result in only negligible, short-term adverse impacts. The primary location of lush riparian vegetation is in more inland and narrow areas of the lake arms. However, the expanded designated flat-wake speed areas in the lake arms would minimize disturbance from PWC and other activities. Thus, adverse impacts to vegetation would be negligible in the lake arms as well. Shoreline erosion at Curecanti is caused primarily by high winds and wave action and is more likely to affect shoreline vegetation when the reservoir is at full pool. Physical processes in combination with PWC and other watercraft use at Curecanti, would result in a negligible to minor adverse impacts on shoreline vegetation because it is generally lacking in concentrated use areas or is protected by restrictive zoning.

PWC use would result in a negligible adverse effect on shoreline vegetation because vegetation along the reservoir shoreline is generally lacking. Areas where vegetation may occur would be protected by wake restrictions. Cumulative impacts would be negligible to minor in the long term due to wind-related erosion, wave action, and other visitor activities such as boating.

Therefore, implementation of the proposed rule would not result in an impairment of shoreline vegetation.

Visitor Experience

PWC use is viewed by some segments of the public as a nuisance due to their noise, speed, and overall environmental effects, while others believe personal watercraft are no different from other watercraft and that people have a right to enjoy the sport. The primary concern involves changes in noise, pitch, and volume, due to the way personal watercraft are operated. Additionally,

the sound of any watercraft can carry for long distances, especially on a calm day. The proposed rule aims to minimize potential conflicts between PWC use and park visitors, to seek cooperation with State entities that regulate PWC use, and to provide a wide range of recreational activities consistent with conservation of the natural and cultural values.

Under the proposed rule, PWC use would be reinstated with additional management prescriptions. A new 100-foot buffer zone would be established on the northern shore of the main body at Stevens Creek to protect the Gunnison sage grouse habitat.

Impact on PWC Users—There would be minimal changes to PWC use or activity as compared to conditions prior to the 2002 PWC closure. The flat-wake zone near Stevens Creek campground would have a negligible adverse impact on PWC users, since this area is not a high-use area for PWC. The boat ramp at Stevens Creek would remain zoned as flat-wake. The flat-wake zones within the portion of the arms of the lake that is less than 1,000 feet from shore to shore would have a minor adverse impact on PWC users, as these calmer, narrow, areas of the reservoir would not be available for any high speed use.

Impact on Other Boaters—Other boaters at Curecanti National Recreation Area would interact with PWC operators on an increasing basis as overall boating numbers increase over the next 10 years. PWC use is expected to increase at a slightly higher rate than other boat use; however, PWC would still only comprise approximately 7% of total boats on Blue Mesa Reservoir in 2012. The main body of Blue Mesa Reservoir does not receive substantial PWC use due to the large expanses of open water and frequent high winds. High-use areas for PWC include Dry Creek, the Soap Creek Arm, Bay of Chickens, near the marinas, and off Highway 149 just south of the Lake City Bridge.

Generally, few non-motorized craft (sea kayaks, canoes, and windsurfers) use Blue Mesa Reservoir, so interactions with these user groups would be infrequent. In addition, flat-wake speed areas would occur within the arms of the lake, including Soap Creek Arm, West Elk Arm, Lake Fork Arm, Cebolla Arm; the narrow waterways off the Bay of Chickens and Dry Creek; and upstream of the Lake City Bridge—calmer waters that lead to creeks favored by canoeists and kayakers. Flat-wake areas would exist at Elk Creek and Lake Fork Marinas, and Iola, Stevens Creek and Old Stevens boat ramps. However, it should be noted that the main violation by PWC users has

historically been violation of flat-wake speed zones, and increased PWC numbers could have an effect on non-motorized boaters at these sites. Some PWC activity exists near the windsurfing beach, but staff observations note that windsurfing activity has been steadily declining over the past few years. Therefore, under the proposed rule, impacts to non-motorized boaters would be negligible to minor adverse.

Impact on Other Visitors—There are four campgrounds on the reservoir that have boat launch facilities, and thus have PWC use in the vicinity. Receding lake levels have led to decreased visitation at park campgrounds, and because campgrounds are currently high above the reservoir level, contact between campers and PWC users are low. However, lake levels could rise, camping visitation could increase, and contact between the two user groups could also increase. The 100-foot flat-wake zone at the Stevens Creek campground would reduce noise impacts from PWC on campers. Under the proposed rule, PWC use would have negligible to minor adverse effects on visitors to park campgrounds and minor adverse effects at higher water levels when campgrounds are more accessible from the water.

There is one designated hiking trail along the northern shoreline of Blue Mesa Reservoir at Dillon Pinnacles. Roads and miles of undesignated hiking trails also provide access to much of the Blue Mesa shoreline. PWC use in areas such as these that are popular with both personal watercraft and other shoreline visitors could affect visitors seeking natural quiet. However, anglers who seek solitude can fish in Morrow Point and Crystal Reservoirs, and along the Gunnison River east of Beaver Creek—areas closed to motorized watercraft. In addition, many shoreline visitors are travelers stopping to enjoy the scenery and picnic, not necessarily to have a solitude experience, thus PWC use under the proposed rule would have a negligible to minor adverse effect on hikers and shoreline users.

PWC use would not result in a noticeable change in shoreline visitor experiences because the park provides flat-wake speed areas for non-PWC visitors to enjoy park activities. However, violations of flat-wake speed zones and the expected increase in PWC use at congested areas in the Blue Mesa Reservoir could result in negligible to minor adverse impacts on the experiences of these shoreline visitors.

The primary activities at Curecanti National Recreation Area that could affect visitor experiences include the

number and activities of other visitors and noise from vehicles and motorboats. Increased use or expansion of U.S. 50 would cause an increase in noise levels and increased lakeshore activity. Due to low water levels, several boat launch ramps were unusable in 2002. Although the Bureau of Reclamation regulates lake levels, it is impossible to predict the effects of drought conditions and downstream water needs on future water levels. However, if drought conditions worsen, boat ramps and swim beaches may become unusable, and usable launch areas could become more crowded. It is, however, impossible to predict future water levels. Predictable cumulative impacts related to the use of personal watercraft, motorized boats, and other visitor activities would be negligible to minor over the short and long term.

Reinstated PWC use would result in negligible to minor adverse impacts on experiences for most visitors in the short and long-term under the proposed rule. Swimmers and other motorized boat users would be most affected by PWC use because of the popularity of the day use areas habituated by PWC, especially at Dry Creek Picnic Area, Bay of Chickens, and the windsurfing beach. PWC use would have short- and long-term negligible to minor adverse impacts for visitors who desire a more passive recreational experience and desire natural quiet. Overall, most visitors to Curecanti National Recreation Area would experience negligible to minor adverse effects under the proposed rule and would be satisfied with their experiences at Curecanti National Recreation Area.

Cumulative effects of PWC use, other watercraft, and other visitors would result in short- and long-term, negligible to minor adverse impacts.

Visitor Conflict and Safety

The proposed rule would minimize or reduce the potential for PWC user accidents, minimize or reduce the potential safety conflicts between PWC users and other water recreationists, and minimize or reduce the potential user conflicts between PWC users and shore and boat fishermen.

The park has documented, through incident reports, conflicts and complaints between PWC operators and other visitors. The Superintendent also has received a few complaints about PWC activity from both bank and boat fishermen. Most complaints are about wake violations. No PWC accidents have been reported in the last five years. Although there have only been 9 citations involving PWC operators in the last five years, the share of PWC

citations is disproportionately high. In this five-year period, PWC accounted for less than 6% of total watercraft, and over 20% of all watercraft citations. Records of boating violations only include infractions for which citations were issued. Figures do not include verbal or written warnings. The most common infraction was for violation of the flat-wake speed restrictions, especially in marinas. There have been one or two reported incidents involving PWC per year, mostly property damage from vessels grounding or wind related swamping. PWC have the most potential for conflicts with other motorboats, fishermen, and shoreline users because both user groups concentrate in the same areas. Areas of potential conflict are similar to areas of current conflict, at high PWC use areas such as the Iola Basin at Highway 149, Dry Creek picnic area, the Soap Creek Arm, the marinas, and around "Sometimes Island."

Under the proposed rule, PWC operators would have unrestricted use along the Blue Mesa Reservoir shoreline within the impact analysis area, as allowed prior to the November 7, 2002 ban. Use would increase from 9 personal watercraft per typical summer season day to 11 PWC per day by 2012. Peak use days would see an increase from 16 to 20 PWC per day, based on an increase of 2% per year.

Personal Watercraft/Swimmer Conflicts—The greatest potential for conflict with swimmers is at the high use areas near Dry Creek Picnic Area, Bay of Chickens windsurfing beach area, and along Highway 149 just south of the Lake City Bridge. This is where many of the park's visitors swim, and these areas include the most PWC areas within the national recreation area. No PWC-related accidents have been documented since 1995.

The park has established flat-wake speed zones to help protect visitors, including the area around Stevens Creek campground and the area within the arms of the lake that is less than 1,000 feet from shore to shore at full pool level. However, violations do occur in these areas, and historically, PWC operators are more likely to infringe on the flat-wake speed rule than other vessel operators. An estimated 16–20 personal watercraft would be operated in the reservoir during peak use days, many of which would likely concentrate near popular swim areas and may violate the flat-wake speed rule to beach, pick up passengers, or change operators. Even though no PWC related accidents have occurred involving a swimmer, the park has received complaints from swimmers about PWC not slowing down as required in the

presence of swimmers. PWC users may operate at speeds of up to 40 mph on the reservoir, and the potential exists for an accident involving a swimmer. Due to the concentration of visitors that use these areas, impacts regarding swimmer safety at these locations are predicted to be minor to moderate adverse.

The remaining park locations would experience little or no conflict between PWC users and swimmers. There are few swimmers in other areas of the park that are frequented by PWC. Thus, conflicts in these segments would constitute negligible adverse impacts. Swimming is not a popular activity at Curecanti due to cold water. Swimmers tend to be in the water for short periods of time and tend to stay close to shore.

Personal Watercraft/Other Boat Conflicts—PWC represent an estimated 7% of all vessels at Blue Mesa Reservoir on peak use days. At Curecanti, no vessel accidents (out of 24 accidents from 1995 through 2000) involved PWC. Potential for incidents or accidents at congested boat ramps exists but the impact of PWC use on safety would be considered negligible to minor. PWC may come into conflict with non-motorized boats in the flat-wake speed areas, where PWC have violated the flat-wake speed rules. Impacts to other boaters are predicted to be negligible to minor adverse.

Overall, PWC use would have negligible to minor adverse impacts on other boat users at Curecanti National Recreation Area. Impacts would be concentrated primarily at the boat launches and high PWC use areas.

Personal Watercraft/Other Visitor Conflicts—Blue Mesa Reservoir and its shoreline are used by a variety of visitors, including swimmers, motorboat users, kayakers, canoeists, campers, anglers, and hikers. All of these user groups interact with each other and occasionally come into conflict. Some user groups are more distributed than others. For example, kayakers, canoeists, and swimmers tend to stay close to the shore, whereas PWC and motorboat operators tend to operate at least 150 feet offshore, unless landing and taking off. This separation of use reduces the potential for conflicts between the various groups. However, several of these user groups favor the same general location.

The cumulative impact of the various user groups on visitor conflicts and safety under the proposed rule would be negligible to minor adverse over the short and long term.

Reinstated PWC use would have short-term negligible to minor adverse and long-term, minor adverse impacts on visitor conflicts and safety,

particularly in the noted high PWC use locations due to the number of visitors and boats present on high use days, as well as a concentration of conflicting uses. Conflicts at other locations would remain negligible adverse because use is lower and conflicts would be less likely to occur.

Cumulative impacts related to visitor conflicts and safety would be minor adverse for all user groups in the short and long term, particularly near the high-use areas. Cumulative impacts in other areas of the reservoir would be negligible adverse.

The Proposed Rule

Under this proposed rule, PWC use would be reinstated, with one new restriction for wildlife protection, in all locations of the recreation area where it was allowed until November 6, 2002. PWC use would be reinstated in areas of Blue Mesa Reservoir and portions of the lake arms. Areas appropriate for PWC use would include Sapinero, Cebolla and Iola Basins; Bay of Chickens; Dry Creek; Elk Creek; the Highway 149 area; and Lake Fork, Soap Creek, and West Elk arms. In addition, all 5 designated launch areas on Blue Mesa Reservoir (developed and unimproved) would remain open to PWC use. Personal watercraft would be allowed to land on any shoreline at Blue Mesa Reservoir.

Operation of all motorized watercraft would continue to be unacceptable in areas east of Beaver Creek within the Gunnison River Canyon and in the area downstream from the East Portal diversion dam. The following areas would remain closed to all boating, including personal watercraft, and shoreline entry: Blue Mesa Dam downstream for 225 yards, Morrow Point Dam downstream for 130 yards, Crystal Dam downstream for 700 yards, and East Portal diversion dam upstream for 60 yards.

At Curecanti, the following areas would remain flat-wake speed areas: the most inland and narrow portions of Soap Creek Arm, West Elk Arm, Lake Fork Arm, and Cebolla Arm; within 100 foot of Steven's Creek campground; the narrow waterways off the Bay of Chickens and Dry Creek; Elk Creek and Lake Fork Marinas; and Iola, Stevens Creek, and Ponderosa boat launch areas.

Finally, in addition to the restrictions for PWC use before the ban, a 100-foot flat wake zone would be established at the Stevens Creek campground for the protection of an active Gunnison sage grouse lek and nesting area. A flat wake zone would mitigate potential noise impacts from PWC use and associated shoreline use during the lek and nesting season (mid-March–July).

Compliance With Other Laws

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule and has not been reviewed by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The National Park Service has completed the report "Economic Analysis of Personal Watercraft Regulations in Curecanti National Recreation Area" (MACTEC Engineering, November 2002). This document may be viewed on the park's Web site at: http://www.nps.gov/cure/webvc/pwc_use.htm.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. Actions taken under this rule will not interfere with other agencies or local government plans, policies or controls. This rule is an agency specific rule.

(3) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule will have no effects on entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. No grants or other forms of monetary supplements are involved.

(4) This rule does not raise novel legal or policy issues. This rule is one of the special regulations being issued for managing PWC use in National Park Units. The National Park Service published general regulations (36 CFR 3.24) in March 2000, requiring individual park areas to adopt special regulations to authorize PWC use. The implementation of the requirement of the general regulation continues to generate interest and discussion from the public concerning the overall effect of authorizing PWC use and National Park Service policy and park management.

Regulatory Flexibility Act

The Department of the Interior certifies that this rulemaking will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on a report entitled "Economic Analysis of Personal Watercraft Regulations in Curecanti National

Recreation Area" (MACTEC Engineering, November 2002). This document may be viewed on the park's Web site at: http://www.nps.gov/cure/webvc/pwc_use.htm.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

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

- a. Does not have an annual effect on the economy of \$100 million or more.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. This rule is an agency specific rule and does not impose any other requirements on other agencies, governments, or the private sector.

Takings (Executive Order 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. A taking implication assessment is not required. No taking of personal property will occur as a result of this rule.

Federalism (Executive Order 13132)

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This proposed rule only affects use of NPS administered lands and waters. It has no outside effects on other areas by allowing PWC use in specific areas of the park.

Civil Justice Reform (Executive Order 12988)

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

Paperwork Reduction Act

This regulation does not require an information collection from 10 or more

parties and a submission under the Paperwork Reduction Act is not required. An OMB Form 83-I is not required.

National Environmental Policy Act

As a companion document to this NPRM, NPS has issued the *Personal Watercraft Use Environmental Assessment for Curecanti National Recreation Area*. The Environmental Assessment (EA) was open for public review and comment from June 11, 2003 until July 13, 2003. The EA and the errata are available at http://www.nps.gov/cure/webvc/pwc_use.htm, or copies can be obtained directly from the park. The park encourages the use of the Web site for review and comment, however, a limited number of hard copies and CD-ROMs of the document are available. Send written requests for the EA to Superintendent, Curecanti National Recreation Area, 102 Elk Creek, Gunnison, CO 81230 or phone park headquarters at 970-641-2337, ext. 200. If requesting a copy, please specify your choice of either a hard copy or CD-ROM of the document.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government to Government Relations with Native American Tribal Governments" (59 FR 22951) and 512 DM 2, we have evaluated potential effects on Federally recognized Indian tribes and have determined that there are no potential effects.

Clarity of Rule

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to read if it were divided into more (but shorter) sections? (A "section" appears in bold type and is preceded by the symbol "\$" and a numbered heading; for example [§ 7.51 Curecanti Recreation Area]) (5) Is the description of the rule in the "Supplementary Information" section of the preamble helpful in understanding the proposed rule? What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240. You may also email the comments to this address: Exsec@ios.doi.gov.

Drafting Information: The primary authors of this regulation are: Bill Wellman, Superintendent, Linda Alick, Chief Ranger, Ned Kelleher, District Ranger, Phil Zichterman, Chief of Interpretation, Ken Stahlnecker, Chief of Resource Stewardship, Jerry Burgess, Facility Manager, Curecanti National Recreation Area; Sarah Branswom, Environmental Quality Division; Mike Tiernan, WASO Solicitor's Office, and Jerry Case, Regulations Program Manager.

Public Participation

You may submit comments, identified by the number RIN 1024-AC99, by any of the following methods:

- Federal rulemaking portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- E-mail NPS at CurecantiPWC@urscorp.com. Use RIN 1024-AC99 in the subject line.
- Mail or hand delivery to: Superintendent, Curecanti National Recreation Area, 102 Elk Creek, Gunnison, CO 81230.

Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials or organizations or businesses, available for public inspection in their entirety.

List of Subjects in 36 CFR Part 7

National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 7 as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. Amend § 7.51 by adding paragraph (d) to read as follows:

§ 7.51 Curecanti Recreation Area.

* * * * *

(d) *Personal Watercraft (PWC)*. PWC may operate within Curecanti National Recreation Area in the following designated areas and under the following conditions:

(1) PWC may operate and land on Blue Mesa Reservoir between Beaver Creek and Blue Mesa dam.

(2) PWC must operate at “flat wake” speeds within Blue Mesa Reservoir in the following areas upstream of designated buoys:

(i) Soap Creek arm at approximate longitude 107°8’9” N latitude 38°30’16” W.

(ii) West Elk arm at approximate longitude 107°16’45” N latitude 38°29’43” W.

(iii) Cebolla arm at approximate longitude 107°12’16” N latitude 38°27’37” W.

(iv) Lake Fork arm at approximate longitude 107°18’19” N latitude 38°27’2” W.

(3) PWC must operate at “flat wake” speeds in the following areas:

(i) Within 100’ of shoreline inside Dry Creek cove.

(ii) Within 500’ of shoreline along old highway 50 and Bay of Chickens.

(iii) At Elk Creek and Lake Fork marinas.

(iv) At Iola, Steven’s Creek, and Ponderosa boat launch areas.

(v) From Lake city bridge east to Beaver’s Creek.

(vi) Within 100’ of shoreline adjacent to Steven’s Creek campground.

(4) PWC may be launched from the following launch ramps:

(i) Elk Creek Marina.

(ii) Lake Fork Marina.

(iii) Iola.

(iv) Steven’s Creek.

(v) Ponderosa.

(5) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

Dated: March 8, 2006.

Paul Hoffman,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E6–3938 Filed 3–16–06; 8:45 am]

BILLING CODE 4310-EH-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 391

[Docket No. FMCSA–2005–23151]

RIN 2126–AA95

Qualifications of Drivers; Diabetes Standard

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); request for comments.

SUMMARY: FMCSA announces that it is considering whether to amend its medical qualifications standards to allow the operation of commercial motor vehicles (CMVs) in interstate commerce by drivers with insulin-treated diabetes mellitus (ITDM) whose physical conditions are adequate to allow them to operate safely and without deleterious effects on their health. At present, drivers with ITDM are required to obtain exemptions before operating CMVs. Upon completion of this rulemaking, drivers with ITDM might not be required to apply for exemptions from the current rule prohibiting such drivers from operating in interstate commerce. However, unless and until the agency changes the current standard in this rulemaking, drivers with ITDM are prohibited from operating CMVs in interstate commerce, unless such individuals have exemptions from FMCSA. Any action to revise the current standard would be made in conformity with the changes in FMCSA’s existing authority to establish, review and revise physical and medical qualification standards for drivers made by the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), which added, among other changes, a requirement that the standards be developed with the assistance of expert medical advice.

DATES: You must submit comments concerning this ANPRM on or before June 15, 2006.

ADDRESSES: You may submit comments to the DOT Docket Management System Number in the heading of this document by any of the following methods. Do not submit the same comments by more than one method. However, in order to allow effective public participation in this rulemaking before the comment period deadline, the Agency encourages use of the Web site that is listed first. It will provide the most efficient and

timely method of receiving and processing your comments.

• *The Web site:* <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

• *Fax:* 1–202–493–2251.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.

• *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions must include the organization name and docket number or Regulatory Identification Number for this regulatory action. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Refer to the Privacy Act heading for further information. If addressing a specific request for comments in this ANPRM, *please clearly identify the related section heading or question number* for each topic addressed in your comments.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room 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.

Private 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 (65 FR 19477) or you may visit <http://dms.dot.gov>.

Comments received after the comment closing date will be included in the docket and the agency will consider late comments to the extent practicable. FMCSA may, however, issue a notice of proposed rulemaking at any time after the close of the comment period.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, FMCSA, 400

Seventh Street, SW., Room 8301, Washington, DC 20590; (202) 366-4001. **SUPPLEMENTARY INFORMATION:** Copies or abstracts of all documents referenced in this notice are in the docket for this rulemaking: FMCSA-2005-23151.

Legal Basis for the Rulemaking

FMCSA has authority (delegated from the Secretary of Transportation (Secretary) by 49 CFR 1.73) to establish the minimum qualifications, including medical and physical qualifications, for drivers of CMVs operated in interstate commerce. 49 U.S.C. 31136(a)(3) and 31502(b). As amended by section 4116(b) of SAFETEA-LU, (Pub. L. 109-59, 119 Stat. 1728, Aug. 10, 2005), section 31136(a)(3) requires that, at a minimum, safety regulations shall ensure that the physical conditions of operators of CMVs adequately enable them to operate the vehicles safely and that the periodic physical examinations required of such operators are performed by medical examiners who have received training in physical and medical examination standards.

These new provisions added by SAFETEA-LU are clearly intended to ensure that the Federal Motor Carrier Safety Regulations ("FMCSRs") contain physical qualification standards that reflect the advice of the agency's newly authorized Medical Review Board and Chief Medical Examiner. 49 U.S.C. 31149(a) and (b).¹ Under new section 31149(c), the Agency, with the advice of the board and the chief medical examiner, is directed to "establish, review and revise * * * medical standards for operators of commercial motor vehicles that will ensure that the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely." The purpose of these provisions in section 31149 is to ensure that the physical and medical qualifications standards for CMV drivers reflect up-to-date, expert medical advice drawn from "expertise in a variety of medical specialties relevant to the driver fitness requirements." 49 U.S.C. 31149(a)(2) and House Conf. Report No. 109-203 (July 28, 2005) at 990.

In addition to the statutory factors that are specific to the physical qualifications of CMV drivers, FMCSA must also consider another factor. Any physical and medical qualifications it

establishes or revises must ensure, at a minimum, that "the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of operators" as required by 49 U.S.C. 31136(a)(4) and *Public Citizen et al. v. Federal Motor Carrier Safety Administration*, 374 F.3d 1209, 1216 (D.C. Cir. 2004). The D.C. Circuit noted, in that case however, that it was not "suggest[ing] that the statute requires the agency to protect driver health to the exclusion of those other factors [i.e., the costs and benefits of the rule], only that the agency must consider it." *Id.* at 1217 (emphasis in original). In order to properly consider this factor in developing physical qualifications standards the agency must consider both (1) the effect of driver health on the safety of commercial motor vehicle operations; and (2) the effect of such operations on driver health.

Finally, before prescribing any regulations, FMCSA must also consider their "costs and benefits" 49 U.S.C. 31136(c)(2)(A) and 31502(d). Those factors are also discussed in the Rulemaking Analysis section.

History of Federal Regulation of Drivers With Insulin-Treated Diabetes Mellitus

Beginning in 1940, under the Interstate Commerce Commission's Motor Carrier Safety Regulations (4 FR 2294, June 7, 1939, effective date January 1, 1940), CMV drivers have been subject to urine glucose tests as part of medical examinations for determining whether a person is physically qualified to drive in interstate or foreign commerce. Starting in 1971 (35 FR 6458, April 22, 1970, effective date January 1, 1971), the Federal Highway Administration (FHWA) (the predecessor to FMCSA) established the current standard for drivers with ITDM. This standard states that a "person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control." 49 CFR 391.41(b)(3). FHWA established the standard, in consultation with medical advisers, mainly because several crash studies indicated that drivers with ITDM had higher rates of crashes compared to the general driving population.

FHWA then became engaged in several activities to address the issue of drivers with ITDM and CMV operation. On March 28, 1977, FHWA published an ANPRM to solicit comments on the standard for drivers with ITDM (42 FR 16452). It terminated the rulemaking in November 1977 without amending the standard, after determining that the

more substantive comments and the literature cited in the ANPRM supported the prohibition against the operation of CMVs by drivers with ITDM because of highway safety concerns (42 FR 57488). On November 25, 1987, the agency published a new ANPRM (52 FR 45204) requesting comments on petitions from two individuals and the American Diabetes Association to eliminate the blanket prohibition against drivers with ITDM and to grant waivers on a case-by-case basis.

In September 1987, the Conference on Diabetic Disorders and Commercial Drivers was held to review the drivers with ITDM standard in light of advances in the care of individuals with ITDM. Conference participants (physicians, scientists, Federal officials and representatives from the motor carrier industry) recommended that some drivers with ITDM could be qualified to drive depending upon insulin use and under certain conditions (e.g., absence of recurrent hypoglycemia, safe driving record) (FHWA, Conference on Diabetic Disorders and Commercial Drivers; Final Report, 1988). Following the conference, FHWA published a Notice of Proposed Rulemaking (55 FR 41028, Oct. 5, 1990) requesting comments on a proposal to revise the drivers with ITDM standard to allow individuals with ITDM to operate CMVs and sponsored a 1990 risk assessment that estimated various levels of crashes among drivers with ITDM depending upon the severity of hypoglycemia (Federal Highway Administration, *Insulin-using Commercial Motor Vehicle Drivers*, 1992). The level of crashes of drivers with ITDM was similar to that of drivers without diabetes mellitus. FHWA published a Notice of Intent to Issue Waivers on October 21, 1992 (57 FR 48011). This led to the July 29, 1993 waiver program (58 FR 40690), including the waiver requirements that a driver with ITDM have a three-year safe driving record while using insulin and regular medical examinations by a board-certified or board-eligible endocrinologist.

The diabetes waiver program was terminated in 1996 in response to a ruling from the U.S. Court of Appeals for the District of Columbia Circuit. In *Advocates for Highway and Auto Safety v. FHWA*, 28 F.3d 1288 (D.C. Cir. 1994), the court held that the *vision waiver* program was not consistent with the statutory standard that required that a waiver be "consistent with the safe operation of commercial motor vehicles." 28 F.3d at 1293 (quoting former 49 U.S.C. App. 2505(f)). Although the decision initially affected

¹ New section 31149, added by section 4116(a) of SAFETEA-LU, becomes effective on August 10, 2006, in accordance with section 4116(f), 119 Stat. 1728, (Aug. 10, 2005) (set out as a note to 49 U.S.C. 31149). However, FMCSA has already announced the establishment of the Medical Review Board under the Federal Advisory Committee Act. 70 FR 57642 (Oct. 3, 2005).

only the vision waiver program, it had an impact on the diabetes program because of the similar approach used to determine driver eligibility. Those drivers holding waivers at the program's termination were allowed to continue to operate CMVs in interstate commerce under the grandfather provisions of 49 CFR 391.64.

In 1998, section 4018 of the Transportation Equity Act for the 21st Century, Public Law 105-178, 112 Stat. 413-4 (TEA-21) (set out as a note to 49 U.S.C. 31305) directed the Secretary to determine the feasibility to develop "a practicable and cost-effective screening, operating and monitoring protocol" for allowing drivers with ITDM to operate CMVs in interstate commerce "that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles." As directed by section 4018, FHWA compiled and evaluated the available research and information. It assembled a panel of medical experts in the treatment of diabetes to investigate and report on the issues concerned with the treatment, medical screening and monitoring of ITDM individuals in the context of operating CMVs. FMCSA then submitted to Congress in July 2000 a report entitled "A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin Treated Diabetes Mellitus to Operate Commercial Motor Vehicles in Interstate Commerce as Directed by the Transportation Equity Act for the 21st Century," (TEA-21 Report to Congress). The motor carrier regulatory functions of the FHWA were transferred to the FMCSA in the Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, 113 Stat. 1748, Dec. 9, 1999. The Report to Congress concluded that it is feasible to establish a safe and practicable protocol with three components that would allow some drivers with ITDM to operate CMVs. The three components included screening of qualified drivers, establishing operational requirements ensuring proper disease management by such drivers, and monitoring of safe driving behavior and proper disease management. For a detailed discussion of the report's findings and conclusions, refer to the notice published at 66 FR 39548 (July 31, 2001). The TEA-21 Report to Congress can be accessed in the docket in the heading of this notice FMCSA-2005-23151, item 1, in the DOT Docket Management System at: <http://dmses.dot.gov/docimages/p64/139973.tif>; or http://dmses.dot.gov/docimages/pdf71/139973_web.pdf; or

on FMCSA's Web site at: <http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreports.htm>.

As a result of the conclusions found in the TEA-21 Report to Congress, the July 31, 2001 notice proposed to implement those conclusions and recommendations by issuing exemptions from the FMCSRs to allow operations of CMVs by drivers with ITDM. After receiving and considering comments on the proposed use of exemptions to implement the TEA-21 Report to Congress, FMCSA issued a Notice of Final Disposition establishing the procedures and protocols for implementing the exemptions for drivers with ITDM. 68 FR 52441 (September 3, 2003) ("2003 Notice"). In order to obtain an exemption, a CMV driver with ITDM must follow the basic requirements for obtaining an exemption set out in 49 CFR part 381, subpart C. FMCSA may not grant an exemption unless it would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption. 49 U.S.C. 31315 and 49 CFR 381.305(a).

In conformity with the conclusions of the TEA-21 Report to Congress, the 2003 Notice implemented, with a few modifications, the three components of the protocol recommended in the report, to allow drivers with ITDM to be qualified with an exemption from the FMCSRs to operate CMVs. FMCSA published the first notice granting exemptions to four drivers with ITDM on September 2, 2005 (70 FR 52465), after notice and opportunity for public comment on May 5, 2005 (70 FR 23904).

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)

Section 4129 of SAFETEA-LU required FMCSA to begin, within 90 days of enactment, to revise the 2003 Notice to allow drivers who use insulin to treat diabetes to operate CMVs in interstate commerce. The revision must provide for individual assessment of drivers with ITDM, and be consistent with the criteria described in section 4018 of TEA-21. Section 4129 required two substantive changes to be made in the exemption process set out in the 2003 Notice.²

In order to accomplish these changes within the 90-day time frame established by section 4129, FMCSA made immediate revisions to the

diabetes exemption program established by the 2003 Notice. These revisions by FMCSA were necessary to respond to the specific changes mandated by section 4129(b) and (c). The changes are: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

Section 4129(d) also directed FMCSA to ensure that CMV drivers with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. FMCSA concluded that all of the operating, monitoring and medical requirements set out in the 2003 Notice, except as modified, were in compliance with section 4129(d). All of the requirements set out in the 2003 Notice, other than those modified in the Notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

The changes to the exemption program (*i.e.*, elimination of the requirement for three years of experience and establishment of a specified minimum period of insulin use) became effective upon publication of the November 8, 2005 Notice. As this ANPRM indicates, FMCSA is considering whether to revise the FMCSRs to allow certain drivers with ITDM to operate CMVs in interstate commerce. Unless and until the agency issues a final rule, however, drivers with ITDM must continue to hold exemptions from the application of 49 CFR 391.41(b)(3) to operate in interstate commerce.

Requests for Information and Comments

FMCSA requests responses to the following questions, as well as comments and data on other issues related to CMV drivers with ITDM who operate in interstate commerce:

(1) Currently, CMV drivers with ITDM must hold an exemption from the ITDM prohibition to operate in interstate commerce. What modifications to the ITDM prohibition in 49 CFR 391.41 should FMCSA consider to enable such drivers to operate safely in interstate commerce without an exemption?

(2) How should FMCSA ensure that health care professionals who might be applying any revised standards do so in a consistent and appropriate manner which ensures both that the physical conditions of such drivers are adequate to enable them to operate safely and that

² Section 4129(a) refers to the 2003 Notice as a "final rule." However, as indicated above, the 2003 Notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

the operation of CMVs is not deleterious to their health?

(3) FMCSA also requests public comments on the changes made in the current exemption program for CMV drivers with ITDM that were made by the November 8, 2005 Notice.

(4) Should FMCSA allow medical examiners to assume responsibility for making an individual determination of the ITDM driver's ability to manage this health condition, or should the agency require the physician responsible for treating the driver's ITDM to certify the driver meets the revised diabetes standard?

(5) Should the agency revise the medical certificate to be issued by the medical examiner to a driver with ITDM to include certification from the "treating physician" in addition to the medical examiner?

(6) Each medical examiner has discretion to set the expiration date on a driver's medical certificate so that it is valid for any period up to 24 months, based on the examiner's determination of how often a driver needs to be re-examined, such as for a specific health condition (e.g., hypertension). What should the Federal standard maximum period of medical certification be for drivers with ITDM?

(7) What changes in health condition of drivers with ITDM (e.g., hypoglycemia-induced incidents) should be reported? What changes in crash/incident data (e.g., each crash) should be reported? Who should be responsible for such reports? To whom should these reports be submitted?

(8) A number of States offer exemption, waiver, or grandfather programs for drivers with ITDM. Other States do not allow drivers with ITDM to operate without an exception/exemption. Would States that prohibit drivers with ITDM from operating CMVs continue to do so or would States adopt rules comparable with the new Federal standard? How many drivers with ITDM are currently operating commercially in these States? If these States have any evidence as to whether ITDM drivers operating CMVs are as safe, safer, or less safe than non-insulin-treated diabetic drivers or non-diabetic drivers, FMCSA would like these States to provide such evidence or identify any sources where FMCSA may obtain such evidence. Also please describe any analysis that has been done on these ITDM drivers, and any special oversight that States conduct.

(9) Should new and emerging therapies for treatment of diabetes mellitus be considered in reviewing and revising the current standard? If so, how? If a revised FMCSA standard for

drivers with ITDM is established, how would new and emerging therapies, particularly injectable medications (e.g., incretin mimetics) and continuous subcutaneous insulin infusion therapy, affect the implementation of a new standard?

(10) What quantitative data are there on safety performance of drivers with ITDM? Do these studies link efficacy of medication and therapy with risk and incidence of crashes in commercial and non-commercial motor vehicles? If so, how?

(11) How many individuals with ITDM are likely to enter the motor carrier occupation if the current medical standards are changed to allow them to drive in interstate commerce?

(12) The TEA-21 Report to Congress discusses occupational and health risks and challenges for individuals with ITDM who operate CMVs. Are there additional occupational and health risks and challenges the TEA-21 Report to Congress did not discuss? Are there additional attributes of this occupation, which may make it particularly difficult for such drivers to manage their condition? Are these attributes characteristic of certain segments of the industry? Should individuals with ITDM be restricted to operating in only certain segments of the industry (e.g., driving locally or short-haul, but not long-haul)?

(13) What are the potential operational stressors and physical impacts associated with CMV driving that may adversely impact a CMV operator with ITDM? Please provide references or available peer-reviewed research data.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FMCSA has determined this ANPRM is a significant regulatory action within the meaning of Executive Order 12866 and the Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). The Office of Management and Budget has reviewed this ANPRM as required by Executive Order 12866.

The Agency is not yet in a position to analyze fully any potential actions it may initiate in response to this ANPRM. FMCSA seeks comments on the following issues to guide our analysis for a potential notice of proposed rulemaking:

(1) The costs and benefits of potentially effective and reasonably feasible alternatives to the current regulations, including improving the

current regulation and reasonably viable non-regulatory actions; and

(2) Any preliminary impact assessments of these regulatory and non-regulatory alternatives on the health of CMV drivers with ITDM.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601-612), as amended by the Small Business Regulatory Enforcement and Fairness Act (Pub. L. 104-121), (RFA) requires Federal agencies to analyze the impact of regulatory alternatives on small entities, unless FMCSA certifies that a regulatory alternative will not have a significant economic impact on a substantial number of small entities, and to consider non-regulatory alternatives that could achieve our goal while minimizing the burden on small entities.

The Agency is not yet in a position to analyze fully any potential actions it may initiate in response to this ANPRM.

FMCSA requests comments and data from the public on how potential alternatives may impact small motor carriers, including owner-operators, who may employ or use a driver with ITDM. This information would represent a major input to estimating the costs of any potential alternatives on small entities. The agency also specifically requests comments on the benefits of potential alternatives. In addition, FMCSA asks entities and associations of small entities to identify their gross revenues.

Executive Order 13132 (Federalism)

Although the agency believes there are no Federalism issues, the agency is not yet in a position to analyze fully any potential actions in accordance with the principles and criteria contained in Executive Order 13132, (64 FR 43255, August 10, 1999). As stated earlier in this ANPRM, FMCSA and its predecessors have regulated the physical condition of drivers with ITDM since 1971. The agency believes regulating drivers with ITDM in interstate commerce is an issue that is national in scope. The agency specifically requests comment from State and local officials on any Federalism issues.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4; 2 U.S.C. 1532) requires each agency to assess the effects of its regulatory actions on State, local, and tribal governments and the private sector. Any agency promulgating a final rule likely to result in a Federal mandate requiring expenditures by a

State, local, or tribal government, or by the private sector of \$120.7 million or more in 2003 dollars in any one year, must prepare a written statement incorporating various assessments, estimates, and descriptions that are delineated in the Act. Although FMCSA believes there would be no unfunded mandates arising from any change in the current standard, the Agency is not yet in a position to analyze fully any potential actions it may initiate and that may meet the requirements of the Unfunded Mandates Reform Act. FMCSA seeks specific comments whether such impacts are likely for any regulatory or non-regulatory alternative for agency consideration.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), a Federal agency must obtain approval from OMB for each collection of information it conducts, sponsors, or requires through regulations.

Current exemption program applicants provide personal, employee health and driving information during the application process. There may be additional health information required as a result of this rulemaking action. The agency is not yet in a position to analyze fully any potential action the agency may initiate that may fall within the scope of the Paperwork Reduction Act. If FMCSA initiates a potential regulatory alternative in the future, incorporating these or other relevant provisions, the Agency would seek approval of any collection of information requirements to generate, maintain, retain, disclose, and provide information to, or for, the agency under 49 CFR part 391.

National Environmental Policy Act

It is not expected that this rulemaking will have environmental impacts, although the agency is not yet in a position to analyze fully any potential actions under the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f) and our environmental procedures Order 5610.1 (issued on March 1, 2004, 69 FR 9680). The agency believes potential actions the agency may initiate in response to this ANPRM may be categorically excluded (CE) from further

environmental documentation under Appendix 2.6.d. and 2.6.z. of Order 5610.1, which contain categorical exclusions for regulations concerning the training, qualifying, licensing, certifying, and managing of personnel and regulations establishing minimum qualifications for persons who drive CMVs as, for, or on behalf of motor carriers. In addition, FMCSA believes potential actions the agency may initiate would not involve extraordinary circumstances that would affect the quality of the environment.

FMCSA is not yet in a position to analyze fully any potential actions under the requirements of the Clean Air Act, as amended (CAA) section 176(c), (42 U.S.C. 7401–7671) and implementing regulations promulgated by the Environmental Protection Agency. FMCSA believes potential actions the agency may initiate would be exempt from the CAA's General conformity requirement since they would involve policy development and civil enforcement activities, such as investigations, inspections, examinations, and the training of law enforcement personnel. See 40 CFR 93.153(c)(2). The agency anticipates potential actions the agency may initiate in response to this ANPRM would not result in any emissions increase or result in emissions that are above the general conformity rule's *de minimis* emission threshold levels because potential actions would merely establish standards for drivers to control their diabetes mellitus.

The agency seeks comment on the effect on the environment of any potential action alternatives.

Executive Order 12630 (Taking of Private Property)

The Agency is not yet in a position to analyze fully any potential actions that may constitute a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. FMCSA seeks comment on whether potential actions it may initiate in response to this ANPRM would constitute a taking of private property or otherwise have implications under Executive Order 12630.

Executive Order 12372 (Intergovernmental Review)

The agency is not yet in a position to analyze fully any potential actions that may require intergovernmental consultation on Federal programs and activities under Executive Order 12372, as amended. FMCSA seeks comment on whether potential actions the agency may initiate in response to this ANPRM would require any intergovernmental consultation on Federal programs and activities under Executive Order 12372, as amended.

Executive Order 13211 (Energy Supply, Distribution, or Use)

FMCSA is not yet in a position to analyze fully any potential actions that may affect energy supply, distribution, or use under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The agency seeks comment on whether potential actions the agency may initiate in response to this ANPRM would affect any regulatory or non-regulatory alternatives that may significantly affect energy supply, distribution, or use.

Executive Order 12988 (Civil Justice Reform)

The agency is not yet in a position to analyze fully any potential actions that may meet 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. The agency seeks comment on whether potential actions FMCSA may initiate in response to this ANPRM would meet the standards in Executive Order 12988.

List of Subjects in 49 CFR Part 391

Alcohol abuse, Diabetes, Drug abuse, Drug testing, Highway safety, Medical, Motor carriers, Physical qualifications, Reporting and recordkeeping requirements, Safety, Transportation.

Issued on: March 6, 2006.

Annette M. Sandberg,

Administrator.

[FR Doc. 06–2417 Filed 3–16–06; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register

Vol. 71, No. 52

Friday, March 17, 2006

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 13, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Pamela_Beverly_OIRA_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

Cooperative State Research, Education, and Extension Service

Title: Certification of Offset and Entitlement.

OMB Control Number: 0524-0038.

Summary of Collection: The requirements for this collection are specified in section 226 of the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA). Section 226 of AREERA amends Subtitle G of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NSRETPA) by adding a new section 1449. This section requires matching funds from non-Federal sources for formula funds authorized under sections 1444 and 1445 of NARETPA for extension and research activities at the 1890 land-grant institutions, including Tuskegee University and West Virginia State College. The purpose of the collection of information is to ensure the availability of matching funds for the formula funds provided to the Cooperative State, Research, Education, and Extension Service (CSREES) cooperating institutions, most of which are 1862 and 1890 Land-Grant Institutions. CSREES will collect information using CSREES form 2103A-E, Certification of Offset and Entitlement.

Need and Use of the Information: CSREES will collect information from CSREES form 2103-A-E, to ensure that formula funds are provided to the eligible CSREES cooperating institutions under sections 1443, 1444, and 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977. Information will be collected up to 3 times per year for research and extension activities to provide information on the projected matching funds, the actual matching funds, and any revisions to the actual matching funds.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 96.

Frequency of Responses: Reporting: Other (three times a year).

Total Burden Hours: 3,017.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E6-3857 Filed 3-16-06; 8:45 am]

BILLING CODE 3410-09-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 15, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Food and Nutrition Service

Title: Report of School Program Operations.

OMB Control Number: 0584-0002.

Summary of Collection: The Food and Nutrition Service administers the National School Lunch Program, the School Breakfast Program, and the Special Milk Program as mandated by the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended. Information on school program operations is collected from state agencies on a monthly basis to monitor and make adjustments to State agency funding requirements. FNS uses form FNS-10 to collect data although 98 percent of the information is collected through electronic means.

Need and Use of the Information: FNS collects quantity information from State agencies on the number of meals served under the various food programs. Information is categorized in a number of areas and States are asked to provide their estimates along with actual data. FNS uses the information collected on school operations to assess the progress of the various programs and to make monthly adjustments to State agency funding requirements. If the information was not collected, FNS would be unable to monitor the proper use of program funds.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 62.

Frequency of Responses: Reporting: Monthly; Annually.

Total Burden Hours: 95,232.

Food and Nutrition Service

Title: Report of the Child and Adult Care Food Program.

OMB Control Number: 0584-0078.

Summary of Collection: Section 17 of the National School Lunch Act, as amended, mandates the Child and Adult Care Food Program. Program implementation is contained in 7 CFR part 226. The Food and Nutrition Service (FNS) collects information using Form FNS-44 to use in managing the Child and Adult Care Food Program. This report is vital since it is the only means by which FNS can obtain current information necessary to make payments to State agency letters of credit, and to plan for future levels of program funding.

Need and Use of the Information: FNS will collect information in order to analyze progress in the program and to make monthly adjustments to State agency funding requirements. If data is not collected FNS would be unable to

monitor the proper use of program funds.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 53.

Frequency of Responses: Reporting: Quarterly; Semi-annually; Monthly.

Total Burden Hours: 5,724.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E6-3923 Filed 3-16-06; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. CN-06-004]

Cotton Research and Promotion Program: Request for Comments To Be Used in a Review of 1990 Amendments to the Cotton Research and Promotion Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: As provided for by the Cotton Research and Promotion Act Amendments of 1990, the Agricultural Marketing Service (AMS) is announcing its intention to conduct a review to ascertain whether a referendum is needed to determine whether producers and importers favor continuation of amendments to the Cotton Research and Promotion Order. This notice invites all interested parties to submit written comments to the Department of Agriculture (USDA). USDA will consider these comments in determining whether a referendum is warranted. USDA should announce review results sometime during the latter part of September 2006.

DATES: Comments must be received by June 15, 2006.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice to Darryl W. Earnest, Deputy Administrator, Cotton Program, Agricultural Marketing Service, USDA, Stop 0224, 1400 Independence Avenue, SW., Room 2641-S South Building, Washington, DC 20250-0224. Comments should be submitted in triplicate and will be made available for public inspection at the above address during regular business hours. Comments may also be submitted electronically to:

cottoncomments@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register**. A

copy of this notice may be found at: <http://www.ams.usda.gov/cotton/rulemaking.htm>.

FOR FURTHER INFORMATION CONTACT:

Darryl W. Earnest, Deputy Administrator, Cotton Program, AMS, USDA, Stop 0224, 1400 Independence Avenue, SW., Washington, DC 20250-0224, telephone (202) 720-2259, facsimile (202) 690-1718 or e-mail at darryl.earnest@usda.gov.

SUPPLEMENTARY INFORMATION: The Cotton Research and Promotion Act of 1966 (7 U.S.C. 2101 *et seq.*) authorized a national Cotton Research and Promotion Program which is industry operated and funded, with oversight by USDA. The program's objective is to enable cotton growers and importers to establish, finance, and carry out a coordinated program of research and promotion to improve the competitive position of, and to expand markets for cotton.

The program became effective on December 31, 1966, when the Cotton Research and Promotion Order (7 CFR Part 1205) was issued. Assessments began with the 1967 cotton crop. The Order was amended and a supplemental assessment initiated, not to exceed one percent of the value of each bale, effective January 26, 1977.

The program is currently financed through assessments levied on domestic and imported cotton and cotton-containing products. Assessments under this program are used to fund promotional campaigns and to conduct research in the areas of U.S. marketing, international marketing, cotton production and processing, and textile research and implementation.

The program is administered by the Cotton Board, which has thirty-six members, thirty-six alternate members and one consumer advisor. The Cotton Board is composed of representatives of cotton producers and cotton importers, each of whom has an alternate selected by the Secretary of Agriculture from nominations submitted by eligible producer and importer organizations. All members and their alternates serve terms of three years. The Cotton Board's responsibility is to administer the provisions of the Cotton Research and Promotion Order issued pursuant to the Act. These responsibilities include collecting, holding and safeguarding funds; making refunds when refunds are a provision of the Order; contracting with an organization for the development and implementation of programs of research and promotion; reviewing and making recommendations to the Secretary of Agriculture on proposed programs and

budgets; and making funds available for such programs when approved. The objective of the Cotton Research and Promotion Program is to strengthen cotton's competitive position and to maintain and expand domestic and foreign markets and uses for cotton. The Cotton Board is prohibited from participating in any matters influencing governmental policies or action except recommendations for amendments to the Order.

Amendments to the Act were enacted under subtitle G of title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624, 104 Stat. 3909, November 28, 1990). These amendments provided for: (1) Importer representation on the Cotton Board; (2) the assessment of imported cotton and cotton products; (3) increasing the amount the Secretary of Agriculture can be reimbursed for conduct of a referendum from \$200,000 to \$300,000; (4) reimbursing government agencies who assist in administering the collection of assessments on imported cotton and cotton products; and (5) terminating the right of a producer to demand a refund of assessments. The Act Amendments of 1990 were approved by a majority (60 percent) of importers and producers of cotton voting in a referendum conducted July 17-26, 1991, as required by the Act. Results of this referendum were announced in a nationally distributed press release dated August 2, 1991.

The Cotton Research and Promotion Act Amendment of 1990, Section 8(c) provides that once every five years after the July 1991 referendum, the Secretary of Agriculture is to conduct a review to ascertain whether a referendum is needed. In such a referendum, producers and importers would determine whether they favor continuation of the amendments to the Order provided for in the Cotton Research and Promotion Act Amendments of 1990. These amendments to the Order were promulgated in final rules published in the **Federal Register** on December 10, 1991 (56 FR 64470), corrected at (56 FR 66670).

The results of the most recent review report of the Cotton Research and Promotion Program were issued on January 14, 2002. USDA announced its view (67 FR 1714) not to conduct a referendum regarding the 1991 amendments to the Order. In accordance with Section 8(c)(2) of the Act, USDA provided an opportunity for all eligible persons to request a continuance referendum on the 1991 amendments by making such a request during a sign-up period. During the period of June 3

through August 30, 2002, the Department conducted a sign-up period for all eligible persons to request a continuance referendum on the 1990 Act amendments. The results of the sign-up period did not meet the criteria established for a continuance referendum by the Cotton Research and Promotion Act and therefore, a referendum was not conducted.

In 2006, in accordance with the provisions of the Act, the Secretary of Agriculture will conduct its third review of the Cotton Research and Promotion Program Act amendments to ascertain whether a referendum is needed to determine whether producers and importers support continuation of the amendments to the Order, as provided for by the 1990 Act amendments. The Secretary of Agriculture should make a public announcement of the results of the review on September 24, 2006 (60 days after each fifth anniversary date of the referendum). If the Secretary of Agriculture determines that a referendum is needed, the Secretary of Agriculture should conduct the referendum by September 24, 2007 (within 12 months after a public announcement of the determination to conduct the referendum).

If the Secretary determines that a referendum is not warranted, a sign-up period to request such a referendum will be made available to cotton producers and importers. A referendum will be held if requested by 10 percent or more of those voting in the most recent referendum as long as not more than 20 percent are from any one State or importers of cotton. This sign-up period would begin approximately November 25, 2006, and would be announced in the **Federal Register**. If the requisite number of people request a referendum, it will be held not later than February 2008. A ninety-day comment period is provided for interested persons to provide comments to be used by USDA in its review. All interested persons are invited to submit written comments.

Authority: 7 U.S.C. 2101-2118.

Dated: March 14, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Program.

[FR Doc. E6-3925 Filed 3-16-06; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Foreign Agricultural Service (FAS) intends to request an extension and revision to a currently approved information collection procedure for the Trade Adjustment Assistance for Farmers program as described in 7 CFR Part 1580.

DATES: Comments should be received on or before May 16, 2006 to be assured consideration.

ADDRESSES: Mail or deliver comments to Robert H. Curtis, Director, Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, STOP 1021, 1400 Independence Avenue, SW., Washington, DC 20250-1021, (202) 720-2916.

FOR FURTHER INFORMATION CONTACT: Robert H. Curtis, at the address above, or telephone at (202) 720-2916, or e-mail at robert.curtis@fas.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Trade Adjustment Assistance for Farmers.

OMB Number: 0551-0040.

Expiration Date of Approval: August 31, 2006.

Type of Request: Revision to and extension of a currently approved information collection.

Abstract: The Trade Act of 2002 established the Trade Adjustment Assistance for Farmers (TAA) program. Under this program, the Department of Agriculture provides technical assistance and cash benefits to eligible producers of raw agricultural commodities when the Administrator, Foreign Agricultural Service (FAS), determines that increased imports have contributed importantly to a specific price decline over 5 preceding marketing years. The regulation 7 CFR Part 1580 established the procedure by which producers of raw agricultural commodities can petition (form FAS-930 or a reasonable substitute) for certification of eligibility and apply for technical assistance and adjustment payments. To receive consideration for TAA certification, petitioners must

supply the information required by 7 CFR 1580.201. Once a petition has been certified, individuals covered by the certification must apply for TAA benefits in accordance with 7 CFR 1580.301. The specific information required on an application (form FSA-229) must be collected from those who wish to receive program benefits. The number of respondents has doubled since the original Paperwork Reduction Act was filed in August 2003. The doubling of respondents is a result of a higher number of applications being processed for program benefits than was anticipated during initial program development. In addition, a new Part D was added to form FSA-229.

Estimate Number of Respondents: 1,000.

Estimate Number of Responses per Respondent: 1.

Estimated Burden of Hours per Response: 14 hours.

Estimated Total Annual Burden on Respondents: 14,000 hours.

Copies of this information collection can be obtained from Kimberly Chisley, the Agency Information Collection Coordinator, at (202) 720-2568.

Request for Comments

The public is invited to submit comments and suggestions to the above address regarding the accuracy of the burden, estimate, ways to minimize the burden, including through the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information. Comments on the issues covered by the Paperwork Reduction Act are most useful to OMB if received within 30 days of publication of the Notice and Request for Comments, but must be submitted no later than 60 days from the date of publication to be assured of consideration. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

Dated: February 27, 2006.

Lyle Sebranek,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 06-2547 Filed 3-16-06; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Southwest Idaho Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92-463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393), the Boise and Payette National Forests' Southwest Idaho Resource Advisory Committee will conduct a business meeting, which is open to the public.

DATES: Thursday, March 23, 2006, beginning at 10:30 a.m.

ADDRESSES: Idaho Counties Risk Management Program Building, 3100 South Vista Avenue, Boise, Idaho.

SUPPLEMENTARY INFORMATION: Agenda topics will include review and approval of project proposals, and is an open public forum.

FOR FURTHER INFORMATION CONTACT: Doug Gochmour, Designated Federal Officer, at 208-392-6681 or e-mail dgochnour@fs.fed.us.

Dated: March 13, 2006.

Richard A. Smith,

Forest Supervisor, Boise National Forest.

[FR Doc. 06-2649 Filed 3-16-06; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: Modoc Resource Advisory Committee, Alturas, California, USDA Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92-463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393) the Modoc National Forest's Modoc Resource Advisory Committee will meet Monday, April 3, 2006, May 1, 2006 and June 5, 2006 in Alturas, California for business meetings. The meetings are open to the public.

SUPPLEMENTARY INFORMATION: The business meeting April 3rd begins at 4 p.m. at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas. Agenda topics will include existing and future projects that meet

the intent of Public Law 106-393. Time will also be set aside for public comments at the beginning of the meeting.

The business meeting May 1st begins at 6 p.m. at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas. Agenda topics will include existing and future projects that meet the intent of Public Law 106-393. Time will also be set aside for public comments at the beginning of the meeting.

The business meeting June 5th begins at 6 p.m. at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas. Agenda topics will include existing and future projects that meet the intent of Public Law 106-393. Time will also be set aside for public comments at the beginning of the meeting.

FOR FURTHER INFORMATION CONTACT: Contact Stan Sylva, Forest Supervisor and Designated Federal Officer, at (530) 233-8700; or Public Affairs Officer Louis J. Haynes at (530) 233-8846.

Stanley G. Sylva,

Forest Supervisor.

[FR Doc. E6-3917 Filed 3-16-06; 8:45 am]

BILLING CODE 3410-11-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

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

ACTION: Deletions from Procurement List.

SUMMARY: This action deletes from the Procurement List products previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 16, 2006.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail SKennerly@jwod.gov.

SUPPLEMENTARY INFORMATION:

Deletions

On January 20, 2006, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (71 FR 3259) of proposed deletions to the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the products to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

Product/NSN: Pillowcase, Disposable, NSN: 7210–00–883–8494—Pillowcase, Disposable.

NPA: None currently authorized.

Contracting Activity: GSA, Southwest Supply Center, Fort Worth, Texas.

Product/NSNs: Potatoes, White, Fresh, NSN: 8915–00–456–6111—(Whole), NSN: 8915–00–228–1945—(Diced),

NPA: Montgomery County Chapter, NYSARC, Inc., Amsterdam, New York.

Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, Pennsylvania.

G. John Heyer,

General Counsel.

[FR Doc. E6–3929 Filed 3–16–06; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

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

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must Be Received On or Before: April 16, 2006.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Sheryl D. Kennerly, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail SKennerly@jwod.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

If the Committee approves the proposed additions, the entities of the Federal Government identified in the notice for each service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.
2. If approved, the action will result in authorizing small entities to furnish the services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Administrative Services, Post Wide, Fort Campbell, Kentucky.

NPA: Huntsville Rehabilitation Foundation, Huntsville, Alabama.

Contracting Activity: Army Contracting Agency, Fort Campbell, Kentucky.

Service Type/Location: Custodial Services,

DHS—Customs & Border Protection, 5401 Coffee Drive, New Orleans, Louisiana.

NPA: Goodworks, Inc., New Orleans, Louisiana.

Contracting Activity: DHS—Customs & Border Protection, Indianapolis, Indiana.

Service Type/Location: Custodial Services, Potter Steward U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio.

NPA: VGS, Inc., Cleveland, Ohio.
Contracting Activity: GSA, Public Buildings Service, Region 5, Chicago, Illinois.

G. John Heyer,

General Counsel.

[FR Doc. E6–3930 Filed 3–16–06; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–847]

Persulfates from the People's Republic of China: Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 17, 2006.

FOR FURTHER INFORMATION CONTACT: Charles Riggle at (202) 482–0650 or Fran Veith at (202) 482–4295, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2005, the Department of Commerce (“the Department”) published a notice of opportunity to request an administrative review of the antidumping duty order on persulfates from the People's Republic of China (“PRC”). See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity to Request Administrative Review*, 70 FR 38099 (July 1, 2005). On July 15, 2005, FMC Corporation's (“FMC”) requested that the Department conduct an administrative review of Shanghai AJ Import and Export Corporation and Degussa–AJ (Shanghai) Initiators Co., Ltd. (collectively, “Degussa–AJ”). The Department published a notice of the initiation of the antidumping duty administrative review of persulfates from the PRC for the period July 1, 2004, through June 30, 2005. See *Notice Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in*

Part, 70 FR 51009 (August 29, 2005). On February 10, 2006, FMC withdrew its request for an administrative review.

Rescission of Review

The Department's regulations at 19 CFR 351.213(d)(1) provide that the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the date of publication of the notice of initiation of the requested review, or withdraws its request at a later date if the Department determines that it is reasonable to extend the time limit for withdrawing the request. FMC withdrew its request after the 90-day deadline; however, consistent with the Department's practice,¹ the Department finds it reasonable to extend the withdrawal deadline because the Department has not yet devoted considerable time and resources to this review and FMC is the only party to request a review. Further, we find that FMC's withdrawal does not constitute an abuse of our procedures. Therefore, we are rescinding this review of the antidumping duty order on persulfates from the PRC covering the period July 1, 2004, through June 30, 2005. The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection within 15 days of publication of this rescission.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

¹ See *Honey from the People's Republic of China: Notice of Partial Rescission of Antidumping Duty Administrative Review*, 70 FR 42032 (July 21, 2005). See also, *Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China: Notice of Rescission of Antidumping Duty Administrative Review*, 70 FR 44560 (August 3, 2005); and *Notice of Rescission of Antidumping Duty Administrative Review: Petroleum Wax Candles from the People's Republic of China*, 70 FR 33733 (June 9, 2005).

Dated: March 9, 2006.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E6-3936 Filed 3-16-06; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-838]

Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Softwood Lumber Products from Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 17, 2006.

FOR FURTHER INFORMATION CONTACT: Shane Subler or David Neubacher at (202) 482-0189 or (202) 482-5823, respectively; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

SUMMARY: The Department of Commerce (the Department) has determined, pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), that the post-acquisition West Fraser Mills Ltd. (West Fraser) is the successor-in-interest to pre-acquisition West Fraser and, as a result, should continue to be accorded the same treatment previously accorded with regard to the antidumping order on certain softwood lumber products from Canada as of the date of publication of this notice in the **Federal Register**.

SUPPLEMENTARY INFORMATION:

Background

On January 13, 2006, the Department published in the **Federal Register** the preliminary results of this changed circumstances review.¹ For the *Preliminary Results*, we found that the post-acquisition West Fraser was the successor-in-interest to pre-acquisition West Fraser.

We invited parties to comment on the *Preliminary Results* and received a case brief from a domestic interested party² and a rebuttal brief from West Fraser.

¹ See *Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Softwood Lumber Products from Canada*, 71 FR 2189 (January 13, 2006) (*Preliminary Results*).

² The domestic interested party is the Coalition for Fair Lumber Imports Executive Committee.

We did not receive a request for a hearing.

Scope of the Order³

The products covered by this order are softwood lumber, flooring and siding (softwood lumber products). Softwood lumber products include all products classified under subheadings 4407.1000, 4409.1010, 4409.1090, and 4409.1020, respectively, of the Harmonized Tariff Schedule of the United States (HTSUS), and any softwood lumber, flooring and siding described below. These softwood lumber products include:

- (1) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding six millimeters;
- (2) Coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed;
- (3) Other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded or the like) along any of its edges or faces (other than wood mouldings and wood dowel rods) whether or not planed, sanded or finger-jointed; and
- (4) Coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed.

³ For the *Preliminary Results* and other segments of this proceeding, the Department erroneously described the scope as it was stated in the Department's final determination of the original less than fair value (LTFV) investigation. As a result of discussions between the Department and U.S. Customs and Border Protection (CBP), minor wording changes were made between the final determination and the order. Therefore, we have used herein the scope language exactly as stated in the order, as we will continue to do for all following segments of this proceeding. We note that the edits made to the language between the final determination and the order did not alter or modify in any way the products covered by the scope. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Softwood Lumber Products from Canada*, 67 FR 15539 (April 2, 2002); see also *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Softwood Lumber Products From Canada*, 67 FR 36067 (May 22, 2002).

Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the written description of the merchandise subject to this order is dispositive.

As specifically stated in the Issues and Decision Memorandum accompanying the *Notice of Final Determination of Sales at Less Than Fair Value: Certain Softwood Lumber Products from Canada*, 67 FR 15539 (April 2, 2002) (see comment 53, item D, page 116, and comment 57, item B-7, page 126), available at www.ia.ita.doc.gov/frn, drilled and notched lumber and angle cut lumber are covered by the scope of this order.

The following softwood lumber products are excluded from the scope of this order provided they meet the specified requirements detailed below:

- (1) *Stringers* (pallet components used for runners): if they have at least two notches on the side, positioned at equal distance from the center, to properly accommodate forklift blades, properly classified under HTSUS 4421.90.98.40.
- (2) *Box-spring frame kits*: if they contain the following wooden pieces - two side rails, two end (or top) rails and varying numbers of slats. The side rails and the end rails should be radius-cut at both ends. The kits should be individually packaged, they should contain the exact number of wooden components needed to make a particular box spring frame, with no further processing required. None of the components exceeds 1" in actual thickness or 83" in length.
- (3) *Radius-cut box-spring-frame components*, not exceeding 1" in actual thickness or 83" in length, ready for assembly without further processing. The radius cuts must be present on both ends of the boards and must be substantial cuts so as to completely round one corner.
- (4) *Fence pickets* requiring no further processing and properly classified under HTSUS 4421.90.70, 1" or less in actual thickness, up to 8" wide, 6' or less in length, and have finials or decorative cuttings that clearly identify them as fence pickets. In the case of dog-eared fence pickets, the corners of the boards should be cut off so as to remove pieces of wood in the shape of isosceles right angle triangles with sides measuring 3/4 inch or more.
- (5) *U.S. origin lumber* shipped to Canada for minor processing and imported into the United States, is excluded from the scope of this order if the following conditions are met: 1) the processing occurring in

Canada is limited to kiln-drying, planing to create smooth-to-size board, and sanding, and 2) if the importer establishes to the satisfaction of CBP that the lumber is of U.S. origin.

- (6) *Softwood lumber products contained in single family home packages or kits*,⁴ regardless of tariff classification, are excluded from the scope of this order if the importer certifies to items 6 A, B, C, D, and requirement 6 E is met:
 - A. The imported home package or kit constitutes a full package of the number of wooden pieces specified in the plan, design or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design or blueprint;
 - B. The package or kit must contain all necessary internal and external doors and windows, nails, screws, glue, sub floor, sheathing, beams, posts, connectors, and if included in the purchase contract, decking, trim, drywall and roof shingles specified in the plan, design or blueprint;
 - C. Prior to importation, the package or kit must be sold to a retailer of complete home packages or kits pursuant to a valid purchase contract referencing the particular home design plan or blueprint, and signed by a customer not affiliated with the importer;
 - D. Softwood lumber products entered as part of a single family home package or kit, whether in a single entry or multiple entries on multiple days, will be used solely for the construction of the single family home specified by the home design matching the entry.
 - E. For each entry, the following documentation must be retained by the importer and made available to CBP upon request:
 - i. A copy of the appropriate home design, plan, or blueprint matching the entry;
 - ii. A purchase contract from a retailer of home kits or packages signed by a customer not affiliated with the importer;
 - iii. A listing of inventory of all parts of the package or kit being entered that conforms to the home design package being entered;
 - iv. In the case of multiple shipments on the same contract, all items

listed in E(iii) which are included in the present shipment shall be identified as well.

Lumber products that CBP may classify as stringers, radius cut box-spring-frame components, and fence pickets, not conforming to the above requirements, as well as truss components, pallet components, and door and window frame parts, are covered under the scope of this order and may be classified under HTSUS subheadings 4418.90.45.90, 4421.90.70.40, and 4421.90.97.40.

Finally, as clarified throughout the course of the investigation, the following products, previously identified as Group A, remain outside the scope of this order. They are:

1. Trusses and truss kits, properly classified under HTSUS 4418.90;
2. I-joist beams;
3. Assembled box spring frames;
4. Pallets and pallet kits, properly classified under HTSUS 4415.20;
5. Garage doors;
6. Edge-glued wood, properly classified under HTSUS 4421.90.98.40;
7. Properly classified complete door frames;
8. Properly classified complete window frames; and
9. Properly classified furniture.

In addition, this scope language was further clarified to specify that all softwood lumber products entered from Canada claiming non-subject status based on U.S. country of origin will be treated as non-subject U.S.-origin merchandise under the countervailing duty order, provided that these softwood lumber products meet the following condition: upon entry, the importer, exporter, Canadian processor and/or original U.S. producer establish to CBP's satisfaction that the softwood lumber entered and documented as U.S.-origin softwood lumber was first produced in the United States as a lumber product satisfying the physical parameters of the softwood lumber scope.⁵ The presumption of non-subject status can, however, be rebutted by evidence demonstrating that the merchandise was substantially transformed in Canada.

On March 3, 2006, the Department issued a scope ruling that any product entering under HTSUS 4409.10.05 which is continually shaped along its end and/or side edges which otherwise

⁴ To ensure administrability, we clarified the language of exclusion number 6 to require an importer certification and to permit single or multiple entries on multiple days as well as instructing importers to retain and make available for inspection specific documentation in support of each entry.

⁵ See the scope clarification message (# 3034202), dated February 3, 2003, to CBP, regarding treatment of U.S. origin lumber on file in Room B-099 of the Central Records Unit (CRU) of the Main Commerce Building.

conforms to the written definition of the scope is within the scope of the order.⁶

Analysis of Comments Received

The issues raised in the case and rebuttal briefs by parties to this changed circumstances review are addressed in the *Issues and Decision Memorandum* to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, from Stephen J. Claey's, Deputy Assistant Secretary (*Decision Memorandum*), which is hereby adopted by this notice. The *Decision Memorandum* is on file in the Central Records Unit in Room B-099 of the main Commerce building, and can also be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made no changes since the *Preliminary Results*.

Instructions to CBP

We will notify CBP that Weldwood no longer exists as a separate corporate entity and that the company-specific case number for Weldwood in the AD/CVD module should no longer be used.

Administrative Protection Order

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is published in accordance with sections 751(b) and 777(i)(1) of the Act, and section 351.216(e) of the Department's regulations.

Dated: March 10, 2006.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E6-3935 Filed 3-16-06; 8:45 am]

BILLING CODE 3510-DS-S

⁶ See Memorandum from Constance Handley, Program Manager to Stephen J. Claey's, Deputy Assistant Secretary regarding: Scope Request by the Petitioner Regarding Entries Made Under HTSUS 4409.10.05, dated March 3, 2006.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031306C]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council's (Council) VMS/Enforcement Oversight Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Monday, April 3, 2006 from 7 p.m. to 9 p.m.

ADDRESSES: *Meeting address:* The meeting will be held at the Hilton Mystic Hotel, 20 Coogan Boulevard, Mystic, CT 06355; telephone: (860)572-0731.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978)465-0492.

SUPPLEMENTARY INFORMATION: The items of discussion in the committee's agenda are as follows:

1. Discuss information with respect to enforcement techniques used to measure mesh size, and make recommendations to the Council at its April 4-5, 2006 meeting.
2. Other business.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: March 13, 2006.

Tracey L. Thompson,

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

[FR Doc. E6-3836 Filed 3-16-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031406C]

New England Fishery Management Council; Public Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a two-day Council meeting on April 4-5, 2006 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday and Wednesday, April 4 and 5, 2006, beginning at 8:30 a.m. each day.

ADDRESSES: The meeting will be held at the Hilton Hotel, 20 Coogan Boulevard, Mystic, CT 06355; telephone (860) 572-0731. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465-0492.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Tuesday, April 4, 2006

Following introductions, the Council will receive reports from the Council Chairman and Executive Director, the NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and representatives of the U.S. Coast Guard, NMFS Enforcement and the Atlantic States Marine Fisheries Commission. During this morning session, the Council will review a report from its Enforcement Committee and may consider action on net measuring procedures for trawl gear used in the groundfish and other fisheries and net stowage requirements that relate to the enforcement of fisheries regulations. This report will be followed by a briefing from the Standard Bycatch Reporting Methodology (SBRM)

Committee on progress to date on the development of an amendment to implement an SBRM process across all NEFMC fishery management plans (FMPs). There will be an open public comment period to address items not listed on the agenda prior to a lunch break. During the afternoon session the Council will review and approve a range of essential fish habitat designation alternatives for inclusion in its EFH Omnibus Amendment. This will be followed by Council approval of a scoping document for a Northeast Multispecies FMP amendment to consider limited access, hard Total Allowable Catches (TACs) and dedicated access privileges in the small mesh multispecies fisheries for whiting, red hake and offshore hake.

Wednesday, April 5, 2006

During the morning session of the meeting, the Council will review preliminary analyses for a groundfish total allowable catch management program that was discussed at its January meeting in Portland, ME. The Council will then review scoping comments and approve goals and objectives for Amendment 11 to the Sea Scallop FMP. It also will provide guidance to the Scallop Committee on the development of alternatives. The alternatives may include resource allocation options involving the limited access and general category scallop fisheries and potential qualification criteria for a limited entry program for general category vessels. The Council will initiate action on Framework Adjustment 4 to the Monkfish FMP and provide guidance on the development of management alternatives. Finally, the Research Steering Committee will report on its discussions concerning 2006 research priorities and recommendations on several cooperative research final reports. The committee also will provide additional comments and recommendations on the process to review final reports.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for

sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: March 14, 2006.

Tracey L. Thompson,

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

[FR Doc. E6-3897 Filed 3-16-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031306D]

National Marine Fisheries Service, Pacific Fishery Management Council; April 2-7, 2006 Council Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings.

DATES: The Council and its advisory entities will meet April 2-7, 2006. The Council meeting will begin on Monday, April 3, at 3 p.m., reconvening each day through Friday. All meetings are open to the public, except a closed session will be held from 3 p.m. until 4 p.m. on Monday, April 3 to address litigation and personnel matters. The Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: The meetings will be held at the DoubleTree Hotel Sacramento, 2001 Point West Way, Sacramento, CA 95819; telephone: 916-929-8855.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: 503-820-2280.

SUPPLEMENTARY INFORMATION: The following items are on the Council agenda, but not necessarily in this order:

- A. Call to Order
 1. Opening Remarks and Introductions
 2. Roll Call
 3. Executive Director's Report
 4. Approve Agenda
- B. Administrative Matters
 1. Approval of Council Meeting Minutes
 2. Future Council Meeting Agenda Planning

3. Status Report on Draft Regional Operating Agreements for Regulatory Streamlining

4. Appointments to Advisory Bodies, Standing Committees, and Other Forum, Including any Necessary Changes to Council Operating Procedures

5. Council Three-Meeting Outlook, Draft June 2006 Council Meeting Agenda, and Workload Priorities

C. Habitat

1. Current Habitat Issues

D. Pacific Halibut Management

1. Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries

E. Salmon Management

1. Identification of Stocks Not

Meeting Conservation Objectives

2. Tentative Adoption of 2006 Ocean Salmon Management Measures for Analysis

3. Methodology Review Process and Preliminary Topic Selection for 2006

4. Role of the Klamath Fisheries Management Council

5. Clarify Council Direction for 2006 Ocean Salmon Management Measures (if Needed)

7. Final Action on 2006 Ocean Salmon Management Measures

8. Clarify Final Action on 2006 Ocean Salmon Management Measures (if Needed)

F. Groundfish Management

1. Management Specifications for

2007-2008 Groundfish Fisheries

2. NMFS Report

3. Stock Assessment Planning for the 2009-2010 Fishing Season

4. Status of 2006 Groundfish Fisheries and Consideration of Inseason Adjustments

5. Part I of Management Measures for 2007-2008 Groundfish Fisheries

6. Part II of Management Measures for 2007-2008 Groundfish Fisheries

7. Final Consideration of 2006

Inseason Adjustments

G. Highly Migratory Species

Management

1. Bigeye Tuna Overfishing Response

2. Albacore Management Measures

3. NMFS Report

H. Enforcement Issues

1. U.S. Coast Guard Report on Implementation of the Automatic Identification and Vessel Monitoring Systems

I. Marine Protected Areas (MPA)

1. Fishery Regulation in MPAs within the Channel Islands National Marine Sanctuary through Magnuson-Stevens Act and State Management Authority

2. Final Council Recommendation on

Consultation Procedures for Fishing

Regulations in National Marine

Sanctuaries

SCHEDULE OF ANCILLARY MEETINGS

SUNDAY, April 2, 2006
 Groundfish Advisory Subpanel 1 p.m.
 Groundfish Management Team 1 p.m.
 Klamath Fishery Management Council
 3 p.m.
 Special Joint Session: Briefing on
 Groundfish
 Specifications and Rebuilding
 Revisions 6:30 p.m.
MONDAY, April 3, 2006
 Council Secretariat 8 a.m.
 Groundfish Advisory Subpanel 8 a.m.
 Groundfish Management Team 8 a.m.
 Klamath Fishery Management Council
 8 a.m.
 Salmon Advisory Subpanel 8 a.m.
 Salmon Technical Team 8 a.m.
 Scientific and Statistical Committee 8
 a.m.
 Habitat Committee 10 a.m.
 Enforcement Consultants 5:30 p.m.
 Tribal Policy Group As necessary
 Tribal and Washington Technical
 Group As necessary
 Washington State Delegation As
 necessary
TUESDAY, April 4, 2006
 Council Secretariat 7 a.m.
 California State Delegation 7 a.m.
 Oregon State Delegation 7 a.m.
 Groundfish Advisory Subpanel 8 a.m.
 Groundfish Management Team 8 a.m.
 Salmon Advisory Subpanel 8 a.m.
 Salmon Technical Team 8 a.m.
 Scientific and Statistical Committee 8
 a.m.
 Chair's Reception 6 p.m.
 Enforcement Consultants As
 necessary
 Klamath Fishery Management Council
 As necessary
 Tribal Policy Group As necessary
 Tribal and Washington Technical
 Group As necessary
 Washington State Delegation As
 necessary
WEDNESDAY, April 5, 2006
 Council Secretariat 7 a.m.
 California State Delegation 7 a.m.
 Oregon State Delegation 7 a.m.
 Groundfish Advisory Subpanel 8 a.m.
 Groundfish Management Team 8 a.m.
 Salmon Advisory Subpanel 8 a.m.
 Salmon Technical Team 8 a.m.
 Enforcement Consultants As
 necessary
 Klamath Fishery Management Council
 As necessary
 Tribal Policy Group As necessary
 Tribal and Washington Technical
 Group As necessary
 Washington State Delegation As
 necessary
THURSDAY, April 6, 2006
 Council Secretariat 7 a.m.
 California State Delegation 7 a.m.
 Oregon State Delegation 7 a.m.
 Groundfish Advisory Subpanel 8 a.m.
 Groundfish Management Team 8 a.m.

Salmon Advisory Subpanel 8 a.m.
 Salmon Technical Team 8 a.m.
 Enforcement Consultants As
 necessary
 Tribal Policy Group As necessary
 Tribal and Washington Technical
 Group As necessary
 Washington State Delegation As
 necessary
FRIDAY, April 7, 2006
 Council Secretariat 7 a.m.
 California State Delegation 7 a.m.
 Oregon State Delegation 7 a.m.
 Enforcement Consultants As
 necessary
 Salmon Advisory Subpanel As
 necessary
 Salmon Technical Team As necessary
 Tribal Policy Group As necessary
 Tribal and Washington Technical
 Group As necessary
 Washington State Delegation As
 necessary
 Although nonemergency issues not
 contained in this agenda may come
 before this Council for discussion, those
 issues may not be the subject of formal
 Council action during this meeting.
 Council action will be restricted to those
 issues specifically listed in this notice
 and any issues arising after publication
 of this notice that require emergency
 action under Section 305(c) of the
 Magnuson-Stevens Fishery
 Conservation and Management Act,
 provided the public has been notified of
 the Council's intent to take final action
 to address the emergency.

Special Accommodations

These meetings are physically
 accessible to people with disabilities.
 Requests for sign language
 interpretation or other auxiliary aids
 should be directed to Ms. Carolyn Porter
 at 503- 820-2280 at least five days prior
 to the meeting date.

Dated: March 14, 2006.

Tracey L. Thompson,

*Acting Director, Office of Sustainable
 Fisheries, National Marine Fisheries Service.*
 [FR Doc. E6-3892 Filed 3-16-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030906F]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Receipt of application for
 renewal and modification of scientific

research/enhancement permit; request
 for comments.

SUMMARY: Notice is hereby given that
 NMFS has received an application to
 renew and modify a permit from Trinity
 River Restoration Program, Weaverville,
 Arcata, CA (Permit 1072). This permit
 would affect Southern Oregon/Northern
 California Coast (SONCC) coho salmon
 (*Oncorhynchus kisutch*). This document
 serves to notify the public of the
 availability of the permit application for
 review and comment before a final
 approval or disapproval is made by
 NMFS.

DATES: Written comments on the permit
 application must be received at the
 appropriate address or fax number (see
ADDRESSES) no later than 5 p.m. daylight
 savings time on April 17, 2006.

ADDRESSES: Written comments on this
 renewal and modification request
 should be sent to the appropriate office
 as indicated below. Comments may also
 be sent via fax to the number indicated
 for the request. Comments will not be
 accepted if submitted via e-mail or the
 internet. The applications and related
 documents are available for review in
 the indicated office, by appointment:
 For Permit 1072: Steve Liebhardt,
 Protected Species Division, NOAA
 Fisheries, 1655 Heindon Road, Arcata,
 CA 95521 (ph: 707-825-5186, fax: 707-
 825-4840).

FOR FURTHER INFORMATION CONTACT:
 Steve Liebhardt by phone 707-825-
 5186, or by e-mail:
steve.liebhardt@noaa.gov.

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit
 modifications, as required by the
 Endangered Species Act of 1973 (16
 U.S.C. 1531-1543) (ESA), is based on a
 finding that such permits/modifications:
 (1) Are applied for in good faith; (2)
 would not operate to the disadvantage
 of the listed species which are the
 subject of the permits; and (3) are
 consistent with the purposes and
 policies set forth in section 2 of the
 ESA. Authority to take listed species is
 subject to conditions set forth in the
 permits. Permits and modifications are
 issued in accordance with and are
 subject to the ESA and NOAA Fisheries
 regulations governing listed fish and
 wildlife permits (50 CFR parts 222-
 226). Those individuals requesting a
 hearing on an application listed in this
 notice should set out the specific
 reasons why a hearing on that
 application would be appropriate (see
ADDRESSES). The holding of such a
 hearing is at the discretion of the

Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to the following threatened salmonid ESU: Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*).

Renewal and Modification Requests Received for Permit (1072)

The Trinity River Restoration Program has requested renewal and modification 2 of Permit 1072 for take of SONCC coho salmon associated with studies to compare juvenile coho production and the health of juvenile coho in both restored and un-modified reaches of the mainstem and tributaries to the Trinity River. Proposed capture methods are by minnow trap, seine, and electrofishing. Renewal and Modification of Permit 1072 was originally issued to Trinity River Restoration Program on May 12, 2005. The Trinity River Restoration Program is currently authorized take of up to 4,800 juvenile coho salmon, and to collect tissue samples from up to 300 adult coho salmon carcasses. The Trinity River Restoration Program has requested an additional non-lethal take of up to 16,100 juvenile coho salmon. Renewal and Modification of Permit 1072 will expire September 1, 2013.

Dated: March 14, 2006.

Ann Garrett,

Acting Division Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6-3944 Filed 3-16-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031006B]

Endangered Species; File No. 1563

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that North Carolina Division of Marine Fisheries (NCDMF; Mr. Blake Price, Principal Investigator), P.O. Box 769, Morehead City, North Carolina 28557, has applied in due form for a permit to take threatened and endangered sea

turtles for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before April 17, 2006.

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

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824-5312; fax (727)824-5309.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is NMFS.Pr1Comments@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: File No. 1563.

FOR FURTHER INFORMATION CONTACT:

Carrie Hubard or Patrick Opay, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The applicant proposes to test two types of large mesh gillnets to ascertain which type of net will reduce sea turtle interactions while maintaining targeted catch rates for southern flounder (*Paralichthys lethostigma*). Both nets would be constructed of 0.52 mm diameter monofilament with 6-inch (15.2 cm) mesh webbing and would be 1,200 yards (1,097 m) long. The control net would be 25 meshes deep while the low profile net would be twelve meshes deep. Control nets would have additional floatation every six feet (1.8 m) and tie downs every 30 feet (9.1 m);

the experimental net would have neither. NCDMF plans to conduct 150 paired net deployments (one of each type of net). To follow fishing protocols, nets would be set at dusk and retrieved in the early morning. Captured sea turtles would be examined for any possible injuries and held for approximately two hours to ensure they are healthy before being transported away from the fishing area and released. Turtles would be identified to species, measured, photographed, and flipper and PIT tagged. Any comatose or debilitated turtles would be transported to a rehabilitation center. During the life of the permit, the applicant requests authorization to capture 23 Kemp's ridley (*Lepidochelys kempii*), 23 loggerhead (*Caretta caretta*), 22 green (*Chelonia mydas*), 2 hawksbill (*Eretmochelys imbricata*), and 2 leatherback (*Dermodochelys coriacea*) sea turtles. Of the captured turtles, 11 Kemp's, 11 loggerhead, 11 green, 1 hawksbill, and 1 leatherback may be mortalities. Research would be conducted in Pamlico Sound, North Carolina and the permit would expire in December 2007.

Dated: March 10, 2006.

Stephen L. Leathery,

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

[FR Doc. E6-3945 Filed 3-16-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF DEFENSE

Department of the Army

Availability of the Supplemental Draft Environmental Impact Statement for the Construction and the Operation of a Battle Area Complex and a Combined Arms Collective Training Facility Within U.S. Army Training Lands in Alaska

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Army announces the availability of a Supplemental Draft Environmental Impact Statement (SDEIS) for the construction and operation of a Battle Area Complex (BAX) and a Combined Arms Collective Training Facility (CACTF) within U.S. Army training lands in Alaska, and the execution of routine, joint military training at these locations. The purpose of the proposed project is to provide year-round, fully automated, comprehensive and realistic training and range facilities for U.S. Army, Alaska and other units. The SDEIS

analyzes the proposed action's impacts upon Alaska's natural and man-made environments. The Army's review of comments received following the initial Draft EIS release in November 2004 resulted in the decision by the Army to prepare a SDEIS. The Army prepared this SDEIS in compliance with the National Environmental Policy Act (NEPA).

DATES: Written comments on the SDEIS are invited during the 45-day public comment period, which begins on the date the U.S. Environmental Protection Agency publishes notice of receipt of the SDEIS in the **Federal Register**.

ADDRESSES: Written comments should be directed to: Mr. Kevin Gardner, U.S. Army Garrison Alaska, 724 Postal Service Loop #4500, Attention: IMPA-FRA-PWE (GARDNER), Fort Richardson, AK 99505-4500; facsimile: (907) 384-3047; e-mail: kevin.gardner@richardson.army.mil.

FOR FURTHER INFORMATION CONTACT: Major Kirk Gohlke, Public Affairs Officer, telephone: (907) 384-1542; facsimile: (907) 384-2060; e-mail: kirk.gohlke@richardson.army.mil.

SUPPLEMENTARY INFORMATION: U.S. Army, Alaska (USARAK) proposes to construct and to operate two state-of-the-art, fully automated and instrumented combat training facilities on U.S. Army training lands in Alaska. This involved the construction and operation of a BAX (rural environment) and CACTF (urban environment). The BAX requires approximately 3,500 acres and the CACTF requires 1,100 acres of land suitable for the construction and operation of these ranges. In addition, surface danger zones are required for both the BAX and CACTF.

The purpose of the proposed action is to provide year-round, fully automated, comprehensive, and realistic training and range facilities, which, in combination, would support company (200 Soldiers) through battalion (800 Soldiers) combat team training events. The construction and operation of a BAX and CACTF would support required higher levels of realistic combat training in both urban and rural environments. Automated facilities would be used to provide timely feedback that is critical to effective training.

The BAX and CACTF would fully train Soldiers for war by maintaining unit readiness and availability in recognition of the threats facing our nation and the world today. The BAX would support company combat team live-fire operations on a fully automated rural maneuver range and would

provide for joint combined arms team training with other Department of Defense organizations. The CACTF would support battalion combat team training and joint operations in an urban environment.

The changes and additional analysis in the SDEIS are the result of public and agency comments following the initial release of the Draft EIS. The SDEIS provides additional analysis on such issues as: Project site selection; soil resources; wildlife and fisheries; cultural resources; surface water (particularly local flooding events); fire management; noise; human health and safety; airspace use; and mitigation. These issues have been analyzed based on the following proposed alternative courses of action: (1) No Action (maintain existing range infrastructure without constructing a BAX and a CACTF); (2) Construction and operation of a BAX and a CACTF within the Eddy Drop Zone; (3) Construction and operation of a BAX and a CACTF within the Donnelly Drop Zone; (4) Construction and operation of a BAX and a CACTF within the North Texas Range; and (5) Construction and operation of a BAX within the North Texas Range and a CACTF within the Eddy Drop Zone (new alternative). These three locations are within Donnelly Training Area, East, which is adjacent to Fort Greely, AK. The preferred alternative is to construct and operate a BAX and CACTF at Eddy Drop Zone.

Copies of the SDEIS are available for review at the following locations: Noel Wien Public Library, 1215 Cowles Street, Fairbanks, AK; Delta Junction Public Library, Deborah Street, Delta Junction, AK; Donnelly Training Area Natural Resources Office, Building T100, Room 201, Fort Greely, AK; and Fort Wainwright Environmental Resources Department, Building 3023, Fort Wainwright, AK. A copy of the SDEIS may be obtained at the following Web site: <http://www.usarak.army.mil/conservation>, or by contacting Major Kirk Gohlke (listed above).

Comments on the SDEIS, received during the 45-day public comment period, will be considered in preparing the Final Environment Impact Statement. The Army will hold public meetings to solicit comments on the SDEIS. Notification of the dates, times and locations for the meeting will be published in local newspapers.

John M. Brown III,

Lieutenant General, USA, Commanding General, US Army, Pacific.

[FR Doc. 06-2605 Filed 3-16-06; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Educational Advisory Committee

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of the following committee meeting:

Name of Committee: U.S. Army War College Subcommittee of the Army Education Advisory Committee.

Dates of Meeting: April 27, 2006 and April 28, 2006.

Place of Meeting: U.S. Army War College, 122 Forbes Avenue, Carlisle, PA, Command Conference Room, Root Hall, Carlisle Barracks, Pennsylvania 17013.

Time of Meeting: 8:30 a.m.-5 p.m.

Proposed Agenda: Receive information briefings; conduct discussions with the Commandant and staff and faculty; table and examine online College issues; assess resident and distance education programs, self-study techniques, assemble a working group for the concentrated review of institutional policies and a working group to address committee membership and charter issues; propose strategies and recommendations that will continue the momentum of federal accreditation success and guarantee compliance with regional accreditation standards.

FOR FURTHER INFORMATION CONTACT: To request advance approval or obtain further information, contact Colonel Kevin T. Connelly.

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Any interested person may attend, appear before, make a presentation, or file statements with the Committee after receiving advance approval for participation.

Kevin T. Connelly,

Colonel, U.S. Army, Designated Federal Official.

[FR Doc. 06-2604 Filed 3-16-06; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE**Department of The Army; Corps of Engineers****Intent To Prepare a Draft Environmental Impact Statement for a Proposed Dredged Material Management Plan for Cleveland Harbor, OH**

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508) and Public Law 102–484 Section 2834, as amended by Public Law 104–106 Section 2867, the Department of the Army hereby gives notice of intent to prepare a Draft Environmental Impact Statement (EIS) for the subject Dredged Material Management Plan (DMMP). The Buffalo District of the U.S. Army Corps of Engineers will be the lead agency in preparing the EIS.

The EIS will consider Federal actions associated with the development of a DMMP for the Federal harbor in the city of Cleveland, Cuyahoga County, OH. The DMMP is a study conducted to develop a long-term (20-year) strategy for providing viable dredged material placement alternatives that would meet the needs of maintaining the Federal channels at Cleveland Harbor. The overall goal of the DMMP is to develop a plan to maintain channels necessary for commercial navigation within Cleveland Harbor and to conduct dredged material placement in the most economically and environmentally sound manner, and maximize the use of dredged material as a beneficial resource.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Asquith, Project Manager, Buffalo District, Corps of Engineers, CELRB-PM-PM, 1776 Niagara Street, Buffalo, NY 14207-3199, telephone (716) 879-4352, or Ms. Patti McKenna, NEPA Coordinator, Buffalo District, Corps of Engineers, 1776 Niagara Street, Buffalo, NY 14207-3199, Telephone: (716) 879-4367.

SUPPLEMENTARY INFORMATION: Cleveland Harbor is located on Lake Erie at the mouth of the Cuyahoga River. Included in the study area are the Outer Harbor and Cuyahoga River Channels. The harbor is protected by a breakwater system: an east breakwater (20,970 feet long), a west breakwater (6,048 feet long), and the east and west arrowhead breakwaters (each measuring 1,250 feet).

Cleveland Harbor is dredged twice each year. The average dredging volume per year from 1998 through 2005 is 305,000 cubic yards, which includes Federal and non-Federal dredging activities. In accordance with joint U.S.

Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (USACE) protocols contained in the Great Lakes Dredged Material Testing and Evaluating Manual (1998), all sediment dredged from Cleveland Harbor and Cuyahoga River Channels is unsuitable for open lake and nearshore placement. All dredged material is currently placed in a Confined Disposal Facility (CDF). Since the 1960s, five CDFs have been constructed at Cleveland Harbor (9, 10B, 12, 13, and 14). The current operational CDF (10B) is nearing design capacity. Planning efforts are underway for interim placement solutions at CDF 10B.

However, to address long-term dredging and dredged material management needs, additional placement sites for dredged material disposal must also be made available.

Proposed Action: In accordance with U.S. Army Corps of Engineers Regulation 1105-2-100, a DMMP is prepared for a Federal navigation project to ensure that maintenance dredging activities are performed in an environmentally acceptable manner, use sound engineering techniques, are economically warranted, and that sufficient confined disposal facilities are available for at least the next 20 years. The proposed DMMP will focus on the management of dredged material from maintaining Federal navigation channels at Cleveland Harbor, and will take into consideration non-Federal dredging projects permitted by the Buffalo District. The approved DMMP will be consistent with sound engineering practices and meet all Federal environmental compliance standards, including those established by the Clean Water Act. In addition, the DMMP will be consistent with State plans such as the Ohio Coastal Zone Management Program.

Reasonable Alternatives: The alternatives for the DMMP will consist of an array of disposal and beneficial use options. It is Corps of Engineers planning policy to consider all practicable and relevant alternative management measures. Options for managing dredged material at Cleveland Harbor that are being considered include the following: (1) Open-lake Placement. To date, all sediment dredged from Cleveland Harbor and Cuyahoga River Channels is unsuitable for open lake placement; (2) Confined Disposal. Additional capacity would be

created in one of the existing CDFs through adaptive management and/or the construction of internal dikes; (3) New Confined Disposal Facility. The construction of a new in-water CDF will also need to be evaluated. There are eight potential locations that are being assessed; (4) Beneficial Use. Dredged material would be transported to upland sites for use as cover or fill, with particular emphasis on the value of restoring or creating habitat; (5) Best Management Practices. Measures will be considered to reduce erosion and sedimentation within the watershed and consequently reduce harbor dredging needs; and (6) "No Action". No Federal action would be taken to address dredging needs at Cleveland Harbor. The EIS will address measures, alternatives and impacts to the selected or preferred alternative(s).

Scoping Process: The Corps of Engineers invites affected Federal, State and local agencies, affected Native American tribes, and other interested organizations and individuals to participate in the development of the EIS. The Corps of Engineers anticipates conducting a public scoping meeting for this EIS in the summer of 2006. The exact date, time and location of this meeting has not yet been determined. This information will be publicized once the meeting arrangements have been made.

The Draft EIS is currently scheduled to be available for public review in June 2007. The Final EIS is currently scheduled to be available for public review in January 2008.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 06-2603 Filed 3-16-06; 8:45 am]

BILLING CODE 3710-GP-M

DEPARTMENT OF EDUCATION**Notice of Proposed Information Collection Requests**

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 16, 2006.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early

opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 10, 2006.

Angela C. Arrington,

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

Institute of Education Sciences

Type of Review: New.

Title: Impact Evaluation on Student Achievement of Teacher Professional Development in Mathematics.

Frequency: On Occasion.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 102.

Burden Hours: 51.

Abstract: Data collection for impact evaluation of intensive academic reading and math instruction in after-school programs.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending

Collections" link and by clicking on link number 3003. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to ICDocketMgr@ed.gov or faxed to 202-245-6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E6-3906 Filed 3-16-06; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC06-544-000; FERC-544]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

March 10, 2006.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments on the collection of information are due May 19, 2006.

ADDRESSES: Copies of sample filings of the proposed collection of information can be obtained from the Commission's Web site (<http://www.ferc.gov/docs-filings/elibrary.asp>) or from the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Executive Director, ED-34, 888 First Street NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filing, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First

Street, NE., Washington, DC 20426 and refer to Docket No. IC06-544-000. Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at <http://www.ferc.gov> and click on "Make an E-filing", and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the eLibrary link. For user assistance, contact FERCOlineSupport@ferc.gov or toll-free at (866) 208-3676. or for TTY, contact (202) 502-8659.

FOR FURTHER INFORMATION CONTACT:

Michael Miller may be reached by telephone at (202) 502-8415, by fax at (202) 273-0873, and by e-mail at michael.miller@ferc.gov.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC-544 "Gas Pipeline Rates: Rate Change (Formal)", (OMB No. 1902-0153) is used by the Commission to carry out its responsibilities in implementing the statutory Provisions of Sections 4, 5, and 16 of the Natural Gas Act (15 U.S.C. 717c-717o, Pub. L. 75-688). The Commission implements FERC-544 filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 154.

General rate change applications filed under section 4(e) of the Natural Gas Act reflect changes in rates based generally upon changes in the pipeline company's overall costs of providing service. Staff analyses are performed to determine whether the proposed rates and charges are consistent with the Commission's statutory responsibilities, policies, conditions. A preliminary review and report to the Commission of all changes filed under the NGA must be made by staff. Based upon the report, the Commission determines whether the filing should be accepted or suspended and set for hearing and investigation. 18 CFR 154.301-154.313 govern the filing requirements for rate changes and define the statements and schedules pipeline companies must file in support of their proposed rates and changes. 18 CFR 154.205 governs the filing requirements for changes relating to suspended tariffs, executed agreements or parts thereof. 18 CFR 154.206 permits the proposed change in rate, charge,

classification or service to go into effect upon motion of the jurisdictional gas pipeline at the expiration of the suspension period or upon receipt of the motion, whichever is later.

Formal rate change filings (FERC-544) are suspended and set for hearing. When the NGA section 4(e) filing is suspended, the rate becomes the subject of a hearing process and may go into

effect subject to refund with interest. All suspended filings that go through the hearing process are considered formal cases and an investigation is instituted to determine the reasonableness of the rate filing. If the rates and charges are deemed unjust, unreasonable or unduly discriminatory, the appropriate rate, charge or service condition is ascertained. The formal proceeding is

terminated by the issuance of a final Commission order.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually	Number of responses per respondent	Average burden hours per response	Total annual burden hours
(1)	(2)	(3)	(1)×(2)×(3)
11	1	4,583	50,413

Estimated cost burden to respondents is \$248,486,990. (50,413 hours/2080 hours per year times \$117,321 per year average per employee = \$ 2,843,511). The cost per respondent is \$258,501).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities, which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and

clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology e.g. permitting electronic submission of responses.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3880 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06-76-000]

Algonquin Gas Transmission, LLC; Notice of Application

March 10, 2006.

Take notice that on March 1, 2006, Algonquin Gas Transmission, LLC (Algonquin), 5400 Westheimer Court, Houston, Texas 77056-5310, filed with the Federal Energy Regulatory Commission (Commission) an application under sections 7(b) and 7(c) of the Natural Gas Act and part 157 of the Commission's regulations for a certificate of public convenience and necessity seeking authorization: (1) To construct, install, own, operate, and maintain certain facilities, known as the Ramapo Expansion Project, as well as replace and abandon other existing facilities in order to meet requests from two shippers for the receipt of natural gas from the proposed new interconnection with Millennium Pipeline Company, L.P. (Millennium) at Ramapo, New York; and (2) to implement an initial incremental

surcharge for service on the Project facilities.

The Project is related to Millennium's Phase I Project (CP98-150-006), Empire Pipeline's Empire Connector Project (CP06-5-000, et al.) and the Iroquois Gas Transmission Project in PF06-000. Specifically, Algonquin proposes to: (1) Abandon and remove approximately 4.8 miles of 26-inch diameter pipeline and replace with 42-inch diameter pipeline, in the towns of Ramapo and Haverstraw, Rockland County, New York; (2) construct a new compressor station totaling 37,700 horsepower in Oxford, Connecticut; (3) add 18,010 horsepower at the existing Southeast Station in Southeast, Putnam County, New York; (4) add 8,400 horsepower at the existing Stony Point Station, in Stony Point, Rockland County, New York; and (5) add 7,700 horsepower at the existing Hanover Station, in Hanover, Morris County, New Jersey. Algonquin also proposes minor pipe replacements on the west side of its existing Hudson River Crossing, piping modifications at two existing interconnections, and adding a new delivery point at an existing interconnection.

The application 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 or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Any questions regarding this application should be directed to Steven E. Tillman, General Manager, Regulatory Affairs, Algonquin Gas Transmission,

LLC, P.O. Box 1642, Houston, Texas 77251-1642, phone (713) 627-5113 or fax (713) 627-5947.

On November 30, 2005, the Commission staff granted Algonquin's request to utilize the National Environmental Policy Act (NEPA) Pre-Filing Process and assigned Docket No. PF06-5-000 to staff activities involving the Ramapo Expansion Project. Now, as of the filing of this application on March 1, 2006, the NEPA Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP06-76-000, as noted in the caption of this Notice.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date listed below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of this filing and all subsequent filings made with the Commission and must mail a copy of all filing to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, other persons do not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to this project provide copies of their protests only to the party or parties directly involved in the protest.

Persons may also wish to comment further only on the environmental review of this project. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents issued by the Commission, and will be notified of

meetings associated with the Commission's environmental review process. Those persons, organizations, and agencies who submitted comments during the NEPA Pre-Filing Process in Docket No. PF06-5-000 are already on the Commission staff's environmental mailing list for the proceeding in the above dockets and may file additional comments on or before the below listed comment date. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, environmental commenters are also not parties to the proceeding and will not receive copies of all documents filed by other parties or non-environmental documents issued by the Commission. Further, they will not have the right to seek court review of any final order by Commission in this proceeding.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

Comment Date: March 31, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6-3889 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06-267-000]

CenterPoint Energy—Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 10, 2006.

Take notice that on March 7, 2006, CenterPoint Energy—Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be effective April 7, 2006.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance

with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6-3887 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06-80-000]

Columbia Gas Transmission Corporation; Notice of Application

March 9, 2006.

Take notice that Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP06-80-000 on March 3, 2006, an application pursuant to section 7(b) of the Natural Gas Act (NGA), to abandon, by removal, two obsolete 1,100 hp compressor units and appurtenant facilities at the Glenville Compressor Station, located in Gilmer County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the

last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

Any questions regarding this application should be directed to counsel for Columbia, Fredric J. George, Lead Counsel, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325-1273; (304) 357-2359 (telephone) or (304) 357-3206 (fax).

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, 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, or in support of or in opposition to this project, should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be

notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the applicant. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

Comment Date: March 30, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6-3872 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03-36-016]

Dauphin Island Gathering Partners; Notice of Compliance Filing

March 10, 2006.

Take notice that on February 22, 2006, Dauphin Island Gathering Partners (Dauphin Island) tendered for filing additional information in compliance with an order (114 FERC ¶ 61,121) issued by the Commission on February 8, 2006, which relates to Dauphin Island's January 8, 2006 Negotiated Rate and Nonconforming Tariff Filing.

Dauphin Island is providing additional information explaining the specific changes made to each contract. Dauphin Island also tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, two revised tariff sheets.

Dauphin Island states that copies of the filing are being served contemporaneously on all participants listed on the service list in this proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by

the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6-3884 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06-264-000]

Dominion Transmission, Inc.; Notice of Proposed Changes In FERC Gas Tariff

March 9, 2006.

Take notice that on March 6, 2006, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1A, the following tariff sheets, to become effective April 5, 2006:

First Revised Sheet No. 10
First Revised Sheet No. 11
First Revised Sheet No. 12
First Revised Sheet No. 16

First Revised Sheet No. 17
 First Revised Sheet No. 18
 First Revised Sheet No. 20
 First Revised Sheet No. 21
 First Revised Sheet No. 24
 First Revised Sheet No. 25
 Original Sheet No. 25A
 First Revised Sheet No. 35
 First Revised Sheet No. 36
 Original Sheet No. 36A
 First Revised Sheet No. 40
 First Revised Sheet No. 41
 Original Sheet No. 41A
 First Revised Sheet No. 43
 First Revised Sheet No. 84
 First Revised Sheet No. 85
 First Revised Sheet No. 86
 Original Sheet No. 86A
 First Revised Sheet No. 104
 Original Sheet No. 105

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call

(866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3870 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05-672-002]

East Tennessee Natural Gas, LLC, Notice of Compliance Filing

March 10, 2006.

Take notice that on March 7, 2006, East Tennessee Natural Gas, LLC (East Tennessee) tendered for filing as a part of its FERC Gas Tariff, Third Revised Volume No. 1, the following pro forma tariff sheets pursuant to East Tennessee Natural Gas, LLC, 113 FERC ¶ 61,099 (2005) ("October 26 Order"):

Pro Forma Sheet No. 102
 Pro Forma Sheet No. 123

East Tennessee states that copies of the filing were served on affected customers and state commissions, as well as parties on the official service list in the above-captioned 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. E6-3886 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-518-084]

Gas Transmission Northwest Corporation; Notice of Negotiated Rates

March 10, 2006.

Take notice that on February 28, 2006, Gas Transmission Northwest Corporation (GTN) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1-A, the following tariff sheets, to become effective March 1, 2006:

Thirty-First Revised Sheet No. 15
 Sixth Revised Sheet No. 24
 Second Revised Sheet No. 26
 Third Revised Sheet No. 27

GTN states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission,

888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3875 Filed 3-16-06; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02-361-057]

Gulfstream Natural Gas System, L.L.C.; Notice of Negotiated Rates

March 10, 2006.

Take notice that on March 3, 2006, Gulfstream Natural Gas System, L.L.C. (Gulfstream) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Original Sheet Nos. 8.01x through 8.01z, reflecting an effective date of March 3, 2006.

Gulfstream states that copies of its filing have been mailed or, if requested, emailed to all affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3883 Filed 3-16-06; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-176-114]

Natural Gas Pipeline Company of America; Notice of Negotiated Rates

March 10, 2006.

Take notice that on February 22, 2006, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets, to become effective April 1, 2006:

Third Revised Sheet No. 26D
First Revised Sheet No. 26D.01
First Revised Sheet No. 26D.02
First Revised Sheet No. 414A

Natural states that the purpose of this filing is to implement an extension to an existing negotiated rate transaction. Also, Natural states that it tenders for filing copies of the Firm Transportation and Storage Negotiated Rate Agreement between Natural and Northern Illinois Gas Company, d/b/a Nicor Gas.

Natural states that copies of the filing are being mailed to all parties set out on the Commission's official service list in Docket No. RP99-176.

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. E6-3888 Filed 3-16-06; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER06-318-000; ER06-318-001; ER06-318-002; ER06-326-000, and ER06-326-001]

North American Energy Credit and Clearing—Contract Merchant LLC North American Energy Credit and Clearing—Delivery LLC; Notice of Issuance of Order

March 10, 2006.

North American Energy Credit and Clearing—Contract Merchant LLC (Merchant) and North American Energy Credit and Clearing—Delivery LLC

(Delivery) filed applications for market-based rate authority with an accompanying rate tariffs. The proposed rate tariffs provide for wholesale sale of capacity, energy and ancillary services at market-based rates. Merchant and Delivery also requested waiver of various Commission regulations. In particular, Merchant and Delivery requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Merchant and Delivery.

On March 8, 2006, 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 Merchant and Delivery 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 April 7, 2006.

Absent a request to be heard in opposition by the deadline above, Merchant and Discovery are authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Merchant and Discovery, 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 Merchant's and Discovery'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. E6-3878 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05-286-003]

Northwest Pipeline Corporation; Notice of Compliance Filing

March 10, 2006.

Take notice that on February 28, 2006, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Second Substitute Original Sheet No. 271-B, to be effective May 23, 2005.

Northwest states that a copy of this filing has been served upon each person designated on the official service list.

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. E6-3885 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER06-541-000]

Old Lane Commodities, L.P.; Notice of Issuance of Order

March 10, 2006.

Old Lane Commodities, L.P. (Old Lane) filed an application for market-based rate authority, with an accompanying rate schedule. The proposed market-based rate schedule provides for the sales of energy, capacity and ancillary at market-based rates. Old Lane also requested waiver of various Commission regulations. In particular, Old Lane requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Old Lane.

On March 8, 2006, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—West, 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 Old Lane should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is April 7, 2006.

Absent a request to be heard in opposition by the deadline above, Old Lane 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 Old Lane, 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 Old Lane'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 field to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3879 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER05-1410-000, EL05-148-000, ER06-456-000, EL05-121-000 and EL06-50-000]

PJM Interconnection, L.L.C., American Electric Power Service Corporation; Notice Rescinding Prior Notice

March 9, 2006.

On March 8, 2006, the Commission issued a "Notice of FERC Staff Attendance" in the above-captioned proceedings. This notice was issued in error and is hereby rescinded.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3862 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06-265-000]

Sabine Pipe Line LLC; Notice of Tariff Filing

March 9, 2006.

Take notice that on March 2, 2006, Sabine Pipe Line LLC (Sabine) tendered for filing as part of its FERC Gas Tariff,

Original Volume No. 1, the tariff sheets listed on Attachment A to the filing, to become effective April 1, 2006.

Sabine states that it is proposing the revised tariff sheets as a housekeeping measure to update addresses and contact information, correct typographical errors and punctuation, and make minor corrections to the Tariff.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3871 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06-78-000]

Southwest Gas Transmission Company; Notice of Application

March 10, 2006.

Take notice that Southwest Gas Transmission Company, P.O. Box 98510, Las Vegas, Nevada 89193-8510, filed in Docket No. CP06-78-000 on March 1, 2006, a request pursuant to section 7(c) of the Natural Gas Act (NGA) and subpart F of part 157 of the Commission's Regulations under the NGA for a blanket certificate of public convenience and necessity authorizing Southwest Gas to engage in any of the activities specified in subpart F of part 157 of the Commission's Regulations, as may be amended from time to time, all as more fully set forth in the request which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TYY, (202) 502-8659.

Any questions regarding this application should be directed to Edward C. McMurtrie, Director/Federal Regulatory Affairs, Southwest Gas Corporation, P.O. Box 98510, Las Vegas, Nevada 89193-8510, at (702) 876-7109 (telephone) or (702) 873-3820 (fax).

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, 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.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.
Comment Date: March 31, 2006.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3876 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06-82-000]

Tennessee Gas Pipeline Company; Notice of Abbreviated Application for a Certificate of Public Convenience and Necessity for Authorization To Abandon Transportation Services

March 10, 2006.

Take notice that on March 6, 2006, Tennessee Gas Pipeline Company (Tennessee) filed an abbreviated application with the Commission for a certificate of public convenience and necessity pursuant to section 7(b) of the Natural Gas Act and Part 157 the Commission's Rules and Regulations for authorization to abandon certain inactive certificated transportation services performed pursuant to Tennessee Rate Schedules T-123, T-129, T-144, T-145, T-167 and T-171 all as more fully set forth in the application on file with the Commission and open to public inspection.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the

"eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time March 30, 2006.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3877 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06-266-000]

TransColorado Gas Transmission Company; Notice of Tariff Filing

March 9, 2006.

Take notice that on March 6, 2006, TransColorado Gas Transmission Company (TransColorado) tendered for filing its Annual Fuel Gas Reimbursement Percentage (FGRP) report pursuant to section 12.9 of the general terms and conditions of its FERC Gas Tariff, First Revised Volume No. 1. TransColorado also included 4th Revised Sheet No. 20 in this filing.

TransColorado has served copies of this filing upon all customers, interested state commissions, and other interested parties.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the

Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3861 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 199-212]

Herbert Butler, et al., Complainants, v. South Carolina Public Service Authority, Respondent; Notice of Complaint

March 10, 2006.

Take notice that on February 21, 2006, Herbert Butler, *et al.* (Complainants) filed with the Federal Regulatory Commission (Commission) a complaint against South Carolina Public Service Authority (Respondent), licensee of the Santee Cooper Project No. 199. Complainants allege that Respondent has and continues to operate the project in violation of its license so as to cause unnecessary floods on the Petitioners' land. They have asked the Commission to investigate and to stop Respondent from its continuing violations of its license.

Respondent's answer to the complaint and all comments, protests, and motions

to intervene from any other person desiring to be heard on this matter must be filed with the Commission's Secretary at 888 First Street, NE., Washington, DC 20426, on or before the date shown 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 proceeding. Any person wishing to become a party must file a motion to intervene. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of comments, 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 8 copies of the comment, 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 March 31, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6-3881 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

March 7, 2006.

Take notice that the Commission received the following electric rate filings.

Docket Numbers: ER02-73-008.

Applicants: Llano Estacado Wind, L.P.

Description: Entergy Services, Inc., as agent for its affiliate Llano Estacado Wind, LP, submits its triennial updated market power analysis in support of its continued eligibility to sell electric

capacity and energy at market-based rates.

Filed Date: February 28, 2006.

Accession Number: 20060303-0092.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 21, 2006.

Docket Numbers: ER03-563-057; EL04-102-013.

Applicants: Power Marketing Inc.

Description: ISO New England, Inc submits a revision to its Compliance Report filed February 28, 2006.

Filed Date: March 1, 2006.

Accession Number: 20060303-0188.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Docket Numbers: ER04-691-065.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc submits a redacted version of its Supplemental Information Filing, filed February 24, 2006.

Filed Date: March 1, 2006.

Accession Number: 20060307-0096.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Docket Numbers: ER06-456-001.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC submits an amendment to its January 5, 2006 filing to include cost allocations for 35 additional upgrades in Schedule 12—Appendix, to become effective on May 30, 2006.

Filed Date: March 1, 2006.

Accession Number: 20060303-0087.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Docket Numbers: ER06-505-001.

Applicants: Entergy Services, Inc.

Description: Entergy Services, Inc on behalf of Entergy Arkansas, Inc et al. submits a revision to its Compliance Filing filed on January 18, 2006.

Filed Date: February 28, 2006.

Accession Number: 20060303-0094.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 10, 2006.

Docket Numbers: ER06-538-001.

Applicants: Llano Estacado Wind, LP.

Description: Llano Estacado Wind, LP submits amendments to its January 11, 2006 filing of its market-based rate tariff, designated as Original Sheets 1-4, FERC Electric Tariff, First Revised Volume 1.

Filed Date: March 1, 2006.

Accession Number: 20060303-0091.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Docket Numbers: ER06-686-000.

Applicants: DeGreeff DP, LLC.

Description: DeGreeff DP, LLC submits a petition for order accepting market-based rate tariff for filing and

granting waivers and blanket approvals and request for expedited action.

Filed Date: March 1, 2006.

Accession Number: 20060303-0140.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Docket Numbers: ER06-687-000.

Applicants: New England Power Pool.

Description: New England Power Pool Participants Committee submits its transmittal letter along with a counterpart signature page of the New England Power Pool Agreement.

Filed Date: March 1, 2006.

Accession Number: 20060303-0085.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Docket Numbers: ER06-688-000.

Applicants: Hinson Power Company, LLC.

Description: Hinson Power Co, LLC submits its amendment to its Updated Market Power Analysis & Revisions to Second Revised Rate Schedule 1.

Filed Date: March 1, 2006.

Accession Number: 20060303-0086.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 13, 2006.

Docket Numbers: ER06-689-000.

Applicants: Duke Energy Oakland, LLC.

Description: Duke Energy Oakland, LLC submits a correction to Original Sheet 142 from its Reliability Must Run Agreement with the California Independent System Operator Corp.

Filed Date: March 1, 2006.

Accession Number: 20060303-0143.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Docket Numbers: ER06-691-000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection LLC submits an executed construction service agreement among PJM, Southeastern Chester County Refuse Authority and PECO Energy Company.

Filed Date: March 1, 2006.

Accession Number: 20060303-0090.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Docket Numbers: ER06-692-000.

Applicants: Orange and Rockland Utilities, Inc.

Description: Orange and Rockland Utilities submits a revised Power Supply Agreement with Pike County Light & Power Company, effective May 1, 2006.

Filed Date: March 1, 2006.

Accession Number: 20060306-0119.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Docket Numbers: ER96-110-020; ER99-2774-012; ER03-956-009; ER03-185-007; ER03-17-007; ER01-545-009;

ER00-1783-009; ER02-795-007; ER96-2504-014; ER05-1367-003; ER05-1368-003; ER05-1369-004; ER00-826-006; ER00-828-006; ER98-421-017; ER98-4055-014; ER01-1337-009; ER02-177-010; ER03-1212-008; ER01-1820-008.

Applicants: Duke Power, Division of Duke Energy Corp; Duke Energy Trading and Marketing, L.L.C.; Duke Energy Marketing America, LLC, Duke Energy Fayette, LLC; Duke Energy Hanging Rock, LLC; Duke Energy Lee, LLC; Duke Energy Vermillion, LLC; Duke Energy Washington, LLC; Cincinnati Gas & Electric Co.; PSI Energy, Inc.; Union Light Heat & Power Company; Cinergy Marketing & Trading, LP; Brownsville Power I, L.L.C.; Caledonia Power I, L.L.C. CinCap IV, LLC; CinCap V, LLC; Cinergy Capital & Trading, Inc.; Cinergy Power Investments, Inc.; St. Paul Cogeneration, LLC; Cinergy Operating Companies.

Description: Duke Energy Corp et al on behalf of Duke Power Co, LLC et al submits a notice of change in status for each MBR Company with respect to each such MBR Co's Authority to engage in wholesale sales of capacity.

Filed Date: March 1, 2006.

Accession Number: 20060306-0067.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3860 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. PH06-14-000, et al.]

Alpena Power Resources, Ltd., et al.; Electric Rate and Corporate Filings

March 9, 2006.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Alpena Power Resources, Ltd., Fletcher Investment, LLC

[Docket No. PH06-14-000]

Take notice that on March 6, 2006, Alpena Power Resources, Ltd. And Fletcher Investment, LLC filed a Petition for Waiver of the Requirements of The Public Utility Holding Company Act of 2005, pursuant to 18 CFR 366.4 of the Commission's regulations on the basis that it is confined substantially to a single state.

Comment Date: 5 p.m. Eastern Time on March 27, 2006.

2. Alaska Energy and Resources Company

[Docket No. PH06-15-000]

Take notice that on March 6, 2006, Alaska Energy and Resources Company filed a Petition for Waiver of the Requirements of The Public Utility Holding Company Act of 2005, pursuant to 18 CFR 366.4(c)(1) of the

Commission's regulations on the basis that it is a single state holding company.

Comment Date: 5 p.m. Eastern Time on March 27, 2006.

3. National Grid Holdings One plc, and its Affiliated Holding Company Subsidiaries

[Docket No. PH06-16-000]

Take notice that on March 3, 2006, National Grid Holdings One plc (NGH One) and its affiliated direct and indirect holding company subsidiaries filed a Petition for Exemption of the Requirements of The Public Utility Holding Company Act of 2005, pursuant to 18 CFR 366.3(a) and 366.4(b)(1) of the Commission's regulations.

Comment Date: 5 p.m. Eastern Time on March 24, 2006.

4. RGC Resources, Inc.

[Docket No. PH06-18-000]

Take notice that on March 6, 2006, RGC Resources, Inc. filed a Petition for Waiver of the Requirements of The Public Utility Holding Company Act of 2005, pursuant to 18 CFR 366.3(c) and 366.4(c)(1) of the Commission's regulations on the basis that all of its public utility operations occur in the state of Virginia.

Comment Date: 5 p.m. Eastern Time on March 27, 2006.

5. Deutsch Bank AG, London Branch, DB Energy Trading, LLC

[Docket No. PH06-19-000]

Take notice that on March 3, 2006, National Deutsche Bank AG, London Branch and Deutsche Bank Energy Trading, LLC filed a Petition for Exemption of the Requirements of The Public Utility Holding Company Act of 2005, pursuant to 18 CFR 366.3(a) and 366.3(b) of the Commission's regulations.

Comment Date: 5 p.m. Eastern Time on March 24, 2006.

Standard Paragraph

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. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6-3873 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

March 9, 2006.

Take notice that the Commission received the following electric rate filings.

Docket Numbers: ER01-1836-003.

Applicants: Community Energy, Inc.

Description: Community Energy Inc. submits its revisions to its market based rate schedule, FERC Electric Rate Schedule 1 pursuant to Commission's February 2, 2006 order.

Filed Date: March 3, 2006.

Accession Number: 20060309-0022.

Comment Date: 5 p.m. Eastern Time on Friday, March 24, 2006.

Docket Numbers: ER01-205-012;

ER98-2640-010; ER98-4590-008;

ER99-1610-015.

Applicants: Xcel Energy Services, Inc.; Northern States Power Company; Northern States Power Company (Wisconsin); Public Services Company of Colorado; Southwestern Public Service Company.

Description: Xcel Energy Services Inc., on behalf of Northern States Power Co. et al., submits a change in status report relating to NSP and PSCo's market based rate authority pursuant to Commission June 16, 2005 order.

Filed Date: March 3, 2006.

Accession Number: 20060308-0021.

Comment Date: 5 p.m. Eastern Time on Friday, March 24, 2006.

Docket Numbers: ER03-509-002.

Applicants: Centennial Power, Inc.

Description: Centennial Power Inc. submits its updated market power analysis in compliance with FERC's prior orders issued March 7, 2003 and May 13, 2004.

Filed Date: March 3, 2006.

Accession Number: 20060308-0020.

Comment Date: 5 p.m. Eastern Time on Friday, March 24, 2006.

Docket Numbers: ER04-449-011.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits its fourth status report on the progress it is making with its stakeholders and its Final Deliverability Method Development and Testing Report.

Filed Date: March 3, 2006.

Accession Number: 20060308-0018.

Comment Date: 5 p.m. Eastern Time on Friday, March 24, 2006.

Docket Numbers: ER04-847-004.

Applicants: Michigan Electric Transmission Company, LLC.

Description: Michigan Electric Transmission Co. LLC submits revised Transmission Ownership and Operating Agreements between itself and the Michigan Public Power Agency pursuant to Commission's November 1, 2005 order.

Filed Date: March 3, 2006.

Accession Number: 20060308-0026.

Comment Date: 5 p.m. Eastern Time on Friday, March 24, 2006.

Docket Numbers: ER06-365-001.

Applicants: Entergy Services, Inc.

Description: Entergy Services Inc., agent for Entergy Operating Companies, submits its compliance filing pursuant to Commission's February 16, 2006 order to revise the Network Integration Transmission Service Agreements with the City of Conway, Arkansas.

Filed Date: March 3, 2006.

Accession Number: 20060308-0024.

Comment Date: 5 p.m. Eastern Time on Friday, March 24, 2006.

Docket Numbers: ER06-610-001.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator Inc. submits an amendment to its February 3, 2006 filing of an Interconnection, Operation and Maintenance Agreement w/Indiana Municipal Power Agency et al.

Filed Date: March 3, 2006.

Accession Number: 20060308-0019.

Comment Date: 5 p.m. Eastern Time on Friday, March 24, 2006.

Docket Numbers: ER06-690-000.

Applicants: Midwest Independent Transmission System.

Description: Midwest Independent Transmission System Operator, Inc. submits revisions to its Open Access Transmission and Energy Markets Tariff and the Agreement of Transmissions Facilities Owners etc.

Filed Date: March 1, 2006.

Accession Number: 20060303-0089.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 22, 2006.

Docket Numbers: ER06-701-000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC submits revisions to Schedule 2 of the PJM Open Access Transmission Tariff to reflect the revenue requirements to be paid to the entities for cost-based Reactive Support & Voltage Control etc.

Filed Date: March 3, 2006.

Accession Number: 20060309-0031.

Comment Date: 5 p.m. Eastern Time on Friday, March 24, 2006.

Docket Numbers: ER06-702-000.

Applicants: NEO Chester-Gen LLC.

Description: NEO Chester-Gen LLC submits a notice of cancellation canceling its market-based rate tariff, FERC Electric Tariff, Original Volume 1.

Filed Date: March 3, 2006.

Accession Number: 20060309-0026.

Comment Date: 5 p.m. Eastern Time on Friday, March 24, 2006.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an

eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3874 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC06-90-000, et al.]

General Electric Capital Corporation, et al.; Electric Rate and Corporate Filings

March 10, 2006.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. General Electric Capital Corporation

[Docket No. EC06-90-000]

Take notice that on March 6, 2006, General Electric Capital Corporation (GECC or Applicant) submitted an application pursuant to section 203(a)(2) of the Federal Power Act for authorization for the indirect acquisition of interests in an electric utility holding company. Applicant has requested authorization to acquire a 99% common equity interest (Transaction) in East Coast Power, L.L.C. (East Coast Power) from GS Linden Power Holdings, L.L.C. (GS Linden or Seller). Applicant states through its GE Energy Financial Services unit and related subsidiaries, and Seller, through East Coast Power, are currently joint owners of a 1,034.9 MW (nameplate) generating facility (Facility) located in Linden, New Jersey.

Through the Transaction, Applicant explains it will acquire all of Seller's indirect interests in the Facility. The Facility is a qualifying facility (QF) under the Public Utility Regulatory Policies Act of 1978 (PURPA).

Comment Date: 5 p.m. Eastern Time on March 27, 2006.

2. New York Independent System Operator, Inc.

[Docket No. ER04-449-012]

Take notice that on November 30, 2005, the New York Independent System Operator, Inc. and the New York Transmission Owners submitted a schedule for the continuation of stakeholder discussions in compliance with the Commission's August 6, 2004 Order Conditionally Accepting Large Generator Interconnection Procedures and Large Generator Interconnection Agreement.

Comment Date: 5 p.m. Eastern Time on March 24, 2006.

3. Texas Eastern Transmission, LP

[Docket No. IN05-4-001]

Take notice that on February 27, 2006, Texas Eastern Transmission, LP (Texas Eastern) submitted a compliance filing pursuant to Texas Eastern Transmission LP, 110 FERC ¶ 61,188 (2005), issued on February 28, 2005, in Docket Nos. IN05-4-000.

Texas Eastern states that copies of the filing were served on parties on the official service list in the above-captioned proceedings, as well as all affected customers of Texas Eastern and interested state commissions.

Comment Date: 5 p.m. Eastern Time on March 17, 2006.

4. Texas Eastern Transmission, LP

[Docket No. IN05-4-002]

Take notice that on March 3, 2006, Texas Eastern Transmission, LP (Texas Eastern) submitted a supplemental compliance filing pursuant to the Commission's order issued on February 28, 2005, 110 FERC ¶ 61,188 (2005), in Docket Nos. IN05-4-000.

Texas Eastern states that copies of the filing were served on parties on the official service list in the above-captioned proceedings, as well as all affected customers of Texas Eastern and interested state commissions.

Comment Date: 5 p.m. Eastern Time on March 17, 2006.

Standard Paragraph

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. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3890 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

March 10, 2006.

Take notice that the Commission received the following electric rate filings.

Docket Numbers: ER01-1418-004; ER02-1238-005; ER01-2928-007; ER01-1419-004; ER01-1310-005; ER03-398-005.

Applicants: Effingham County Power, LLC; MPC Generating, LLC; Progress Ventures, Inc.; Rowan County Power, LLC; Walton County Power, LLC; Washington County Power, LLC.

Description: Effingham County Power LLC, MPC Generating LLC, Progress Ventures Inc. et al., submit an updated triennial market power analysis.

Filed Date: February 28, 2006.

Accession Number: 20060309-0034.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 21, 2006.

Docket Numbers: ER03-327-001.

Applicants: PSEG Power Connecticut LLC.

Description: PSEG Power Connecticut, LLC submits its triennial update market power report and March 2, 2006 Statement of Issues.

Filed Date: February 28, 2006.

Accession Number: 20060308-0125.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 21, 2006.

Docket Numbers: ER04-459-005.

Applicants: Southern Company, Services, Inc.

Description: Southern Company Services, Inc. agent for Alabama Power Co. et al., submits a revision to Original Sheet 141C.001 and 141C.002 of Southern Companies' OATT.

Filed Date: March 2, 2006.

Accession Number: 20060308-0022.

Comment Date: 5 p.m. Eastern Time on Thursday, March 23, 2006.

Docket Numbers: ER05-1221-005.

Applicants: Commonwealth Edison Company.

Description: Commonwealth Edison Co. submits amendments to the Transmission Interconnection Agreement with Ameren Services Co. as agent for AmerenCILCO et al.,

Filed Date: March 6, 2006.

Accession Number: 20060309-0016.

Comment Date: 5 p.m. Eastern Time on Monday, March 27, 2006.

Docket Numbers: ER05-1507-001.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits its compliance filing to revised Section 8.4 of its Market Administration and Control Area Services Tariff.

Filed Date: March 6, 2006.

Accession Number: 20060309-0019.

Comment Date: 5 p.m. Eastern Time on Monday, March 27, 2006.

Docket Numbers: ER06-329-001.

Applicants: Cadillac Renewable Energy, LLC.

Description: Cadillac Renewable Energy, LLC amends First Revised Sheet 2 under Ancillary Services of its tariff and First Revised Sheet 3 etc.

Filed Date: February 9, 2006.

Accession Number: 20060213-0011.

Comment Date: 5 p.m. Eastern Time on Thursday, March 2, 2006.

Docket Numbers: ER06-354-003; EL06-44-003.

Applicants: California Independent System Operator Corporation.

Description: The California Independent System Operator Inc. Corp submits its compliance filing to FERC's

February 13, 2006 and February 23, 2006 Orders.

Filed Date: March 6, 2006.

Accession Number: 20060309-0021.

Comment Date: 5 p.m. Eastern Time on Monday, March 27, 2006.

Docket Numbers: ER06-684-000.

Applicants: Allegheny Energy Supply Company, L.L.C.

Description: UGI Utilities, Inc. et al. submits an executed Interconnection Agreement with Allegheny Energy Supply Co, LLC.

Filed Date: February 28, 2006.

Accession Number: 20060302-0058.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 21, 2006.

Docket Numbers: ER06-685-000.

Applicants: UGI Development Company.

Description: UGI Utilities, Inc. submits an executed Interconnection Agreement with UGI Development Co.

Filed Date: February 28, 2006.

Accession Number: 20060302-0056.

Comment Date: 5 p.m. Eastern Time.

Docket Numbers: ER06-699-000.

Applicants: Coral Energy Management, LLC.

Description: Coral Energy Management, LLC submits its First Revised Rate Schedule FERC No. 1.

Filed Date: March 6, 2006.

Accession Number: 20060309-0033.

Comment Date: 5 p.m. Eastern Time on Monday, March 27, 2006.

Docket Numbers: ER06-703-000.

Applicants: Pedricktown Cogeneration Company, LP.

Description: Pederictown Cogeneration Co, LP submits market-based rate schedule for filing and granting waivers and blanket approvals.

Filed Date: March 6, 2006.

Accession Number: 20060309-0027.

Comment Date: 5 p.m. Eastern Time on Monday, March 27, 2006.

Docket Numbers: ER06-704-000.

Applicants: Sprague Energy Corporation.

Description: Sprague Energy Corp. submits a First Revised Sheet No. 1 to the tariff, a Notice of Cancellation, and a Notice of filing requesting that the FERC terminate Sprague Energy's market-based rate tariff.

Filed Date: March 6, 2006.

Accession Number: 20060309-0028.

Comment Date: 5 p.m. Eastern Time on Monday, March 27, 2006.

Docket Numbers: ER06-705-000.

Applicants: Coral Power, L.L.C.

Description: Coral Power, LLC submits for acceptance a Revised Market-Based Rate Schedule FERC No. 1.

Filed Date: March 6, 2006.

Accession Number: 20060309-0029.

Comment Date: 5 p.m. Eastern Time on Monday, March 27, 2006.

Docket Numbers: ER99-1293-006.

Applicants: Monmouth Energy, Inc.

Description: Monmouth Energy Inc. submits its updated Market Power Analysis.

Filed Date: March 3, 2006.

Accession Number: 20060309-0045.

Comment Date: 5 p.m. Eastern Time on Friday, March 24, 2006.

Docket Numbers: ER99-2774-013.

Applicants: Duke Energy Trading and Marketing, L.L.C.

Description: Duke Energy Trading and Marketing LLC submits revisions to its market-based rate tariff, FERC Electric Tariff, Original Volume No. 1.

Filed Date: March 6, 2006.

Accession Number: 20060309-0020.

Comment Date: 5 p.m. Eastern Time on Monday, March 27, 2006.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the

appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3891 Filed 3-16-06; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 459-128]

Union Electric Company, d/b/a, AmerenUE; Notice of Public Meetings on Environmental Assessment

March 9, 2006.

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff will conduct two public meetings on the environmental assessment (EA) for the Osage Hydroelectric Project No. 459-128. The times and locations of these meetings are as follows:

Lake Ozark Meeting:

Date: March 23, 2006.
Time: 7 to 10 p.m.
Place: Lodge of the Four Seasons Conference Center.
Address: 315 Four Seasons Drive, Lake Ozark, Missouri 65049.

Warsaw Meeting:

Date: March 24, 2006.
Time: 7 to 10 p.m.
Place: City of Warsaw Community Building, Gymnasium.
Address: 181 W. Harrison, Warsaw, Missouri 65355.

The purpose of these meetings is to solicit comments on the EA prepared for the relicensing of the Osage Project. The EA was issued and publicly noticed on February 7, 2006, and is available for review on the Commission's Web site at <http://www.ferc.gov>, using the "eLibrary" link. The project is located on the Osage River, in Benton, Camden, Morgan, and Miller counties, Missouri.

These meetings are open to the public. All local, state, and Federal agencies, Indian Tribes, and other interested parties are invited to participate. Transcripts of the meetings will be prepared.

In order to ensure that the record in the relicensing proceeding is accurate and complete and that all participants have an adequate opportunity to comment on the EA, the deadline for filing comments on the EA is extended to March 31, 2006.

Please contact Allan Creamer at (202) 502-8365, or via e-mail at allan.creamer@ferc.gov, with questions or for additional information.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3869 Filed 3-16-06; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2503-091]

Duke Power, a Division of Duke Energy Corporation; Notice of Availability of Draft Environmental Assessment

March 9, 2006.

A draft environmental assessment (DEA) is available for public review. The DEA analyzes the environmental impacts of an application for non-project use of project lands and waters filed for the Keowee-Toxaway Hydroelectric Project. The project is located on Lake Keowee in Pickens County, South Carolina.

The DEA was written by staff in the Office of Energy Projects, Federal Energy Regulatory Commission, and 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 documents. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659.

Anyone may file comments on the DEA. The public as well as Federal and state resource agencies are encouraged to provide comments. All written comments must be filed within 30 days of the issuance date of this notice shown above. Send an original and eight copies of all comments marked with the project number, P-2503-091, to: The 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.

If you have any questions regarding this notice, please call Shana High at (202) 502-8674.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3866 Filed 3-16-06; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[P-199-205]

South Carolina Public Service Authority; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

March 9, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P-199-205.

c. *Date filed:* March 15, 2004.

d. *Applicant:* South Carolina Public Service Authority (SCPSA).

e. *Name of Project:* Santee Cooper Hydroelectric Project.

f. *Location:* On the Santee and Cooper Rivers in Berkeley, Calhoun, Clarendon, Orangeburg, and Sumter Counties in South Carolina, about 50 miles north of Charleston and 60 miles southeast of Columbia, South Carolina. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. John Dulude, P.E., South Carolina Public Service Authority, One Riverwood Plaza, P Box 2946101, Moncks Corner, SC 29461-2901, (843) 761-4046.

i. *FERC Contact:* Monte TerHaar, monte.terhaar@ferc.gov, (202) 502-6035.

j. Deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance date of this notice; reply comments are due 105 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.

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.

Comments, recommendations, terms and conditions, and prescriptions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *Project Description:* The existing 118-megawatt (MW) Santee Cooper Project consists of: (1) The 2.2 mile-long Santee Dam on the Santee River; (2) the 1.2 mile-long Pinopolis Dam on the Cooper River; (3) the 5-mile-long Diversion Canal which connects Lake Marion and Lake Moultrie; (4) the Santee Spillway Hydroelectric Station with one 2.0-MW turbine generating 13,823 megawatt-hours (MWh) annually; (5) the Pinopolis Hydroelectric Station with one 8.0-MW turbine and four 27.0-MW turbines for a total installed capacity of 116 MW generating 210,204 MWh annually; (6) the 43-mile-long Lake Marion Reservoir, located on the Santee River; (7) the 12-mile-long Lake Moultrie Reservoir, located on the Cooper River.

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.

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.

All filings must (1) bear in all capital letters the title "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 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.

n. Procedural schedule and final amendments: At this time we anticipate preparing one environmental assessment (EA). Recipients will have 30 days to provide the Commission with any written comments on the EA. A final EA may be prepared based on the comments received. The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Comments, terms and conditions due: May 2006.

Reply comments due: June 2006.

Notice of the Availability of the EA: September 2006.

End of public comment period on EA: October 2006.

Final decision on license: December 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6-3863 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2082]

PacifiCorp; Notice of Authorization for Continued Project Operation

March 9, 2006.

On February 25, 2004, PacifiCorp, licensee for the Klamath Hydroelectric Project No. 2082, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations. Project No. 2082 is located primarily on the Klamath River, in Klamath County, Oregon and Siskiyou County, California.

The license for Project No. 2082 was issued for a period ending February 28, 2006. 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. 2082 is issued to PacifiCorp for a period effective March 1, 2006 through February 28, 2007, 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 March 1, 2007, 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 PacifiCorp is authorized to continue operation of the Klamath Hydroelectric Project No. 2082 until such time as the Commission acts on its application for subsequent license.

Magalie R. Salas,

Secretary.

[FR Doc. E6-3864 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice of Application for Non-Capacity Amendment of License and Non-Project Use of Project Lands and Soliciting Comments, Motions To Intervene, and Protests**

March 9, 2006.

a. *Type of Application:* Application for Non-Capacity Amendment of License and Non-Project Use of Project Lands.

b. *Project Number:* P-2306-084.

c. *Date Filed:* January 5, 2006.

d. *Applicant:* Great Bay Hydro Corporation.

e. *Name of Project:* Clyde River Project.

f. *Location:* The project is located on the Clyde River in Orleans County, Vermont

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 and 825.

h. *Applicant Contact:* Mr. Anthony M. Callendrello, Great Bay Hydro Corporation, 1 New Hampshire Avenue, Suite 125, Portsmouth, NH 03801. (603)-766-4990.

i. *FERC Contact:* Any questions on this notice should be addressed to Chris Yeakel at (202) 502-8132, or e-mail address: christopher.yeakel@ferc.gov.

j. *Deadline for filing comments and or motions:* April 10, 2006.

k. *Description of Request:* Great Bay Hydro Corporation proposes an amendment to the project boundary by conveyance to the State of Vermont, Agency of Natural Resources (ANR); (a) all project lands, waters and facilities, totaling about 27.9 acres, associated with the Seymour, Echo, and former Newport No. 11 dams; and (b) 25 acres of project land on Clyde Pond associated with the Newport dam and Newport Nos. 1,2,3 developments. Additionally, Great Bay proposes non-project use of project lands by conveyance to ANR 8 acres of project lands near the Newport Nos. 1,2,3 bypass as a permanent conservation easement. Great Bay would retain a 200 foot long strip of riparian land of the former Newport No. 11 project located directly downstream of the Newport Nos. 1,2,3 development.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the

"eLibrary" link. Enter the docket number excluding the last three digits in the docket number field (p-11433) to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web

site at <http://www.ferc.gov> under the "e-Filing" link.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3865 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 2692]

Duke Power; Notice of Authorization for Continued Project Operation

March 9, 2006.

On February 20, 2004, Duke Power, licensee for the Nantahala Hydroelectric Project No. 2692, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2692 is located on the Nantahala River and its tributaries, in Macon and Clay Counties, North Carolina.

The license for Project No. 2692 was issued for a period ending February 28, 2006. 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. 2692 is issued to Duke Power of Macon and Clay Counties, North Carolina for a period effective March 1, 2006 through February 28, 2007, 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 March 1, 2007, 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 Duke Power of Macon and Clay Counties, North Carolina, is authorized to continue operation of the Nantahala Project No. 2692 until such time as the Commission acts on its application for subsequent license.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3867 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 459]

Union Electric Company; (d/b/a, AmerenUE); Notice of Authorization for Continued Project Operation

March 9, 2006.

On February 24, 2004, Union Electric Company, (d/b/a, AmerenUE), licensee for the Osage Hydroelectric Project No. 459, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 459 is located on the Osage River, in Benton, Camden, Miller and Morgan Counties, central Missouri.

The license for Project No. 459 was issued for a period ending February 28, 2006. 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. 459 is issued to Union Electric Company of Benton, Camden, Miller and Morgan Counties, central Missouri, for a period effective March 1, 2006 through February 28, 2007, 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 March 1, 2007, 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 Union Electric Company of Benton, Camden, Miller and Morgan Counties, central Missouri, is authorized to continue operation of the Osage Project No. 459 until such time as the Commission acts on its application for subsequent license.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3868 Filed 3-16-06; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM01-10-007]

Standards of Conduct for Transmission Providers; Notice of Panel Topics; Standards of Conduct Technical Conference and Workshop

March 10, 2006.

As announced on February 28 and March 3, 2006, the Federal Energy Regulatory Commission (Commission) will hold a technical conference and workshop on Standards of Conduct for Transmission Providers on April 7, 2006, at the Scottsdale Plaza in Scottsdale, Arizona. The meeting will begin at 9 a.m. (MST) and conclude at approximately 4 p.m. All interested persons are invited to attend. Prospective attendees and participants are urged to watch for a further notice

that will include the selected panelists who will speak at the conference. The draft agenda of topics is shown below.

The purpose of the conference and workshop is to discuss Standards of Conduct for Transmission Providers under Order No. 2004.¹ It will be held at the Scottsdale Plaza Resort located at 7200 North Scottsdale Road, Scottsdale, Arizona. Hotel rooms can be reserved by calling 1-800-306-0059 or by visiting its Web site at <http://www.scottsdaleplaza.com>.

Agenda for April 7, 2006 Standards of Conduct Conference

- 9-9:45: Introductory Remarks.
- 9:45-10:45: Industry Panel on Independent Functioning Requirements.
 - Creditworthiness and risk management functions.
 - Application of Standards of Conduct to employees of holding company, service company, parent company or other non-transmission provider affiliates providing services to the Transmission Provider.
- 10:45-11: Break.
- 11-12: Panel on Integrated Resource Planning
 - Discussion of how companies currently engage in Integrated Resource Planning.
 - Discussion of concerns or problems that the industry is encountering in implementing the Standards of Conduct while performing Integrated Resource Planning.
- 12-1:30: Lunch Break.
- 1:30-2:30: Industry Panel on Information Sharing Prohibitions—Do's and Don'ts.
 - Permissible communications with affiliated Transmission Providers.
 - Communications in nomination/scheduling/confirmation process.
 - Transaction specific communications with affiliated shippers.
 - Communications between Transmission Providers and Marketing or Energy Affiliates during litigation proceedings/settlement negotiations or other docketed Commission proceedings.
- 2:30-2:45: Break.
- 2:45-3:45: Staff Panel *Responding to Written Questions.*

¹ *Standards of Conduct for Transmission Providers*, Order No. 2004, FERC Stats. & Regs., Regulations Preambles ¶ 31,155 (2003), *order on reh'g*, Order No. 2004-A, III FERC Stats. & Regs. ¶ 31,161 (2004), 107 FERC ¶ 61,032 (2004), *order on reh'g*, Order No. 2004-B, III FERC Stats. & Regs. ¶ 31,166 (2004), 108 FERC ¶ 61,118 (2004), *order on reh'g*, Order No. 2004-C, 109 FERC ¶ 61,325 (2004), *order on reh'g*, Order No. 2004-D, 110 FERC ¶ 61,320 (2005), *National Fuel Gas Supply Corp., et al. v. FERC*, Nos. 04-1188, et al. (DC Cir. Filed June 9, 2004).

Staff responding to *written* questions or inquiries that have been submitted before and during conference.

3:45–4: Concluding Remarks.

As included in earlier notices, there is no registration fee to attend this conference. However, we request that those planning to attend the conference register online on the Commission's Web site at <http://www.ferc.gov/whats-new/registration/comp-05-06-form.asp>

A free audio Web cast of this event is available through <http://www.ferc.gov>. Anyone with Internet access who desires to listen to this event can do so by navigating to <http://www.ferc.gov's> Calendar of Events and locating this event in the Calendar. The event will contain a link to its Web case. The Capitol Connection provides technical support for the Web casts and offers access to the meeting via phone bridge for a fee. If you have any questions, visit <http://www.CapitolConnection.org> or contact Danelle Perkowski or David Reininger at 703–993–3100.

Transcripts of the meeting will be immediately available for a fee from Ace Reporting Company (202–347–3700 or 1–800–336–6646). They will be available for free on the Commission's eLibrary system and on the events calendar about two weeks after the conference.

Questions about the conference and workshop, including requests to participate, should be directed to: Demetra Anas, Office of Market Oversight and Investigations, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 202–502–8178. Demetra.Anas@ferc.gov.

Magalie R. Salas,
Secretary.

[FR Doc. E6–3882 Filed 3–16–06; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6673–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published

in the **Federal Register** dated April 1, 2005 (70 FR 16815).

Draft EISs

EIS No. 20050387, ERP No. D–FHW–E40804–TN, Interstate 69 Segment of Independent Utility #8, Construction from TN–385 (Paul Barrett Parkway) in Millington, TN to I–155/US51 in Dyersburg, TN, Funding, Shelby, Tipton, Lauderdale and Dyer Counties, TN.

Summary: EPA has environmental concerns about the proposed project related to impacts on water quality, aquatic habitat and floodplains in the affected watersheds. EPA also has concerns that a new bridge crossing of the Hatchie River will threaten its designation as a High Quality Water and State Scenic River due to excessive sedimentation, contaminants, altered flow patterns and habitat fragmentation. Rating EC2.

EIS No. 20050498, ERP No. D–BLM–J02048–WY, Seminole Road Natural Gas Development Project, Proposed Coalbed Natural Gas Development and Operation, Carbon County, WY.

Summary: EPA expressed environmental concerns about water quality impacts (increased salt and total dissolved solids) and impacts on vegetation and wildlife. Rating EC2.

EIS No. 20050534, ERP No. D–AFS–L65499–WA, The Summit at Snoqualmie Master Development Plan (MPD), Proposal to Ensure Long-Term Economic Viability, Mt. Baker-Snoqualmie/Okanogan-Wenatchee National Forests, King County, WA.

Summary: EPA expressed environmental concerns about potential water quality and wetland impacts, and requested that additional discussion on cumulative impacts at the local drainage level be provided. Rating EC2.

EIS No. 20050545, ERP No. D–FHW–K50014–CA, Doyle Drive Project, South Access to the Golden Gate Bridge, Propose to Improve Seismic, Structural, and Traffic Safety, Presidio of San Francisco, San Francisco County Transportation Authority, Marin and San Francisco Counties, CA.

Summary: EPA has environmental concerns about the proposed project regarding impacts to cultural and historic resources, impacts to local traffic, and construction-related emissions. Rating EC2.

EIS No. 20060001, ERP No. D–FHW–J40172–UT, Syracuse Road 1000 West to 2000 West, Transportation Improvements, Funding and U.S. Army COE Section 404 Permit, Syracuse City, Davis County, UT.

Summary: EPA has environmental concerns about the proposed project related to the relocation of homes and businesses due to right-of-way acquisitions. Rating EC1.

EIS No. 20060008, ERP No. D–FHW–G40187–LA, East-West Corridor Highway Component, from I–130 to Louis Armstrong International Airport, to Central Business District (CBD), Jefferson, Orleans and St. Charles Parishes, LA.

Summary: EPA has no objections to the proposed project. Rating LO.

EIS No. 20050401, ERP No. DS–SFW–K99021–00, Southern Sea Otters (*Enhydra lutris nereis*) Translocation Program, New and Updated Information, San Nicolas Island, Southern California Bight, CA.

Summary: EPA does not object to Alternative 3C, the proposed action. Rating LO.

EIS No. 20060047, ERP No. DS–AFS–K65283–CA, Empire Vegetation Management Project, Additional Information to Clarify Previous Analysis, Vegetation, Fire/Fuels/Air Quality, Wildlife, Watershed, and Botanical Resource/Noxious Weeds, Mount Hough Ranger District, Plumas National Forest, Plumas County, CA.

Summary: While EPA does not object to the proposed action, it requested clarification on monitoring and adaptive management commitments and mitigation of air quality impacts. Rating LO.

Final EISs

EIS No. 20060029, ERP No. F–NOA–L39062–WA, Washington State Forest Habitat Conservation Plan, Propose Issuance of Multiple Species Incidental Take Permit of 4(d) Rules, NPDES Permit, U.S. Army COE Section 10 and 404 Permits, WA.

Summary: While EPA does not object to the proposed action, it requested clarification of monitoring plans for streams and trends in the usage pesticides and their effect on water quality.

Dated: March 14, 2006.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E6–3910 Filed 3–16–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6673-3]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed March 6, 2006 Through March 10, 2006

Pursuant to 40 CFR 1506.9.

EIS No. 20060077, Draft EIS, COE, FL, Central and Southern Florida Project, New Authorization for Broward County Water Preserve Areas, South Florida Water Management District (SFWMD), Comprehensive Everglades Restoration Plan, (CERP), Broward County, FL, Comment Period Ends: May 1, 2006, Contact: Michael Dupes 904-232-1689.

EIS No. 20060078, Final EIS, NOA, TX, Programmatic—Texas National Estuarine Research Reserve and Management Plan, Mission-Aransas Estuary, Site Designation, Federal Approval, TX, Wait Period Ends: April 17, 2006, Contact: Laurie McGilvray 301-713-3155-Ext. 158.

EIS No. 20060079, Final EIS, FHW, WI, WI-83 Highway Improvements, County NN in Mukwonago to WI-16 in Hartland, Funding and U.S. Army COE Section 404 Permit Issuance, Waukesha County, WI, Wait Period Ends: April 17, 2006, Contact: David Scott 608-829-7522.

EIS No. 20060080, Final EIS, AFS, WA, Methow Transmission Project, Construction of New Transmission Line or Reconstruction an Existing Line, Okanogan and Wenatchee National Forests, Methow Valley Ranger District, Okanogan County, WA, Wait Period Ends: April 17, 2006, Contact: Jan Flatten 509-826-3277.

EIS No. 20060081, Draft EIS, FHA, AR, River Valley Intermodal Facilities, Construction and Operation of Multi-Modal Transportation Complex, U.S. Army COE Section 10 and 404 Permits, City of Russellville, Pope County, AR, Comment Period Ends: May 3, 2006, Contact: Randal Looney 501-324-6430.

EIS No. 20060082, Draft Supplement, USA, AK, U.S. Army Alaska Battle Area Complex (BAX) and a Combined Arms Collective Training Facility (CACTF), Construction and Operation, Additional Information on Site Alternative, within U.S. Army

Training Lands in Alaska, Comment Period Ends: May 1, 2006, Contact: Kevin Gardner 907-384-3331.

Amended Notices

EIS No. 20050548, Draft EIS, NPS, NC, North Shore Road, Great Smoky Mountains National Park, General Management Plan, Implementation, Fontana Dam, Swain County, NC, Comment Period Ends: April 7, 2006, Contact: Imelda Wegwerth 865-436-1302.

Revision to **Federal Register** Notice Published January 6, 2006: Comment Period Extended from March 20, 2006 to April 7, 2006.

EIS No. 20060030, Final Supplement, COE, IL, Sugar Creek Municipal Water Supply, Updated Information, Proposed New 1172 Acre Water Supply Reservoir, Construction, COE Section 404 Permit Issuance, City of Marion, Williamson and Johnson Counties, IL, Wait Period Ends: March 29, 2006, Contact: Greg Mackay 502-315-6685.

Revision to **Federal Register** Notice Published February 3, 2006: Comment Period Extended from March 6, 2006 to March 29, 2006.

EIS No. 20060064, Draft EIS, AFS, PA, Willow Creek All-Terrain Vehicle Trail Expansion, Improvements, located in Merseburg/Sticker Intensive Use Area, Allegheny National Forest, McLean County, PA, Comment Period Ends: April 17, 2006, Contact: Mark Conn 814-723-5150.

Revision of Notice Public in **Federal Register** on March 3, 2006. Correction to Agency from FHW to AFS.

Dated: March 14, 2006.

Robert W. Hargrove,
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E6-3911 Filed 3-16-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2006-0143; FRL-7768-6]

Bromine; Tolerance Reassessment Decision; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's Tolerance Reassessment Decision (TRED) for the pesticide Bromine, and opens a public comment period on this document. The

Agency's risk assessments and other related documents also are available in the Bromine Docket. Through the tolerance reassessment program, EPA is ensuring that all pesticides meet current health and food safety standards.

DATES: Comments must be received on or before April 17, 2006.

ADDRESS: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2006-0143 by one of the following methods:

- <http://www.regulations.gov/>.

Follow the on-line instructions for submitting comments.

- **Mail:** Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

Hand Delivery: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP-2006-0143. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions. Direct your comments to docket ID number EPA-HQ-OPP-2006-0143. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or e-mail. The [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any

disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/docket.htm/>.

Docket. All documents in the docket are listed in the www.regulations.gov index. Although, listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov/> or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: ShaRon Carlisle, Antimicrobials Division (7510C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-6427; fax number: (703)308-8481; e-mail address: carlisle.sharon@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through

www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns, and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

EPA has reassessed risks associated with use of the pesticide bromine, reassessed the one existing tolerance (40 CFR 180.519) or legal residue limits for residues of residual bromine in potable water, and on September 26, 2005, reached a tolerance reassessment and risk management decision.

The Agency has evaluated all current registered uses of bromine and has determined based on available data, that there is a reasonable certainty that no harm to any population subgroup will result from exposure to bromine. Therefore, no mitigation measures are needed, and the current tolerances

established at 40 CFR 180.519 for residues of residual bromine in potable water are now considered reassessed under section 408(q) of the FFDCA.

Bromine is an active ingredient in four products; two products with multiple active ingredients and two products as the sole active ingredient. The multiple active ingredient products control mold, mildew, fungi, insects, and odors in exposed surfaces of bedding, mattresses, textiles, drapes, upholstered furniture, rugs, carpets, and storage areas. The other two bromine products, formulated as cartridges, are used to disinfect drinking water in nonresidential settings. The ready-to-use liquid products containing bromine as well as other active ingredients are intended for household, farm premises, and animal quarters use. Use of the two drinking water bromine products is for ships and oil rig platforms. The Agency is now issuing for comment a Report on Food Quality Protection Act (FQPA) Tolerance Reassessment Progress and Risk Management Decision for bromine, known as a TRED, as well as related technical support documents.

EPA must review tolerances and tolerance exemptions that were in effect when FQPA was enacted in August 1996, to ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard established by the new law. Tolerances are considered reassessed once the safety finding has been made or a revocation occurs. EPA has reviewed and made the requisite safety finding for the bromine tolerances included in this notice.

Although the Bromine TRED was signed on September 26, 2005, certain components of the document, which did not affect the final regulatory decision, were undergoing final editing at that time. None of these additions or changes alter the conclusions documented in the September 2006 Bromine TRED.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004, (69 FR 26819) (FRL-7357-9) explains that in conducting these programs, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. Due to its uses, low risks, and other factors, bromine was reviewed through the modified 4-Phase public participation process. Through this process, EPA worked extensively

with stakeholders and the public to reach the regulatory decisions for bromine.

The tolerance reassessment program is being conducted under Congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. The Agency is issuing the bromine TRED for public comment. This comment period is intended to provide an additional opportunity for public input and a mechanism for initiating any necessary amendments to the TRED. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the Agency Docket for bromine. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a Response to Comments Memorandum in the Docket and regulations.gov. If any comment significantly affects the document, EPA also will publish an amendment to the TRED in the **Federal Register**. In the absence of substantive comments requiring changes, the tolerance reassessment decisions reflected in this TRED will be implemented as presented.

B. What is the Agency's Authority for Taking this Action?

Section 408(q) of the FFDCA, 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review is to be completed by August 3, 2006.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 9, 2006.

Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 06-2559 Filed 3-16-06; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2006-0084; FRL-7769-9]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations: Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA issued a notice of receipt of request by registrants to voluntarily cancel certain pesticide registrations. That notice was published in the **Federal Register** on February 22, 2006, (71 FR 9118-9125). The notice announced that 90 pesticide registrations would be canceled after 180 days unless a request was withdrawn. These 90 registrations were listed in Table 1. The registrant waived the 180 day comment period for EPA Registration Number 66222-81 (Pendimethalin Technical) and EPA Registration Number 66222-82 (Repose) which was not noted in the February 22, 2006 Notice. This notice corrects the deadline for submission of withdrawal request for EPA Registration Number 66222-81 (Pendimethalin Technical) and EPA Registration Number 66222-82 (Repose) only. The deadline for withdrawal request on these two registrations should have been 30 days after publication in the **Federal Register**.

DATES: Unless a request is withdrawn by March 24, 2006, orders will be issued canceling the registrations for EPA Registration Number(s): 66222-81 and 66222-82. The Agency will consider withdrawal requests postmarked no later than March 22, 2006.

FOR FURTHER INFORMATION CONTACT: John Jamula, Information Technology and Resources Management Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6426; e-mail address: jamula.john@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by

this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established a docket for this action under Docket identification number [EPA-HQ-OPP-2006-0084; FRL-7769-9]. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

II. What Action is the Agency Taking?

This notice corrects information that was published in the **Federal Register** on February 22, 2006, (71 FR 9118-9125). The notice of receipt of request to voluntarily cancel certain pesticide registrations announced that 90 pesticide registrations would be canceled after 180 days unless a request was withdrawn. These 90 registrations were listed in Table 1. This notice corrects information in the notice about two of the registrations. These registrations are: EPA Registration Number 66222-81 (Pendimethalin Technical) and EPA Registration Number 66222-82 (Repose). The registrant waived the 180 day comment period for these two registrations. This waiver was not noted in the February 22, 2006 Notice.

Unless a request is withdrawn by the registrant by March 24, 2006, orders will be issued canceling both of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant directly prior to March 24, 2006.

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the

Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**, postmarked before March 24, 2006. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in the **Federal Register** of June 26, 1991 (56 FR 29362) (FRL-3846-4). Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a Data Call-In. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold, or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product. Exception to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in a Special Review action, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 13, 2006.

Robert A. Forrest,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 06-2633 Filed 3-16-06; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2003-0246; FRL-7767-9]

Notice of Filing of a Revised Pesticide Petition for Amendment to Regulations for the Indirect or Inadvertent Residues of the Fungicide Boscalid in or on Various Food Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the revised filing of a pesticide petition proposing the amendment of regulations for the indirect or inadvertent residues of the fungicide boscalid in or on the food commodities beet, garden, roots; beet, sugar, roots; radish, roots; turnip, roots; and vegetable, root and tuber, leaves, Group 2.

DATES: Comments must be received on or before April 17, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2003-0246 and pesticide petition number (PP) 1F6313, by one of the following methods:

- <http://www.regulations.gov/>. Follow the on-line instructions for submitting comments.

- *Mail:* Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Hand Delivery:* Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP-2003-0246. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2003-0246. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov/) or e-mail. The www.regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going at [regulations.gov](http://www.regulations.gov/), your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm/>.

Docket: All documents in the docket are listed in the [regulations.gov](http://www.regulations.gov/) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov/> or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Tony Kish, Registration Division (7505C), Office of Pesticide Programs, U.

S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; 703-308-9943; e-mail: kish.tony@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions

or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns, and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at <http://www.regulations.gov/>. To locate this information on the home page of EPA's Electronic Docket, select "Quick Search" and type the OPP docket ID number. Once the search has located the docket, clicking on the "Docket ID" will bring up a list of all documents in the docket for the pesticide including the petition summary.

Amendment to Existing Tolerance

PP 1F6313. BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709-3528, proposes to amend the tolerances in 40 CFR 180.589 by lowering the established 1.0 parts per million (ppm) tolerances to 0.1 ppm for indirect or inadvertent residues of the fungicide boscalid (BAS 510F);

[3-pyridinecarboxamide, 2-chloro-N-(4'-chloro(1,1'-biphenyl)-2-yl)] in or on the food commodities beet, garden, roots; beet, sugar, roots; radish, roots; turnip, roots; and vegetable, root and tuber, leaves, Group 2 at 0.1 ppm. For the analytical method in plants, the parent residue is extracted using an aqueous organic solvent mixture followed by liquid/liquid (L/L) partitioning and a column clean-up. Quantitation is by gas chromatography using mass spectrometry (GS/MS). For livestock, the residues are extracted with methanol. The extract is treated with enzymes in order to release the conjugated glucuronic acid metabolite. The residues are then isolated by L/L partition followed by column chromatography. The hydroxylated metabolite is acetylated followed by a column clean-up. The parent and acetylated metabolite are quantitated by GC with electron capture detection. The original notice of filing for PP 1F6313 was published on February 14, 2003 (68FR7542), and the resultant final rule was published on July 30, 2003 (68FR44640). As per the final rule and associated notice of pesticide registration, the BASF Corporation was conditionally required to submit more extensive field data on the vegetable, root, Subgroup 1B. Because the conditional data will result in lowering the 1.0 ppm tolerances established in the final rule to 0.1 ppm, a revised petition, notice of filing, final rule, and a public comment period are required.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 7, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 06-2630 Filed 3-16-06; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2006-0155; FRL-7766-1]

Ethoprop; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Oregon

Department of Agriculture to use the pesticide ethoprop (CAS No. 13194-48-4) to treat up to 300 acres of baby hops to control garden symphylans (*Scutigerebella immaculata*). The Applicant proposes a use which has been requested in 5 or more previous years and a petition for a tolerance and registration application has not yet been submitted to the Agency. Due to the urgent nature of the emergency and the very narrow and extremely limited use being requested, EPA has eliminated the public comment period. Nonetheless, interested parties may still contact the Agency with comments about this notice and proposed treatment program.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2006-0155, by one of the following methods:

- <http://www.regulations.gov/>. Follow the on-line instructions for submitting comments.

- **Mail:** Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

Hand Delivery: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP-2006-0155. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2006-0155. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov/) or e-mail. The [regulations.gov](http://www.regulations.gov/) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through

[regulations.gov](http://www.regulations.gov/), your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/docket.htm/>.

Docket: All documents in the docket are listed in the [regulations.gov](http://www.regulations.gov/) index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov/> or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Libby Pemberton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9364; fax number: (703) 308-5433; e-mail address: Sec-18-Mailbox@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)

- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. **Submitting CBI.** Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- Identify the document by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions. The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

What Action is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Oregon Department of Agriculture has requested the Administrator to issue a specific exemption for the use of ethoprop on baby hops to control garden symphylans (*Scutigera immaculata*). Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that there are no symphylan control products labeled for use on hops, nor are there any available cultural control methods. The impact of symphylans on baby hops is two-fold. First, the newly planted baby hop plants are easily devastated by garden symphylans as a primary pest that infests the root system. The secondary effect of symphylan infestation is that the plant is now weakened and less able to defend itself against other diseases and pests. Growers have documented losses of 15 to 100%, which would result in significant economic losses.

The Applicant proposes to make no more than one ground application post-plant, pre-emergence to a maximum of 300 acres of baby hops in Oregon at a rate of 3 pounds ethoprop (0.5 gallons of product) per acre. A maximum of 900 lbs. active ingredient would be applied between February 15 and May 31, 2006.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt for an application for a specific exemption proposing a use, which has been requested in 3 or more previous years, and a petition for a tolerance has not yet been submitted to the Agency.

As noted above, the Agency is eliminating the comment period due to the urgent nature of emergency situation and the very narrow and extremely limited use being requested. Nonetheless, interested parties may still contact the Agency with comments about this notice and proposed treatment program.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 7, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6-3928 Filed 3-16-06; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8046-2]

Public Water System Supervision Program Revision for the State of New Mexico

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of New Mexico is revising its approved Public Water System Supervision Program. New Mexico has adopted the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). The purpose of the LT1ESWTR is to improve control of microbial pathogens, specifically protozoan *Cryptosporidium*, in drinking water, and address risk trade-offs with disinfection byproducts. EPA has determined that the LT1ESWTR revisions submitted by New Mexico are no less stringent than the corresponding federal regulation. Therefore, EPA intends to approve the program revisions.

DATES: All interested parties may request a public hearing. A request for a public hearing must be submitted by April 17, 2006 to the Regional Administrator at the EPA Region 6 address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by April 17, 2006, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on April 17, 2006. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity,

the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices: New Mexico Environment Department, Drinking Water Bureau, 525 Camino De Los Marquez, Suite 4, Santa Fe, New Mexico 87505 and the United States Environmental Protection Agency, Region 6, Drinking Water Section (6WQ-SD), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Dzung Kim Ngo-Kidd, EPA Region 6, Drinking Water Section at the Dallas address given above or at telephone (214) 665-7158, or ngo.kim@epa.gov.

Authority: Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Dated: March 7, 2006.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. E6-3909 Filed 3-16-06; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

Special Executive Session

DATE AND TIME: Tuesday, March 14, 2006 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting was closed to the public pursuant to 11 CFR 2.4(b)(1).

DATE AND TIME: Thursday, March 23, 2006 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

Items To Be Discussed

Correction and Approval of Minutes.
Draft Advisory Opinion 2006-03:
Whirlpool Corporation Political Action Committee by Sean C. Mackay, Treasurer.

Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Robert W. Biersack, Press Officer, Telephone: (202) 694-1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 06-2663 Filed 3-15-06; 2:56 p.m.]

BILLING CODE 6715-01-M

GENERAL SERVICES ADMINISTRATION

[FMR Bulletin 2006–B3]

Federal Management Regulation; Guidelines for Alternative Workplace Arrangements

AGENCY: Office of Governmentwide Policy (MP), GSA.

ACTION: Notice of a bulletin.

SUMMARY: The attached bulletin establishes guidelines for implementing and operating alternative workplace arrangements (AWA). These policies are designed to assist agencies in the design and operation of AWA programs as well as to resolve AWA issues commonly faced by agencies.

EFFECTIVE DATE: This bulletin is effective March 17, 2006.

FOR FURTHER INFORMATION CONTACT: Stanley C. Langfeld, Director, Regulations Management Division, General Services Administration, Office of Governmentwide Policy (MPR), Washington, DC 20405; e-mail, stanley.langfeld@gsa.gov, telephone (202) 501–1737.

Dated: March 13, 2006.

John G. Sindelar,

Acting Associate Administrator, Office of Governmentwide Policy.

General Services Administration

[FMR Bulletin 2006–B3]

Real Property

TO: Heads of Federal Agencies

SUBJECT: Guidelines for Alternative Workplace Arrangements

1. *What is the purpose of this bulletin?* This bulletin establishes guidelines for implementing and operating alternative workplace arrangements (AWA). These policies are designed to assist agencies in the design and operation of AWA programs as well as to resolve AWA issues commonly faced by agencies.

2. *What is the effective date of this bulletin?* This bulletin is effective March 17, 2006.

3. *When does this bulletin expire?* This bulletin will remain in effect indefinitely until specifically cancelled.

4. *What are the terms and definitions?* Following are terms and definitions used in and for the purposes of this bulletin:

a. *Telework and telecommuting* are used interchangeably and are defined as the act of performing all or a portion of work functions at an alternative worksite, such as working from home or

a telework center, under circumstances that reduce or eliminate the employee's commute. To be considered telework, it must occur at least one day per week on a regular and recurring basis and does not include (1) situational telework (unscheduled, project-oriented, non-recurring, and/or irregular telework and/or any teleworking that occurs less frequently than once a week on a recurring basis) or (2) full-time mobile work arrangements.

b. *AWA* includes telecommuting, hoteling, virtual offices, telework centers, hot desking, and other distributed workplace arrangements.

c. *Telework center:* A facility that (1) provides workstations and other office facilities/services that are utilized (typically on a fee for use/service basis) by employees from several organizations and (2) is used as a geographically convenient alternative worksite for its users.

d. *Excess personal property/equipment:* Excess personal property is any personal property that is no longer required by the holding agency for the discharge of its responsibilities.

e. *Virtual office or virtual workplace:* A work environment in which employees work cooperatively from different locations using a computer network (in lieu of a single building or other single physical location). As opposed to a single location site (facility) where workers are housed, the virtual office is typically a collaborative communications medium, such as a computer network, where workers gather electronically to collaborate and/or carry out other work activities. The actual physical locations of the employees working in a virtual office can be temporary or permanent and can be nearly anywhere, such as their homes, satellite offices, hotel rooms, corporate offices (shared work space), airports, airplanes, or automobiles.

f. *Hoteling:* An AWA in which (1) employees work in one facility (facility A) part of the time and at one or more alternative worksites the rest of the time and (2) when working in facility A, these employees use non-dedicated, non-permanent workspaces assigned for use by reservation on an as-needed basis.

g. *Hot desking* (also known as free address or touchdown workstations): An AWA in which (1) employees work in one facility (facility A) part of the time and at one or more alternative worksites the rest of the time and (2) when working in facility A, these employees use non-dedicated, non-permanent workspaces assigned on a first come, first served basis.

5. *What is the background?*

a. 40 U.S.C. § 587(c)(3), (Pub. L. 104–208, div. A, title I, § 101(f), title IV, § 407(a), (September 30, 1996)), as revised, restated and recodified without substantive change by Pub. L. 107–217, August 21, 2002, authorizes GSA to provide guidance, assistance, and oversight, as needed, regarding planning, establishment and operation of AWA.

b. In accordance with 40 U.S.C. § 587(c)(2), (Pub. L. 104–208, div. A, title I, § 101(f), title IV, § 407(a), (September 30, 1996)), as revised, restated, and recodified without substantive change, by Pub. L. 107–217 (August 21, 2002), when considering whether to acquire any space, quarters, buildings, or other facilities for use by employees of any Executive agency, the head of that agency shall consider whether the need for the facilities can be met using AWA.

c. In accordance with section 359 of Public Law 106–346, effective October 23, 2000, each Executive agency must establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance.

d. Guidance and policy from the Office of Personnel Management (February 9, 2001), <http://www.telework.gov/twlaws.asp>, as reflected in 41 CFR. § 102–74.590, instructs Federal agencies as follows:

Many of you already have telecommuting policies, but this does not necessarily mean you are in compliance with the new law. The purpose of the law is to require that each agency take a fresh look at the barriers that currently inhibit the use of this flexibility, act to remove them and increase actual participation. The law recognizes that not all positions are appropriate for telecommuting; therefore, each agency must identify positions that are appropriate in a manner that focuses on broad objective criteria. Once an agency has established eligibility criteria, subject to any applicable agency policies or bargaining obligations, employees who meet them and want to participate must be allowed that opportunity if they are satisfactory performers.

e. 40 U.S.C. § 587(d)(2), Public Law 105–277, div. A, § 101(h), title VI, § 630, October 21, 1998, as revised, restated and recodified without substantive change by Public Law 107–217, August 21, 2002, requires that each of the following departments and agencies, in each fiscal year, must make at least \$50,000 available from amounts provided for salaries and expenses to pay telework center program user fees:

- (1) Department of Agriculture,
 - (2) Department of Commerce,
 - (3) Department of Defense,
 - (4) Department of Education,
 - (5) Department of Energy,
 - (6) Department of Health and Human Services,
 - (7) Department of Housing and Urban Development,
 - (8) Department of the Interior,
 - (9) Department of Justice,
 - (10) Department of Labor,
 - (11) Department of State,
 - (12) Department of Transportation,
 - (13) Department of the Treasury,
 - (14) Department of Veterans Affairs,
 - (15) Environmental Protection Agency,
 - (16) General Services Administration,
 - (17) Office of Personnel Management,
 - (18) Small Business Administration,
 - (19) Social Security Administration,
- and
- (20) United States Postal Service.

6. *Who should we contact for further information regarding locating Federal facilities in rural areas?*

General Services Administration,
Office of Governmentwide Policy,
Regulations Management Division,
Attn: Stanley C. Langfeld,
1800 F Street, NW.,
Washington, DC 20405.
Telephone Number: (202) 501-1737.
E-mail Address:
stanley.langfeld@gsa.gov.

Guidelines for Alternative Workplace Arrangements (AWA)

I. Can agencies provide workplace equipment for use at alternative worksites such as employee residences or telework centers?

Yes. Agencies may provide/procure either new or excess equipment for alternative worksites as long as it is clear that the equipment continues to belong to the Government and there is an audit trail indicating the location of the equipment. Regarding telecommunications equipment and services that agencies provide to and/or purchase for employees working in home-based or other alternative workplace arrangements (AWA), the following apply:

a. In accordance with Public Law 104-52, section 620; 31 U.S.C. § 1348 note, agencies may use appropriated funds to install telephone lines and necessary equipment, and to pay monthly charges, in any private residence of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management. The head of the department, division, bureau, or office must certify that

adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

b. This authority includes facsimile machines, internet services, broadband access, e-mail services, voice over IP equipment and services, desktop videoconference equipment and services, and, in general, any other telecommunications equipment and services the agency deems needed by individuals working in home-based AWA.

c. Based on the same authority used for installing telecommunications equipment for a government employee in a government contractor's office, agencies also are authorized to provide/procure the telecommunications equipment/services described in paragraph b, above, for employees in non-home-based AWA (such as telework centers).

II. Can agencies provide teleworkers with underutilized equipment (for use in their alternative worksites) before it is declared excess?

Yes. Agencies may provide underutilized computers or other equipment for use by teleworkers or for use in other AWA situations. In accordance with 41 CFR §§ 102-36.30 and 102-36.35, even though equipment may no longer be used for its original purpose, employee, or location, the agency must determine if the equipment can serve other agency uses, such as in alternative worksites. The equipment does not officially become excess until the agency determines that it cannot be used in main or alternative worksites.

III. Once declared excess by one agency, can computer and/or other equipment be acquired for use by another agency for its telework or other alternative worksite program?

Yes. When items are no longer needed by an agency, they are reported to GSA as excess in accordance with 41 CFR part 102-36, Disposition of Excess Personal Property, for possible transfer to other Federal agencies. To learn more about the transfer of excess personal property between Federal agencies, visit *About Excess Transfers*, on GSA's Property Disposal website.

IV. What help desk and/or other technical support services, if any, can agencies provide to and/or purchase for employees working in home-based telework or other alternative work arrangements?

Agencies may provide or purchase help desk and/or other technical support to employees working in any

approved AWA, provided the agency deems the support necessary for successful accomplishment of officially assigned work. Such support services may be provided on-site at the employee's alternative worksite, via telecommunication services such as remote control, at a service site conveniently located to the alternative worksite, at the employing organization's local facility, or using other reasonable means/locations that minimize disruption of the workflow.

V. Can agencies provide/procure office furnishing (e.g., desks, chairs) for alternative worksites?

Yes. As with computers and equipment, agencies may provide their own new or used furniture or excess furniture from another agency for alternative worksites, as long as it is clear that the furniture continues to belong to the Government and there is an audit trail indicating the location of the furniture.

VI. Can agencies pay the utility costs for alternative worksites?

The answer depends on the type of alternative worksite. For residential (home-based) alternative worksites, the answer is no. A GAO decision concluded that, absent specific legislative authority, an agency may not use appropriated funds for the reimbursement of employees for incremental utility costs for heating, air conditioning, lighting, and the operation of government-furnished data processing equipment associated with the residential AWA (B-225159, June 19, 1989). For alternative worksites contractually procured by the agency (e.g., telework centers), the agency may pay utility costs associated with employee usage of the site, as long as such expenses are provided for in the contract between the agency and the provider of the site. Regarding alternative worksite arrangements not covered by the latter, the agency may not pay utility costs.

VII. Can agencies require employees to sign a safety checklist to participate in an alternative workplace arrangement? What impact does such a checklist have regarding the Federal Employees' Compensation Act?

The answer depends upon the intended use of the checklist. If the checklist is used solely for program purposes, such as acquainting the teleworker with workplace safety, then the agency may require employees to sign such a checklist to participate in the program.

On the other hand, if the checklist is intended to have legal standing for safety and/or liability purposes, then the answer is no. In accordance with Federal Employees' Compensation Act (FECA) Bulletin 98-9 (1998), in providing guidance for determining whether employees injured while working at alternative worksites meet the "performance of duty" criterion for coverage under FECA, employees who are directly engaged in performing the duties of their jobs are covered by FECA, regardless of whether the work is performed on the agency's premises or at an alternative worksite. There is no statement (such as a safety checklist) that can be signed by the employee to negate this coverage.

VIII. Can agencies allow employees to pay for their own alternative workspace? Can agencies establish cost sharing arrangements in which the agency and the employee share the costs for alternative worksite equipment, facilities, and/or services used by the employee?

In cases in which the agency requires an employee to telework or otherwise utilize an alternative worksite, allowing or requiring an employee to pay for or share the costs for the alternative workspace would be an illegal augmentation of the agency's appropriation.

If the agency is not ordering the employee to telework or otherwise utilize an alternative worksite but is, instead, merely allowing the employee to do so, the agency may allow or require the employee to pay for or share the costs for using the alternative space.

Augmentation is a concept of appropriations law that is derived from statute, specifically 31 U.S.C. § 3302(b) (miscellaneous receipts rule) and 31 U.S.C. § 1301(a) (restricting the use of appropriated funds to their intended purposes). The Government Accountability Office has held that an agency may not augment its appropriations from outside sources without specific statutory authority. The concept is related to the separation of powers doctrine. When Congress makes an appropriation, it is also establishing an authorized program level. It is, in effect, telling the agency that it cannot operate beyond the level that it can finance under its appropriation. The objective of the rule against augmentation of appropriations is to prevent a government agency from undercutting the Congressional power of the purse by exceeding the amount Congress has appropriated for that activity.

IX. Can agencies pay taxes charged for residential telephone lines and/or related equipment that is used for officially sanctioned telework purposes?

No. The providers of residential telephone lines, services, and/or related telecommunications equipment/services typically charge Federal and State taxes for the acquisition/use of these items. Federal agencies are exempt from Federal taxes and, depending on State tax law, from State taxes as well. Accordingly, agencies are not authorized to pay Federal or, in some cases, State taxes for equipment or services used by their teleworkers.

X. Can agencies authorize teleworkers to make personal use of the alternative worksite equipment provided by the agency?

Yes. The head of each agency has the authority to set personal use policies. In accordance with GSA guidance set forth in "Recommended Executive Branch Model Policy/Guidance On Limited Personal Use Of Government Office Equipment Including Information Technology," http://www.cio.gov/documents/peruse_model_may_1999.pdf, agencies can authorize teleworkers limited personal use of alternative worksite equipment. Limited personal use of the government office equipment by employees during non-work time is considered to be an "authorized use" of Government property. Authority for this policy is found at 5 U.S.C. § 301, which provides that the head of an executive department or military department may prescribe regulations for the use of its property, and Executive Order 13011 of July 16, 1996, Federal Information Technology, section 3(1), which requires the Chief Information Officers Council to develop recommendations for Federal information technology management policy, procedures, and standards.

For more info on this topic, visit the following Web site: <http://www.estrategy.gov/documents/43.pdf>.

XI. Who is responsible for the relocation and re-setup of alternative worksite workstations and equipment when an employee relocates?

If the relocation of an employee is required by the agency, then the agency is fully responsible for the relocation and re-setup of any associated alternative worksite workstation and/or equipment. If the employee relocates on her/his own accord, then the determination of responsibility for the relocation and re-setup of alternative

worksite workstations and equipment (especially agency-owned workstations and equipment) is within the discretion of the agency. When establishing AWA programs, it is the agency's responsibility to establish adequate and equitable policies to cover this issue.

XII. Must the head of an Executive agency consider whether needs can be met using alternative workplace arrangements in considering whether to acquire space, quarters, buildings, or other facilities for use by employees?

Yes. In considering whether to acquire space, quarters, buildings, or other facilities for use by employees, 40 U.S.C. § 587(c)(2) requires the head of an Executive agency to consider whether needs can be met using AWA.

XIII. What factors should an Executive agency head consider in considering whether the agency's needs can be met using alternative workplace arrangements?

Executive agency heads should consider as many of the following factors as are relevant to the agency's circumstances:

- a. Facility performance and space utilization efficiency/effectiveness;
- b. Allocation/utilization/flexibility of space to meet diverse/changing organizational needs;
- c. Workspace quality factors, quality of workforce;
- d. Individual/organizational performance;
- e. Technology utilization and return on investment;
- f. Reduced/saved facility costs per person;
- g. Reduced/avoided other expenses;
- h. Increased/earned revenue;
- i. Workplace/space flexibility to accommodate/meet diverse/changing uses, configurations, staff, and/or other organizational needs; and
- j. Environmental impact, sustainability.

XIV. Should the head of the Executive agency document the result of the agency's consideration of whether to acquire space, quarters, buildings, or other facilities for use by employees?

Yes. Documenting the relevant considerations will help the agency make more informed decisions about its immediate space needs and will provide a reference for future agency space considerations. Through early planning, the agency may be able to shorten and simplify the space acquisition process and acquire the necessary space at the most reasonable cost to the Government.

XV. Do space per person standards apply in an alternative worksite environment?

No. The Government no longer maintains space per person requirements. Under current GSA space planning guidance, space allocation should be based on organizational needs. When feasible, AWA can accommodate those needs as well as reduce overall agency space requirements. This is the essence of the requirement in 40 U.S.C. § 587(c)(2): use AWA in lieu of new space acquisition to meet agency space needs in a more cost effective and/or otherwise beneficial manner.

[FR Doc. E6-3942 Filed 3-16-06; 8:45 am]

BILLING CODE 6820-RH-S

OFFICE OF GOVERNMENT ETHICS

Proposed Collection; Comment Request for Modified OGE Form 450 Executive Branch Confidential Financial Disclosure Report (New First Round Notice)

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice.

SUMMARY: In August of 2005, the Office of Government Ethics published in the *Federal Register* a first round paperwork notice that it intended to modify the OGE Form 450 Executive Branch Confidential Financial Disclosure Report form, to improve its clarity and design, and to change in part the information that it collects. Because we received so many helpful comments in response to that notice, we have significantly redesigned the proposed new OGE Form 450 and are publishing another first round paperwork notice in order to provide a further comment period. After this additional first round notice and public comment period, OGE plans to submit a modified OGE Form 450 to the Office of Management and Budget (OMB) for review and three-year extension of approval under the Paperwork Reduction Act. The modified OGE Form 450 would be used for confidential disclosure financial disclosure reporting starting in 2007 under OGE's proposed amended executive branch regulations, once those regulatory revisions are finalized and become effective.

DATES: Comments by the public and agencies on this proposal are invited and should be received by May 31, 2006.

ADDRESSES: You may submit comments to OGE on this paperwork notice by any of the following methods:

- *E-mail:* usoge@oge.gov (include reference to "OGE Form 450 Paperwork Comment" in the subject line of the message).
- *Fax:* 202-482-9237.

- *Mail, Hand Delivery/Courier:* Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, Attention: James V. Parle, Associate Director, Information Resources Management Division.

FOR FURTHER INFORMATION CONTACT: James V. Parle, Associate Director, Information Resources Management Division, Office of Government Ethics; Telephone: 202-482-9300; TDD: 202-482-9293; Fax: 202-482-9237. A copy of the proposed further modified OGE Form 450 may be obtained, without charge, by contacting Mr. Parle.

SUPPLEMENTARY INFORMATION: The OGE Form 450 (OMB control #3209-0006) collects information from covered department and agency officials as required under OGE's executive branchwide regulatory provisions in subpart I of 5 CFR part 2634. The OGE Form 450 serves as the uniform report form for collection, on a confidential basis, of financial information required by the OGE regulation from covered new entrant and incumbent employees of Federal Government executive branch departments and agencies. Agency ethics officials then use the completed OGE Form 450 reports to conduct conflict of interest reviews and to resolve any actual or potential conflicts identified.

The basis for the OGE regulation and the report form is two-fold. First, section 201(d) of Executive Order 12674 of April 12, 1989 (as modified by Executive Order 12731 of October 17, 1990, 3 CFR, 1990 Comp., pp. 306-311, at p. 308) makes OGE responsible for the establishment of a system of nonpublic (confidential) financial disclosure by executive branch employees to complement the system of public financial disclosure under the Ethics in Government Act of 1978 (the "Ethics Act"), as amended, 5 U.S.C. appendix. Second, section 107(a) of the Ethics Act, 5 U.S.C. app., sec. 107(a), further provides authority for OGE as the supervising ethics office for the executive branch of the Federal Government to require that appropriate executive agency employees file confidential financial disclosure reports, "in such form as the supervising ethics office may prescribe." The OGE Form 450, and the underlying executive branchwide financial disclosure

regulation (5 CFR part 2634), constitute the basic reporting system that OGE has prescribed for such confidential financial disclosure in the executive branch.

Proposed Further Modifications to the Form

As noted above, in August of 2005, the Office of Government Ethics published a first round paperwork notice that it intended to modify the OGE Form 450 Executive Branch Confidential Financial Disclosure Report form, to improve its clarity and design, and to change in part the information that it collects. See 70 FR 47204-47206 (August 12, 2005). We also made our draft form as proposed to be modified available for public review and comment upon request. OGE received 18 agency comments on the proposed revised form, both in response to that paperwork notice and form-specific comments in response to the related proposed amendments to the confidential disclosure regulation noted below. Based thereon, OGE is now proposing further modifications to the OGE Form 450's design and content, and publishing in the *Federal Register* this additional first round paperwork notice.

As we noted in our first paperwork notice, the proposed modifications to the OGE Form 450 (both the previous and current drafts) are intended primarily to make it easier for filers to complete the form electronically. Modifications being proposed to the current version of the OGE Form 450 (9/02 edition) include changing the form layout from landscape to portrait. OGE expects to have a system in place by February 2007, not only for electronic completion of the new form but also for electronic filing.

Regardless of whether the form is filed electronically, the proposed modifications also are intended to make completion of the OGE Form 450 easier overall, by simplifying the instructions and placing them on the same pages as the reporting schedules so that filers will not have to scroll through multiple screens to read directions. Moreover, contacting filers with follow-up questions would be facilitated by the addition of space for the filer's e-mail address.

In response to concerns expressed about the length of the proposed modified form, we have decreased the number of pages from nine to five, or to one page if the filer has nothing to report. We did this, in part, by recombining the "noninvestment income" and the "assets and investment income" subparts into one part entitled

“Assets and Income”; moving all of the examples to one, removable page; and creating a removable cover page.

In response to other concerns, we have moved the spaces designated for the filers' and reviewing officials' signatures from the last page to the first page of the form. In addition, we have modified the previous draft modified form by removing the column proposed in which the filer would have been required to check a box if the value of a reported stock exceeded \$15,000 or if the value of a reported mutual fund exceeded \$50,000. Some commenters noted that these boxes often would not assist reviewers in determining whether a filer's holdings would fall within the *de minimis* exemptions published at 5 CFR part 2640. In many cases, a filer's holdings would have to be aggregated when applying the *de minimis* exemptions, so the reviewer still would have to contact the employee for additional information.

Modifications proposed to the content of the OGE Form 450 parallel changes OGE has proposed to the executive branch confidential financial disclosure regulations in part 2634 of 5 CFR. Filers will be required to use the new version of the form once the regulatory revisions are finalized and become effective, which OGE anticipates will be on January 1, 2007. See OGE's proposed rule published on August 12, 2005 at 70 FR 47138–47147. Generally, the regulatory revisions proposed include: Eliminating the reporting of diversified mutual funds, eliminating dates of honoraria, eliminating dates of agreements and arrangements (other than those for future employment), eliminating the reporting of types of income that assets earned (*i.e.*, dividends, capital gains, interest, etc.), and revising reporting requirements relating to liabilities by eliminating the requirement to report student loans, mortgages on rental property, and credit card debt if the loans are granted on terms made available to the general public.

OGE also is proposing to incorporate in the modified OGE Form 450 the new aggregation threshold of more than \$305 for the reporting of gifts and travel reimbursements. This new threshold is based on the General Services Administration's (GSA's) increase in “minimal value” under the Foreign Gifts and Decorations Act to \$305 or less for 2005–2007, to which the thresholds are linked by the Ethics Act and OGE regulation. See GSA's redefinition at 70 FR 2317–2318 (pt. V) (January 12, 2005), section 102(a)(2)(A) and (B) of the Ethics Act, OGE's regulatory adjustment of the gifts/reimbursements thresholds for

both public and confidential financial disclosure reports at 70 FR 12111–12112 (March 11, 2005), and OGE DAEogram DO–05–007 of March 17, 2005, all available on OGE's Web site at www.usoge.gov. (When GSA next adjusts minimal value, OGE will accordingly adjust the gifts/reimbursements reporting thresholds for the three-year period beyond 2007.)

Finally, OGE is proposing to update the OGE Form 450's Privacy Act Statement summary of the sixth listed routine use (see OGE's notice of revised Privacy Act records systems as published at 68 FR 3097–3109 (January 22, 2003), and routine use “f” at p. 3102 in particular).

Availability and Timing

After it is finally updated and authorized for use next year, OGE will make the modified OGE Form 450 available to departments and agencies, and their reporting employees, through the Forms, Publications & Other Ethics Documents section of OGE's Web site (www.usoge.gov). We will maintain the current version of the form on the OGE Web site for the rest of 2006.

As noted above, OGE does not intend that the modified OGE Form 450 (once finalized) be utilized until 2007. Therefore, OGE will separately request from OMB an extension of paperwork clearance for the current version of the report form to allow its continued use for the remainder of 2006 and publish in the **Federal Register** a second round paperwork notice with respect to that requested extension. Thus, agencies should continue to have their new entrant confidential report filers, including special Government employees (SGEs) filing such reports upon their reappointment/redesignation or appointment anniversary dates, use the current version of the form throughout this year. After the forthcoming final clearance of the new modified version of the OGE Form 450, agencies should require starting in 2007 both new entrant and annual incumbent confidential report filers to use the new version of the form.

Furthermore, OGE plans to waive this fall's filing requirement as to annual fiscal year (FY05) incumbent reports using the current version of the OGE Form 450 that otherwise would be due by October 31, 2006. Instead, we will require annual confidential filers to file the new modified form with their agencies by the new filing deadline of February 15, 2007. This first new report will incorporate a 15-month reporting period (from October 2005 through December 2006) in order to avoid any gap in reporting due to the transition

from a fiscal year to a calendar year basis for annual reporting. Thereafter, the new annual confidential reports due each February will just cover the prior calendar year.

Effect on Use of Alternative Reports and OGE Optional Form 450–A

Since 1992, various departments and agencies have developed, with OGE review/approval, alternative reporting formats such as certificates of no conflict for certain classes of employees. Other agencies provide for additional disclosures pursuant to independent organic statutes and in certain other circumstances when authorized by OGE. Moreover, in 1997, OGE itself developed the OGE Optional Form 450–A (Confidential Certificate of No New Interests (Executive Branch)) for possible agency and confidential filer employee use in certain years, if applicable. That optional confidential form continues in use at various agencies throughout the executive branch. The authority to use these alternative systems, including the OGE Optional Form 450–A, would not be disturbed by OGE's proposed amendments to the confidential disclosure regulation or the modifications OGE is proposing to the OGE Form 450. For annual reporting, such alternative and optional forms should reflect the shift from a fiscal year to a calendar year basis once that change is instituted next year.

OGE notes that the underlying OGE Form 450 itself remains the uniform executive branch report form for most of those executive branch employees required by their agencies to report confidentially on their financial interests.

Reporting Individuals

The OGE Form 450 is to be filed by each reporting individual with the designated agency ethics official at the executive department or agency where he or she is or will be employed. Reporting individuals are regular employees whose positions have been designated by their agency under 5 CFR 2634.904 as requiring confidential financial disclosure in order to help avoid conflicts with their assigned responsibilities. Under that section, special Government employees are also generally required to file. Agencies may, if appropriate under the OGE regulation, exclude certain regular employees or SGEs as provided in 5 CFR 2634.905 (§ 2634.904(b) of the regulation as proposed for revision.) Reports are normally required to be filed within 30 days of entering a covered position (or earlier if required by the agency

concerned), and again annually if the employee serves for more than 60 days in the position.

Most of the persons who file this report are current executive branch Government employees at the time they complete their report. However, some filers are private citizens who are asked by their prospective agencies to file new entrant reports prior to entering Government service in order to permit advance checking for any potential conflicts of interest and resolution thereof by recusal, divestiture, waiver, etc.

Reporting Burden

Based on OGE's annual agency ethics program questionnaire responses for 2002 through 2004, OGE estimates that an average of approximately 277,215 OGE Form 450 reports will be filed each year for the next three years throughout the executive branch. This estimate is based on the number of reports filed branchwide for 2002 through 2004 (272,755 in 2002, 263,463 in 2003, and 295,426 in 2004) for a total of 831,644, with that number then divided by three and rounded, to give the projected annual average of 277,215 reports. Of these reports, OGE estimates that 7.6 percent, or some 21,068 per year, will be filed by private citizens. Private citizen filers are those potential (incoming) regular employees whose positions are designated for confidential disclosure filing as well as potential special Government employees whose agencies require that they file their new entrant reports prior to assuming Government responsibilities. No termination reports are required for the OGE Form 450.

Each filing is estimated to take an average of one and one-half hours to complete. This yields an annual reporting burden of 31,602 hours. OGE previously has published an estimate of only 15 hours because we were not previously required by OMB to make a branchwide estimate, and 15 hours is the applicable regulatory minimum. The current burden hours therefore account for private citizen filers whose reports were filed each year only with OGE itself. In the past, the number of private citizens whose reports were filed each year with OGE itself was less than 10, but pursuant to 5 CFR 1320.3(c)(4)(i), the lower limit for this general regulatory-based requirement is set at 10 private persons. Thus, OGE reported the current annual burden of 15 hours. The proposed estimate of burden hours includes private citizen reports filed with departments and agencies throughout the executive branch (including OGE).

Consideration of Comments

As noted, public comment is again invited, this time particularly on the proposed further modified OGE Form 450 summarized in this notice and available without charge from OGE upon request (see the **FOR FURTHER INFORMATION CONTACT** section above). In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), public comments are invited specifically on the need for and practical utility of this proposed modified collection of information, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology).

The Office of Government Ethics is planning to submit to OMB, after this notice and comment period, a modified OGE Form 450 for three-year approval under the Paperwork Reduction Act. OGE especially invites comments on the further changes to the proposed modified OGE Form 450 that are intended to make it easier for filers to complete and for agencies to review. Comments received in response to this notice will be summarized for, and may be included with, OGE's future request for OMB paperwork approval for the proposed modified OGE Form 450. Any comments received will also become a matter of public record. After reviewing any comments and deciding on the proposed modifications to the OGE Form 450, OGE will also publish a second paperwork notice in the **Federal Register** to inform the agencies and the public at the time it submits the request for OMB paperwork approval.

Approved: March 14, 2006.

Marilyn L. Glynn,

Acting Director, Office of Government Ethics.

[FR Doc. E6-3937 Filed 3-16-06; 8:45 am]

BILLING CODE 6345-02-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: OS-0990-New; 60-day Notice]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of the Secretary, Department of Health and Human Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the

Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection

Request: New, Regular Clearance.

Title of Information Collection: The Effect of Reducing Falls on Acute and Long-Term Care Expenses.

Form/OMB No.: OS-0990-New.

Use: ASPE is planning to conduct a demonstration and evaluation of a multi-factorial fall prevention program to measure its impact on health outcomes for the elderly as well as acute and long-term care use and cost. This will be accomplished by obtaining a sample of individuals with private long-term care insurance who are age 75 and over. We will employ a multi-tiered random experimental research design to evaluate the effectiveness of the proposed fall prevention intervention program. The project will provide information to advance Departmental goals of reducing injury and improving the use of preventive services to positively impact Medicare use and spending.

Frequency: Reporting, on occasion.

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

Annual Number of Respondents: 4,166.

Total Annual Responses: 4,166.

Average Burden Per Response: 1 hour.

Total Annual Hours: 1,477.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access the HHS Web site address at <http://www.hhs.gov/ocio/infocollect/pending/> or e-mail your request, including your address, phone number, OMB number, and OS document identifier, to naomi.cook@hhs.gov, or call the Reports Clearance Office on (202) 690-6162. Written comments and recommendations for the proposed information collections must be received within 60 days, and directed to

the OS Paperwork Clearance Officer at the following address: Department of Health and Human Services, Office of the Secretary, Assistant Secretary for Budget, Technology, and Finance, Office of Information and Resource Management, Attention: Naomi Cook (0990–New), Room 531–H, 200 Independence Avenue, SW., Washington DC 20201.

Dated: February 8, 2006.

Robert E. Polson,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. E6–3933 Filed 3–16–06; 8:45 am]

BILLING CODE 4151–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Availability of Funding Opportunity Announcement

Funding Opportunity Title/Program Name: Senior Medicare Patrol Projects.
Announcement Type: Initial.

Funding Opportunity Number: HHS–2006–AoA–SM–0603.

Statutory Authority: The Older Americans Act, Public Law 106–501.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.048, Title IV and Title II, Discretionary Projects, and the Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104–191).

Dates: The deadline date for the receipt of applications is April 28, 2006.

I. Funding Opportunity Description

This announcement seeks proposals for the Senior Medicare Patrol (SMP) Projects which will serve as model projects that demonstrate effective ways of utilizing retired persons as volunteer expert resources and educators in community-based efforts to prevent and identify health care error, fraud and abuse in the Medicare/Medicaid programs. Applicants under this announcement must provide a comprehensive plan for statewide SMP program coverage targeting isolated and hard-to-reach, beneficiaries, their families or caregivers and address the five SMP program objectives. A detailed description of the funding opportunity including the program objectives and application materials may be obtained at <http://www.aoa.gov/doingbus/fundopp/fundopp.asp> or <http://www.grants.gov>.

II. Award Information

1. Funding Instrument Type

Cooperative Agreement. Grantees will carry out cooperative agreement awards

to train retired persons to serve in their communities as volunteer expert resources and educators in preventing and identifying health care error, fraud, and abuse. The award is a cooperative agreement because the AoA will be substantially involved in the development and execution of the activities of the projects. AoA will provide mentoring, on-line training and other technical support through its National Consumer Protection Technical Resource Center (the Center). The Center will also provide technical assistance and support to the grantee in volunteer recruitment and management; will ensure currency in Medicare and Medicaid program information, fraud prevention and identification techniques, outreach strategies, complaint management, tracking and reporting; and will share approaches for reaching targeted populations. The AoA project officer for the SMP project grant will also provide technical assistance and support on grant management and implementation issues, including execution of the cooperative agreement. The AoA will conduct at least one national conference and one regional meeting in alternate years for the purpose of providing technical assistance and training to SMP projects. Grantee participation in these conferences is specified as part of the cooperative agreement. The grantee and the AoA will work cooperatively to determine the priority activities to be completed by the project and develop the work plan for each year of the project. Within 45 days of the award and 45 days of each continuation award, the project will agree upon and adhere to a work plan that details expectations for major activities, products, and reports during the current budget period. The work plan will include specific steps and a timetable for implementing statewide program coverage. The plan will also specify actions to expand program access to target populations. The work plan will also include staff assignments, work locations, and other areas that require AoA consultation, review, and/or prior approval. Either the AoA or the project can propose a revision of the final work plan at any time.

The AoA will specify project performance criteria and expectations relative to the SMP program objectives and will monitor, evaluate and support the projects' efforts in achieving performance goals. The project will provide program performance output, outcome and activity data semiannually utilizing the performance instrument developed by the AoA and the HHS

Office of the Inspector General (OIG). The AoA will evaluate project performance data, and provide support and technical assistance, in coordination with the Center, to assist projects in improving performance.

The AoA will provide information to grantee leadership to assist in understanding the strategic goals and objectives, policy perspectives and priorities of the Assistant Secretary for Aging and the Department of Health and Human Services. The AoA will also share information with the grantee about other SMP projects, including integration grants, and other federally sponsored projects and activities relevant to the interests of SMP projects.

2. Anticipated Total Priority Area Funding Per Budget Period

The AoA intends to make available, under this program announcement, grant awards for up to twenty-eight (28) cooperative agreements at a federal share of up to \$180,000 per year for a project period of up to three (3) years. With the exception of Guam and the U.S. Virgin Islands, grantees are required to cover 25% of the total cost of the project from non-federal case or in-kind assistance.

III. Eligibility Criteria and Other Requirements

1. Eligible Applicants

Eligibility for grant awards is limited to public state and local agencies, federally recognized tribes, or nonprofit agencies, organizations, and institutions, including faith-based organizations, in the following 26 states and 2 territories: Alabama, California, Connecticut, Hawaii, Iowa, Illinois, Indiana, Louisiana, Maryland, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Hampshire, Nevada, New York, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Wisconsin, Wyoming, Guam, and the Virgin Islands. The competition is limited to the 26 states and 2 territories specified above. Competition is limited to those specified states and territories because the current three-year grant period for Senior Medicare Patrol projects within these states and the one-year capacity building grants in the territories will end on June 30, 2006. The AoA is currently funding SMP projects in the remaining 24 states, the District of Columbia and Puerto Rico.

In order to ensure the program reaches Medicare/Medicaid beneficiaries in the maximum number of states, given available funding, only one project from each state or territory

will be funded. It is strongly recommended that statewide collaborative efforts be forged with organizations with experience working with or representing the targeted population.

2. Cost Sharing or Matching

Grantees are required to provide at least 25 percent of the total program costs from non-federal cash or in-kind resources in order to be considered for the award. In accordance with 48 U.S.C. 1469a (d), matching requirements are waived for grantee applicants from Guam and the U.S. Virgin Islands.

3. DUNS Number

The Office of Management and Budget requires applicants to provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on or after October 1, 2003. It is entered on the SF 424. It is a unique, nine-digit identification number, which provides unique identifiers of single business entities. The D-U-N-S number is *free and easy* to obtain.

Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711 or by using this link: https://www.whitehouse.gov/omb/grants/duns_num_guide.pdf.

4. Intergovernmental Review

Executive Order 12372, Intergovernmental Review of Federal Programs, is not applicable to these grant applications.

IV. Application and Submission Information

All applicants are required to submit electronically through <http://www.grants.gov> by midnight April 28, 2006.

Exceptions to this requirement may only be made by the AoA grants management officer, Stephen Daniels on (202) 357-3464. Exceptions may only be made to allow for catastrophic events such as tornadoes, floods, etc. Applicants are responsible for mailing or hand delivering applications to AoA in sufficient time to be received by 5:30 p.m. Eastern Time, April 28, 2006.

Please note AoA is requiring applications for this announcement to be submitted electronically through <http://www.grants.gov>. The Grants.gov registration process can take several days. If your organization is not currently registered with <http://www.grants.gov>, please begin this process immediately. For assistance

with <http://www.grants.gov>, please contact Arthur Miller at AoA's Grants.gov helpdesk at (202) 357-3438. At <http://www.grants.gov>, you will be able to download a copy of the application packet, complete it off-line, and then upload and submit the application via the Grants.gov Web site.

Applicants unable to submit their application via <http://www.grants.gov> may request permission to submit a hard copy from AoA Grants Management Officer, Stephen Daniels, (202) 357-3464, Stephen.Daniels@aoa.hhs.gov.

1. Address for Application Submission

Hard copy submissions for which approval has been requested and received (per section IV(6) of the announcement), may be mailed to the U.S. Department of Health and Human Services, Administration on Aging, Office of Grants Management, Washington, DC 20201, attn: Stephen Daniels (HHS-2006-AoA-Initial-SM), or hand-delivered (in person, via messenger) to the U.S. Department of Health and Human Services, Administration on Aging, Office of Grants Management, One Massachusetts Avenue, NW., Room 4604, Washington, DC 20001, attn: Stephen Daniels (HHS-2006-AoA-SM-0603).

Applications not submitted electronically must include one original and two copies of the application. Please include a stamped self addressed postcard for acknowledgement of receipt. Instructions for electronic mailing of grant applications are available at <http://www.grants.gov/>.

2. Submission Dates and Times

To receive consideration, applications must be received by the deadline listed in the **DATES** section of this Notice.

V. Responsiveness Criteria

Each application submitted will be screened to determine whether it was received by the closing date and time. Applications received by the closing date and time will be screened for completeness and conformity with the requirements outlined in Sections III and IV of this Notice and the Program Announcement. Only complete applications that meet these requirements will be reviewed and evaluated competitively.

VI. Application Review Information

Eligible applications in response to this announcement will be reviewed according to the following evaluation criteria: Purpose and Need for Assistance (20 points); Approach, Work Plan and Activities (30 points); Project

Outcomes, Evaluation and Dissemination (30 points); and Level of Effort (20 points).

VII. Agency Contacts

Direct inquiries regarding programmatic and grant issues to:
Project Officer: U.S. Department of Health and Human Services, Administration on Aging, Washington, DC 20201. Attn: Barbara Lewis. Telephone: (202) 357-3532, e-mail: Barbara.Lewis@aoa.hhs.gov.

Grants Management Specialist: U.S. Department of Health and Human Services, Administration on Aging, Washington, DC 20201. Attn: Stephen Daniels. Telephone: (202) 357-3464, e-mail: Stephen.Daniels@aoa.hhs.gov.

Dated: March 14, 2006.

Josefina G. Carbonell,

Assistant Secretary for Aging.

[FR Doc. E6-3932 Filed 3-16-06; 8:45 am]

BILLING CODE 4154-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-06-06AW]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404-639-5960 and send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D74, Atlanta, GA 30333 or send an e-mail 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

Supplement to the National Birth Defects Prevention Study: Qualitative Assessment of the Attitudes Mothers Have Toward Collecting Biological Specimens on their Infants and Young Children to Study Risk Factors for Birth Defects and Preterm Delivery—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC), has been conducting the National Birth Defects Prevention Study (NBDPS) (OMB# 0920-0010) since 1997. The NBDPS is a case-control study of major birth defects that includes cases identified from existing birth defect surveillance registries in nine states, including metropolitan Atlanta. Control infants are randomly selected from birth certificates or birth hospital records. Mothers of case and control infants are interviewed using a computer-assisted telephone interview.

Parents are asked to collect cheek cells from themselves and their infants for DNA testing. Information gathered from both the interviews and the DNA specimens will be used to study independent genetic and environmental factors as well as gene-environment interactions for a broad range of carefully classified birth defects.

This proposed supplement to the National Birth Defects Prevention Study will use qualitative research to provide data on the barriers to participation in the collection of biological specimens by mothers on themselves, their infants, and young children. It is costly to implement the collection of biological specimens into an interview/questionnaire-based study. However, an ever-increasing number of studies include the examination of environmental and genetic interactions to help medical and public health professional's better target appropriate interventions. A critical component for studies of gene variants is the collection of biological specimens. Participation and non-participation in the collection of biological specimens is not fully understood. We will conduct multiple well-designed focus groups to assess the attitudes of both mothers who participated and mothers who did not participate in the collection of biological specimens to increase the effectiveness

of these studies. This information will be useful to many groups at the CDC who are currently collecting biological specimens from infants and their families but with less than optimal response rates and those who are working to implement studies that include the use of biological specimens.

Scientists from the National Birth Defects Prevention Study in NCBDDD, the Pregnancy Risk Assessment Monitoring System (PRAMS) in National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), and Office of Genomics and Disease Prevention (OGDP) have received Collaborative Initiative intramural funding to conduct focus groups aimed at gaining insight into the barriers and motivations women have for participating in the collection of biological specimens. Among the three collaborating Centers within the Coordinating Center for Health Promotion, NCBDDD's National Birth Defects Prevention Study provides a unique opportunity for exploring the barriers and motivations toward collection of genetic material. This focus group project will recruit mothers who participated in the maternal interview for the NBDPS. There are no costs to the respondents other than their time to participate in the survey.

ESTIMATED ANNUALIZED BURDEN

Instrument	Number of respondents	Frequency of response	Average burden/response (in hours)	Annual burden hours
Telephone Contact	90	1	5/60	7.5
Focus Group Discussion	45	1	2	90

Dated: March 12, 2006.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E6-3916 Filed 3-16-06; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Decision To Evaluate a Petition To Designate a Class of Employees at the Nevada Test Site, Mercury, Nevada, To Be Included in the Special Exposure Cohort

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice as required by 42 CFR 83.12(e) of a decision to evaluate a petition to designate a class of employees at the Nevada Test Site, Mercury, Nevada, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000. The initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Nevada Test Site.

Location: Mercury, Nevada.

Job Titles and/or Job Duties: Workers potentially exposed to above-ground weapons testing.

Period of Employment: 1951 to 1963.

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: March 10, 2006.

John Howard,

National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 06-2588 Filed 3-16-06; 8:45 am]

BILLING CODE 4163-19-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-R-284 and CMS-10069]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Statistical Information System; *Use:* State data are reported by the federally mandated electronic process, known as Medicaid Statistical Information System (MSIS). These data are the basis of actuarial forecasts for Medicaid service utilization and costs; of analysis and cost savings estimates required for legislative initiatives relating to Medicaid; and for responding to requests for information from CMS components, the Department, Congress and other customers.; *Form Number:* CMS-R-284 (OMB#: 0938-0345); *Frequency:* Quarterly; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 53; *Total Annual Responses:* 212; *Total Annual Hours:* 2,120.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Waiver Demonstration Application; *Use:* The Medicare Waiver Demonstration Application will be used to collect standard information needed to implement congressionally mandated

and administration high priority demonstrations. The application will be used to gather information about the characteristics of the applicant's organization, benefits, and services they propose to offer, success in operating the model, and evidence that the model is likely to be successful in the Medicare program. The standard application will be used for all waiver demonstrations and will reduce the burden on applicants, provide for consistent and timely information collections across demonstrations, and provide a user-friendly format for respondents; *Form Number:* CMS-10069 (OMB#: 0938-0880); *Frequency:* Reporting—On Occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 75; *Total Annual Responses:* 75; *Total Annual Hours:* 6000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov, or call the Reports Clearance Office on (410) 786-1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received at the address below, no later than 5 p.m. on May 16, 2006.

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development—A, Attention: Melissa Musotto, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: March 10, 2006.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E6-3845 Filed 3-16-06; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10185]

Emergency Clearance: Public Information Collection; Requirements Submitted to the Office of Management and Budget (OMB); Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Correction of notice.

SUMMARY: This document corrects an incorrect date that appeared in the notice [Document Identifier: CMS-10185] titled "Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)" that was published in the **Federal Register** on March 3, 2006 (71 FR 10976).

FOR FURTHER INFORMATION CONTACT: Bonnie L. Harkless, (410) 786-5666.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 06-1921, of March 3, 2006 (70 FR 10976), we published a notice requesting an emergency review of a new information collection for Medicare Part D Reporting Requirements. We requested this Paperwork Reduction Act clearance under an emergency approval process to meet the statutorily-mandated reporting requirements under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and to accommodate the operational schedule for the bidding process for prospective and renewing Part D Sponsors.

II. Explanation of Error

In the March 3, 2006 notice, there was an incorrect due date by which interested persons were invited to send comments regarding the burden or any other aspect of the collections of information requirements that were the subject of the notice. The date was incorrectly set forth as April 14, 2006. The correct date by which comments should be submitted is April 3, 2006.

III. Correction of Error

In FR Doc. 06-1921 of March 3, 2006 (71 FR 10976), make the following correction:

On page 10977, in the first column, in the first full paragraph in that column, in the last line of the paragraph, the date "April 14, 2006" is corrected to read "April 3, 2006."

Dated: March 8, 2006.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services.

[FR Doc. E6-3846 Filed 3-16-06; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration

[Docket Nos. 2005M-0435, 2005M-0475, 2005M-0473, 2005M-0478, 2005M-0454, 2005M-0399, 2005M-0477, 2005M-0476, 2005M-0492, 2005M-0474, 2005M-0504]

Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of premarket approval applications (PMAs) that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMAs through the Internet and the agency's Division of Dockets Management.

ADDRESSES: Submit written requests for copies of summaries of safety and effectiveness to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Please cite the appropriate docket number as listed in table 1 of this document when

submitting a written request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the summaries of safety and effectiveness.

FOR FURTHER INFORMATION CONTACT:

Thin Nguyen, Center for Devices and Radiological Health (HFZ-402), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-594-2186 ext. 152.

SUPPLEMENTARY INFORMATION:
I. Background

In the **Federal Register** of January 30, 1998 (63 FR 4571), FDA published a final rule that revised 21 CFR 814.44(d) and 814.45(d) to discontinue individual publication of PMA approvals and denials in the **Federal Register**. Instead, the agency now posts this information on the Internet on FDA's home page at <http://www.fda.gov>. FDA believes that this procedure expedites public notification of these actions because announcements can be placed on the Internet more quickly than they can be published in the **Federal Register**, and FDA believes that the Internet is accessible to more people than the **Federal Register**.

In accordance with section 515(d)(4) and (e)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(4) and (e)(2)), notification of an order approving, denying, or

withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the act. The 30 day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the Internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30 day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30 day period will begin when the applicant is notified by FDA in writing of its decision.

The regulations provide that FDA publish a quarterly list of available safety and effectiveness summaries of PMA approvals and denials that were announced during that quarter. The following is a list of approved PMAs for which summaries of safety and effectiveness were placed on the Internet from October 1, 2005 through December 31, 2005. There were no denial actions during this period. The list provides the manufacturer's name, the product's generic name or the trade name, and the approval date.

Table 1.—List of Safety and Effectiveness Summaries for Approved PMAs Made Available From October 1, 2005 through December 31, 2005

PMA No./Docket No.	Applicant	Trade Name	Approval Date
P960040(S28)/2005M-0435	Guidant CRM Corp.	VENTAK PRIZM AVT AICD SYSTEM	March 27, 2003
P020045/2005M-0475	CryoCath Technologies, Inc.	7F FREEZOR CARDIAC CRYOABLATION CATHETER & CCT.2 CRYOCONSOLE SYSTEM	April 17, 2003
P040003/2005M-0473	InSightec—North America	EXABLATE 2000 SYSTEM	October 22, 2004
P030056/2005M-0478	Bayer Healthcare, LLC	ADVIA CENTAUR HCV READY PACK REAGENTS, ADVIA CENTAUR HCV QUALITY CONTROL MATERIALS	December 22, 2004
P980022(S11)/2005M-0454	Medtronic MiniMed	GUARDIAN RT CONTINUOUS GLUCOSE MONITORING SYSTEM	July 18, 2005
P020016/2005M-0399	Walter Lorenz Surgical, Inc.	TOTAL TEMPOMANDIBULAR JOINT REPLACEMENT SYSTEM	September 21, 2005
P040047/2005M-0477	Bioform Medical, Inc.	COAPTITE	November 10, 2005
P040042/2005M-0476	Irvine Biomedical, Inc.	THERAPY DUAL 8 CARDIAC ABLATION SYSTEM	November 18, 2005
P030054(S10)/2005M-0492	St. Jude Medical CRMD	EPIC & ATLAS + HF CRT-D SYSTEMS	November 18, 2005
P040013/2005M-0474	Biomimetic Therapeutics, Inc.	GEM 21S (GROWTH-FACTOR ENHANCED MATRIX)	November 18, 2005

PMA No./Docket No.	Applicant	Trade Name	Approval Date
P040045/2005M-0504	Vistakon, Division of Johnson & Johnson Vision Care, Inc.	VISTAKON (SENOFILCON A) CONTACT LENS, CLEAR AND VISIBILITY TINTED WITH UV BLOCKER	December 20, 2005

II. Electronic Access

Persons with access to the Internet may obtain the documents at <http://www.fda.gov/cdrh/pmapage.html>.

Dated: March 7, 2006.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. E6-3850 Filed 3-16-06; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Manufacturing Subcommittee of the Advisory Committee for Pharmaceutical Science; Cancellation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is canceling the meeting of the Manufacturing Subcommittee of the Advisory Committee for Pharmaceutical Science scheduled for April 18 and 19, 2006. This meeting was announced in the **Federal Register** of February 16, 2006 (71 FR 8307).

FOR FURTHER INFORMATION CONTACT: Mimi T. Phan, Center for Drug Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, rm. 1093), Rockville, MD 20857, 301-827-7001, FAX: 301-827-6776, e-mail: mimi.phan@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138(301-443-0572 in the Washington, DC area) code 3014512539.

Dated: March 10, 2006.

Jason Brodsky,

Acting Associate Commissioner for External Relations.

[FR Doc. E6-3851 Filed 3-16-06; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institutes; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Training Programs (T32s and T35s).

Date: May 26, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda, Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Charles Joyce, PhD, Scientific Review Administrator, Review Branch, NHLBI, National Institutes of Health, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892. 301-435-0288. cjoyce@nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS).

Dated: March 9, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2575 Filed 3-16-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06-50, Review FRA DE-06-005, Orofacial Pain.

Date: April 20, 2006.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: H. George Hausch, Ph.D., Acting Director, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Inst. of Dental & Craniofacial Research, National Institutes of Health, Bethesda, MD 20892. (301) 594-2904, george_hausch@nih.gov.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06-69, Review R21s.

Date: April 24, 2006.

Time: 3:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lynn M. King, Ph.D., Scientific Review Administrator, Scientific Review Branch, 45 Center Dr., Rm. 4AN-32F, National Inst. of Dental & Craniofacial Research, National Institutes of Health, Bethesda, MD 20892-6402. (301) 594-5006, lynn.king@nih.gov.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06-59, Review RFA DE-06-007.

Date: May 26, 2006.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Clarion Hotel Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Raj Krishnaraju, Ph.D., MS, Scientific Review Administrator, Scientific Review Branch, National Inst. of Dental & Craniofacial Research, National Institutes of Health, 45 Center Dr., Rm. 4AN 32J, Bethesda, MD 20892. 301-594-4864, kkrishna@nidcr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: March 10, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2573 Filed 3-16-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, The review of an unsolicited P01 application.

Date: March 20, 2006.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Kenneth E. Santora, PhD, Scientific Review Administrator, Scientific Review Program, NIH/NIAID/DHHS, Room 3265, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892. (301) 451-2605. ks216i@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 10, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2574 Filed 3-16-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Review of an Unsolicited P01 Application.

Date: April 3, 2006.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3143, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Kenneth E. Santora, PhD, Scientific Review Administrator, Scientific Review Program, NIH/NIAID/DHHS, Room 3265, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892. (301) 451-2605. ks216i@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 9, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2576 Filed 3-16-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group, Acquired Immunodeficiency Syndrome Research Review Committee, AIDS Research Review Committee.

Date: April 6, 2006.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3143, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Leyla S. Diaz, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892. (301) 451-3679. diazl@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 9, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2577 Filed 3-16-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice

is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Innate Immunity and Viral Pathogens.

Date: April 7, 2006.

Time: 1:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3137, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Hagit S. David, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2155, 6700-B Rockledge Drive, MSC 7610, Bethesda, MD 20892-7610, 301-402-4596.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 9, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2578 Filed 3-16-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Review of an Unsolicited Immune Response Applications.

Date: March 28, 2006.

Time: 10 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3143, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Katherine L. White, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/ NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 435-1615, kw174b@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 7, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2579 Filed 3-16-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute Of Arthritis And Musculoskeletal And Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, Research Projects—Cooperative Agreements (U01s).

Date: April 5, 2006.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Hyatt Regency Bethesda, Bethesda, MD 20814.

Contact Person: Eric H. Brown, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal Skin Diseases, National Institutes of Health, 6701 Democracy Blvd, Room 824, MSC 4872, Bethesda, MD 20892-4874, 301-594-4955, browneri@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: March 10, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2580 Filed 3-16-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, Loan Repayment Program for Clinical Researchers (L30s).

Date: March 31, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAMS Institute, Democracy 1, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Helen Lin, PhD, Scientific Review Administrator, NIH/NIAMS/RB, 6701 Democracy Blvd., Suite 800, Plaza One, Bethesda, MD 20817. (301) 594-4952. linh1@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis,

Musculoskeletal and Skin Diseases Research,
National Institutes of Health, HHS)

Dated: March 10, 2006.

Anna Snouffer,

*Acting Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 06-2581 Filed 3-16-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2006-24127]

Collection of Information Under Review by Office of Management and Budget: OMB Control Number 1625- 0071

AGENCY: Coast Guard, DHS.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to seek the approval of OMB for the renewal of one Information Collection Request (ICR). The ICR is 1625-0071, Boat Owner's Report—Possible Safety Defect. Before submitting the ICR to OMB, the Coast Guard is inviting comments on it as described below.

DATES: Comments must reach the Coast Guard on or before May 16, 2006.

ADDRESSES: To make sure that your comments and related material do not enter the docket [USCG-2006-24127] more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation (DOT), room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001.

(2) 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.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, 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 on the Internet at <http://dms.dot.gov>.

Copies of the complete ICR are available through this docket on the Internet at <http://dms.dot.gov>, and also from Commandant (CG-611), U.S. Coast Guard Headquarters, (Attn: Mr. Arthur Requina), 1900 Half Street, SW., Washington, DC 20593-0001. The telephone number is 202-475-3523.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requina, Office of Information Management, telephone 202-475-3523, or fax 202-475-3929, for questions on this document; or telephone Ms. Renee V. Wright, Program Manager, Docket Operations, 202-493-0402, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to respond to this request for comments by submitting comments and related materials. We will post all comments received, without change, to <http://dms.dot.gov>; they will include any personal information you have provided. We have an agreement with DOT to use the Docket Management Facility. Please see the paragraph on DOT's "Privacy Act Policy" below.

Submitting comments: If you submit a comment, please include your name and address, identify the docket number [USCG-2006-24127], indicate the specific section of the document to which each comment applies, and give the reason for each comment. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or 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 that 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. We may change the documents supporting this collection of information or even the underlying requirements in view of them.

Viewing comments and documents: To view comments, as well as documents mentioned in this notice as being available in the docket, go to <http://dms.dot.gov> at any time and conduct a simple search using the docket number. You may also visit the

Docket Management Facility in room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in 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 the Privacy Act Statement of DOT in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

Information Collection Request

Title: Boat Owner's Report—Possible Safety Defect.

OMB Control Number: 1625-0071.

Summary: The collection of information provides a means for consumers who believe their recreational boats or designated associated equipment contain substantial risk defects or fail to comply with Federal safety standards to report the deficiencies to the Coast Guard for investigation and possible remedy.

Need: 46 U.S.C. 4310 gives the Coast Guard the authority to require manufacturers of recreational boats and certain items of designated associated equipment to notify owners and remedy: (1) defects that create a substantial risk of personal injury to the public; and (2) failures to comply with applicable Federal safety standards.

Respondents: Owners and users of recreational boats and items of designated associated equipment.

Frequency: One time.

Burden Estimate: The estimated burden hours has increased from 10 hours to 13.2 hours a year.

Dated: March 10, 2006.

R.T. Hewitt,

*Rear Admiral, U.S. Coast Guard, Assistant
Commandant for Command, Control,
Communications, Computers and
Information Technology.*

[FR Doc. E6-3939 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2006-24126]

Collection of Information Under Review by Office of Management and Budget: OMB Control Number 1625- 0080

AGENCY: Coast Guard, DHS.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to seek the approval of OMB for the renewal of one Information Collection Request (ICR). The ICR is 1625-0080, Customer Satisfaction Surveys. Before submitting the ICR to OMB, the Coast Guard is inviting comments on it as described below.

DATES: Comments must reach the Coast Guard on or before May 16, 2006.

ADDRESSES: To make sure that your comments and related material do not enter the docket [USCG-2006-24126] more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation (DOT), room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001.

(2) 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.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, 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 on the Internet at <http://dms.dot.gov>.

Copies of the complete ICR are available through this docket on the Internet at <http://dms.dot.gov>, and also from Commandant (CG-611), U.S. Coast Guard Headquarters, (Attn: Mr. Arthur Requina), 1900 Half Street, SW., Washington, DC 20593-0001. The telephone number is 202-475-3523.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requina, Office of Information Management, telephone 202-475-3523, or fax 202-475-3929, for questions on this document; or telephone Ms. Renee V. Wright, Program Manager, Docket Operations, 202-493-0402, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to respond to this request for comments by submitting comments and related materials. We will post all comments received, without change, to <http://dms.dot.gov>; they will include any personal information you have provided. We have an agreement with DOT to use the Docket Management Facility. Please see the paragraph on DOT's "Privacy Act Policy" below.

Submitting comments: If you submit a comment, please include your name and address, identify the docket number [USCG-2006-24126], indicate the specific section of the document to which each comment applies, and give the reason for each comment. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or 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 that 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. We may change the documents supporting this collection of information or even the underlying requirements in view of them.

Viewing comments and documents: To view comments, as well as documents mentioned in this notice as being available in the docket, go to <http://dms.dot.gov> at any time and conduct a simple search using the docket number. You may also visit the Docket Management Facility in room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in 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 the Privacy Act Statement of DOT in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

Information Collection Request

Title: Customer Satisfaction Surveys.
OMB Control Number: 1625-0080.
Summary: Executive Order 12862 authorizes the Coast Guard to survey

customers to determine the kind and quality of services they want and their level of satisfaction with existing services.

Need: Putting people first means ensuring that the Federal Government provides the highest-quality of service possible to the American people. Executive Order 12862 requires that all executive departments and agencies providing significant services directly to the public seek to meet established standards of customer service and (1) identify the customers who are, or should be, served by the agency and (2) survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services.

Respondents: Recreational boaters, commercial mariners, industry groups, and State and local governments.

Frequency: On occasion.

Burden Estimate: The estimated burden remains at 5,847 hours a year.

Dated: March 10, 2006.

R.T. Hewitt,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E6-3940 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1630-DR]

Idaho; Major Disaster and Related Determinations

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

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Idaho (FEMA-1630-DR), dated February 27, 2006, and related determinations.

DATES: *Effective Date:* February 27, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 27, 2006, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency

Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Idaho, resulting from severe storms and flooding from December 30, 2005, through and including January 4, 2006, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Idaho.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Director, under Executive Order 12148, as amended, Dennis Hunsinger, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Idaho to have been affected adversely by this declared major disaster:

Owyhee County for Public Assistance.

All counties within the State of Idaho are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public

Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Acting Director, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–3893 Filed 3–16–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1604–DR]

Mississippi; Amendment No. 13 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi (FEMA–1604–DR), dated August 29, 2005, and related determinations.

DATES: *Effective Date:* March 7, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 7, 2006, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act), in a letter to R. David Paulison, Acting Director, Federal Emergency Management Agency, Department of Homeland Security, as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from Hurricane Katrina, from August 29–October 14, 2005, is of sufficient severity and magnitude that special cost-sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206.

Therefore, in order to support the completion of previously approved plans for the removal of debris covered by the Stafford Act, I amend my declarations of August 29, 2005, September 1, 2005, October 22, 2005, November 19, 2005, and December 21, 2005, to authorize Federal funds for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance, under the Public Assistance program at 100 percent of total eligible costs through and including June 30,

2006. Effective July 1, 2006, the Federal funding for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance, under the Public Assistance program will be authorized at 90 percent of total eligible costs.

Please notify Governor Barbour and the Federal Coordinating Officer of this amendment to my major disaster declaration.

This cost share is effective as of the date of the President's major disaster declaration.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Acting Director, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–3894 Filed 3–16–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–200–06–5230–PH–1000–241A]

Temporary Emergency Road Closure, Sonoran Desert National Monument, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary road closure.

SUMMARY: This notice is to inform the public that the Bureau of Land Management (BLM) intends to temporarily close an un-maintained, dirt-surfaced vehicle route in the Sonoran Desert National Monument to all travel by motor vehicles. The vehicle route affected by this temporary closure traverses public lands in T. 4 S., R. 2 W., sections 26, 27, and 35, and T. 5 S., R. 2 W., sections 2, 11, and 12 (Gila and Salt River Meridian) and is approximately 4.4 miles in length. The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure: Employees of the BLM, Arizona Game and Fish Department, and local and Federal law enforcement and fire protection personnel. Access by additional parties may be allowed, but

must be approved in advance in writing by the Sonoran Desert National Monument Manager. Any person who fails to comply with the provisions of this closure may be subject to penalties outlined in 43 CFR 8360.0-7.

DATES: The closure will be in effect during the period March 17, 2006 through April 5, 2006.

FOR FURTHER INFORMATION CONTACT: Karen Kelleher, Manager; Sonoran Desert National Monument; 21605 North 7th Avenue; Phoenix, AZ 85027; (623) 580-5500.

SUPPLEMENTARY INFORMATION: The temporary road closure will provide for the safety of BLM staff and volunteers engaged in reclamation work adjacent to the vehicle route, reduce exposure to the high volumes of dust generated by the passage of vehicles on this route, and assure that the reclamation work will not be outpaced by ongoing off-highway-vehicle (OHV) damage originating from this vehicle route. The temporary closure and reclamation work will allow for the reclamation of damage to soils and vegetation caused by OHV use, and for restoration of scenic values of the SNDM. The temporary closure will not restrict vehicle access to the eastern boundary of the North Maricopa Mountains Wilderness or to the Butterfield Trail. Prior to and during the closure, the closed route will be posted with signs advising of the purpose and duration of the closure and of the reclamation project.

Dated: February 16, 2006.

Karen Kelleher,

Manager, Sonoran Desert National Monument.

[FR Doc. E6-3902 Filed 3-16-06; 8:45 am]

BILLING CODE 4310-32-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-030-06-1232-EA-NV15]

Temporary Closure of Public Lands During Competitive Special Recreation Permitted Events: Nevada, Carson City Field Office; Closure Number: NV-030-06-002

AGENCY: Bureau of Land Management, Interior.

ACTION: Temporary closure of affected public lands in Lyon, Storey, Churchill, Carson, Douglas, Mineral, Washoe, Nye, Lincoln and Esmeralda Counties.

SUMMARY: The Bureau of Land Management (BLM), Carson City Field Office, announces the temporary closure of selected public lands under its

administration in Lyon, Storey, Churchill, Carson, Douglas, Mineral, Washoe, and Nye Counties. By agreement with the Ely and Battle Mountain Field Offices the Tonopah Field Station and the Humboldt-Toiyabe National Forest, those lands affected by the Vegas to Reno OHV Race in Lincoln, Nye and Esmeralda Counties are included in this closure. This action is taken to provide for public and participant safety and to protect adjacent natural and cultural resources during the conduct of permitted special recreation events.

EFFECTIVE DATES: March through November 2006. Events may be canceled or rescheduled with short notice due to weather, sudden change in resource conditions, emergency actions, or at the discretion of the authorizing officer.

FOR FURTHER INFORMATION CONTACT: Fran Hull, Outdoor Recreation Planner, Carson City Field Office, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, Nevada 89701, Telephone: (775) 885-6161.

SUPPLEMENTARY INFORMATION: This notice applies to public lands directly affected by and adjacent to competitive special events for which a BLM Special Recreation Permit (SRP) has been authorized. Examples of events include: motorized Off Highway Vehicle (OHV) races, mountain bike races; horse endurance rides and dog trials. Race and ride events are conducted along dirt roads, trails, and washes approved for such use. One or more events occur monthly from March through November. Unless otherwise posted, race closure periods are from 5 a.m. race day until race finish or until the event has cleared between affected check point locations. Closures may occupy 2 to 24 hour periods. The general public will be advised of event and closure specifics via on-the-ground signage, public letters, e-mail, or local newspaper notices. The public may call to confirm or discuss closures at anytime prior to an announced event date. Locations commonly used for permitted events include, but are not limited to:

1. Lemmon Valley MX Area—Washoe Co., T. 21 N., R. 19 E., Sec. 8.
2. Hungry Valley Recreation Area—Washoe Co., T. 21-23 N., R. 20 E.
3. Pine Nut Mountains—Carson, Douglas & Lyon Counties: T. 11-16 N., R. 20-24 E.
4. Virginia City/Jumbo Areas—Storey and Washoe Counties: T. 16-17 N., R. 20-21 E.
5. Yerington/Weeks Areas—Lyon Co.: T. 12-16 N., R. 23-27 E.

6. Fallon Area (Including Sand Mtn.)—Churchill Co.: T. 14-18 N., R. 27-32 E.

7. Hawthorne Area—Mineral County: T. 5-14 N., R. 31½-36 E.

8. Vegas to Reno OHV Race Route: Lincoln, Nye, Esmeralda, Mineral, Churchill, and Lyon Counties: From Maynard Lake to Dayton, Nevada—approximately 575 miles in the vicinity of Highway 95.

Marking and effect of closure: BLM lands to be temporarily closed to public use include the length, width and certain lands adjacent to those roads, trails or areas identified as the race route or event area by colorful flagging, chalk arrows in the dirt and directional arrows attached to wooden stakes. The authorized applicants or their representatives are authorized and required to post warning signs, control access to, and clearly mark the event routes, common access roads and road crossings during closure periods.

Spectator and support vehicles may be driven on open roads only. Spectators may observe motorized race events from specified locations (such as designated spectator, pit and check point areas) or as directed by event and agency officials.

Other permitted and recreational uses generally affected by a Temporary Closure include: Road and trail uses for livestock management and mineral exploration, utility maintenance, casual public land exploration, camping, hunting, or shooting of any kind of weapon including paint ball.

Exceptions: Closure restrictions do not apply to race officials, medical/rescue, law enforcement, and agency personnel monitoring the events.

Authority: 43 CFR 8364.1 and 43 CFR, part 2930.

Penalties. Any person failing to comply with the closure orders may be subject to imprisonment for not more than 12 months, or a fine in accordance with the applicable provisions of 18 U.S.C. 3571, or both.

Dated: February 16, 2006.

Donald T. Hicks,

Manager, Carson City Field Office.

[FR Doc. E6-3904 Filed 3-16-06; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[NV-030-5700-BX; Closure Notice No. NV-030-06-001]

Notice of Temporary Closure of Public Lands: Washoe County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice to the public of temporary closure on public lands administered by the Bureau of Land Management, Carson City Field Office, Nevada.

SUMMARY: Pursuant to 43 CFR 8364.1 notice is hereby given that certain public lands will be temporarily closed to all public use located in Washoe County, Nevada. This action is being taken to provide for public safety during the 2006 Pylon Racing Seminar and 2006 Reno National Championship Air Races.

DATES: Closure to all public use from June 15 through June 18, 2006, and September 10 through September 17, 2006 (24 hrs. a day).

ADDRESSES: A map showing these temporary closures, restrictions, and prohibitions is available from the following BLM office: Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701.

FOR FURTHER INFORMATION CONTACT: Charles P. Pope, Assistant Manager, Nonrenewable Resources, Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701. Telephone (775) 885-6000.

SUPPLEMENTARY INFORMATION: This closure applies to all public use, including pedestrian use and vehicles. The public lands affected by this closure are described as follows:

Mt. Diablo Meridian

T. 21 N., R. 19 E.,
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 16, N $\frac{1}{2}$ and SW $\frac{1}{4}$.
Aggregating approximately 680 acres.

The above restrictions do not apply to emergency or law enforcement personnel or event officials. Persons who violate this closure order are subject to arrest and, upon conviction, may be fined not more than \$1,000 and/or imprisoned for not more than 12 months.

Dated: January 31, 2006.

Charles P. Pope,

Assistant Manager, Nonrenewable Resources, Carson City Field Office.

[FR Doc. E6-3903 Filed 3-16-06; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR**Minerals Management Service****Minerals Management Service Panel Discussion Regarding Implementation of the Energy Policy Act of 2005**

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of panel discussion.

SUMMARY: This notice announces a panel discussion regarding implementation of the Energy Policy Act of 2005 (Act). The panel discussion, entitled "The Energy Policy Act of '05—What Lies Ahead," will be conducted April 25, 2006, in Houston, Texas. The intent of the panel discussion is to bring together some of the leading experts from the Department of the Interior who are responsible for implementing the provisions of the Act. The panel will discuss major provisions of the Act and will provide the latest implementation status regarding the provisions, including alternate energy related uses on the outer continental shelf (OCS); coastal impact assistance; royalty incentives; royalty credits; and streamlined oil and gas permit processing.

This panel discussion is being held in conjunction with the Eighth Annual Industry Awards Program, which honors exceptional mineral revenue reporting, commendable corporate leadership practices, and excellent safety records. The panel discussion is free of charge. Cost of the awards program and luncheon is \$50, and MMS encourages interested persons to register and pay online by credit card for the awards program and luncheon. All attendees should register by Friday, April 14, 2006. Information about the event, registration, hotel reservations, and award selection criteria is available at the following Web site: <http://www.mms.gov/awards>.

DATES: Tuesday, April 25, 2006. Panel hours are 8:30 a.m. to 11 a.m., central time. The awards program, including luncheon, is scheduled from 11:30 a.m. to 2 p.m.

ADDRESSES: InterContinental Houston Hotel, 2222 West Loop-South, Houston, Texas, 77027, telephone (713) 627-7600.

FOR FURTHER INFORMATION CONTACT: Gina Dan, Minerals Revenue Management, Minerals Management Service, P.O. Box 25165, MS 300B2, Denver, Colorado, 80225-0165, telephone number (303) 231-3392, fax number (303) 231-3780, e-mail gina.dan@mms.gov.

SUPPLEMENTARY INFORMATION: The Act was passed by Congress and signed by

the President in August 2005. The Act expands the authority of the Secretary beyond oil, gas, and minerals to include all energy-related activities, including wind and solar, and wave in the OCS. The intention of the Act is to help increase renewable and traditional energy production offshore, as well as onshore. Other provisions of the Act include coastal impact assistance, royalty incentives, royalty credits, and streamlined oil and gas permitting processes.

The panel discussion will bring together experts from the MMS and the Bureau of Land Management to discuss the major provisions of the Act, provide the implementation status of those provisions, and discuss what lies ahead as a result of the Act.

Dated: February 28, 2006.

Lucy Querques Denett,

Associate Director for Minerals Revenue Management.

[FR Doc. E6-3854 Filed 3-16-06; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR**National Park Service****Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and U.S. Department of the Interior, National Park Service, Mesa Verde National Park, Mesa Verde, CO**

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is here given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and the possession of the U.S. Department of the Interior, National Park Service, Mesa Verde National Park, Mesa Verde, CO. The human remains were removed from San Juan County, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal Agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Bureau of Indian Affairs and Mesa Verde National Park professional staff identified the cultural items and

assessed the cultural affiliation of the cultural items in consultation with representatives of the Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico, & Utah; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, & Utah; and Zuni Tribe of the Zuni Reservation, New Mexico. The Pueblo of San Felipe, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; and Ysleta Del Sur Pueblo of Texas were unable to attend the Native American consultation meetings, but they requested and received the minutes of these proceedings.

In 1936, human remains representing a minimum of one individual were removed from an area on the Navajo Reservation west of Shiprock, San Juan County, NM, by U.S. Commissioner J.H. Jackson. Osteological data cannot conclusively identify cultural affiliation. No known individual was identified. No associated funerary objects are present.

Officials of the Bureau of Indian Affairs have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Bureau of Indian Affairs also determined that, pursuant to 25 U.S.C. 3001 (2), a relationship of shared group identity cannot reasonably be traced between the Native American human remains and any present-day Indian tribe. Lastly, officials of the Bureau of Indian Affairs determined that the physical remains of the one individual of Native American ancestry are culturally unidentifiable.

The Native American Graves Protection and Repatriation Review Committee (Review Committee) is responsible for recommending specific actions for disposition of culturally unidentifiable human remains. In February 2006, Mesa Verde National Park requested that the Review Committee recommend repatriation of 25 culturally unidentifiable human remains, including one set of culturally unidentifiable human remains under the

control of the Bureau of Indian Affairs, to the Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico, & Utah; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta Del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. These 22 Indian tribes had requested the human remains and have demonstrated a cultural relationship to the region. The Review Committee considered the proposal at its March 3, 2006 meeting via teleconference, and recommended disposition of the human remains to the Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico, & Utah; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta Del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico.

A March 3, 2006, letter from the Designated Federal Official on behalf of the chair of the Review Committee to the Bureau of Indian Affairs transmitted the Review Committee's recommendation that the Agency effect disposition of the physical remains of the one culturally unidentifiable individual to the 22 Indian tribes listed above contingent on the publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Dr. Donald Sutherland, Bureau of Indian Affairs, 2051 Mercator Drive, Reston, VA 20191, (703) 390-6470, before April 17, 2006. Disposition of the

human remains to the Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico, & Utah; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta Del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico, may proceed after that date if no additional claimants come forward.

The Bureau of Indian Affairs is responsible for notifying the Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico, & Utah; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta Del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: March 13, 2005

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 06-2624 Filed 3-16-06; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF JUSTICE

**National Drug Intelligence Center;
Agency Information Collection
Activities: Proposed Collection;
Comments Requested**

ACTION: 60-day Notice of Information Collection under Review; National Drug Threat Survey.

The United States Department of Justice, National Drug Intelligence Center (NDIC) 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 May 16, 2006. This process is in accordance with 5 CFR 1320.10.

If you have any comments, especially on the estimated public burden or associated response time, or suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact, Mr. Michael Walther, National Drug Intelligence Center, Fifth Floor, 319, Washington Street, Johnstown, PA 15901.

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 collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumption 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:* National Drug Threat Survey.

(3) *Agency form number, if any and the applicable component of the Department of Justice sponsoring the collection:* NDIC Form A-34c, National Drug Intelligence Center.

(4) *Affected public who will be asked to respond, as well as a brief abstract:*

Primary: Federal, State, and Local law enforcement agencies. This survey is a critical component of the National Drug Threat Assessment. It provides direct access to detailed drug offense data from state and local law enforcement agencies.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 3,476 respondents who will each require an average of 20 minutes to respond.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual public burden hours associated with this information collection is estimated to be 1,158 hours.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, 601 D Street, NW., Washington, DC 20530.

Dated: March 13, 2006.

Brenda E. Dyer,

Department Clearance Officer, United States Department of Justice.

[FR Doc. E6-3858 Filed 3-16-06; 8:45 am]

BILLING CODE 4410-DC-P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities; Proposed Collection, Comments Requested

ACTION: 60-day Notice of Information Collection under Review; Customer Satisfaction Assessment.

The Department of Justice, Federal Bureau of Investigation, Laboratory Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until May 16, 2006. This process is conducted in accordance with 5 CFR 1320.10.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Robert B. Stacey, Quality Manager, FBI Laboratory, 2501 Investigation Parkway, Quantico, Virginia 22135.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including the use of automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

1. *Type of information collection:* New Collection.

2. *The title of the form/collection:* Customer Satisfaction Assessment.

3. *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form FD-1000, Laboratory Division, Federal Bureau of Investigation, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary—Local and state law enforcement agencies. This collection is needed to evaluate the quality of services provided by the FBI Laboratory.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that there will be 5,000 respondents at 5 minutes per form.

6. *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 416 hours annual burden associated with this information collection.

If additional information is required contact: Ms. Brenda E. Dyer, Department Deputy Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: March 13, 2006.

Brenda E. Dyer,

*Department Clearance Officer, United States
Department of Justice.*

[FR Doc. E6-3859 Filed 3-16-06; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Mobile Enterprise Alliance, Inc.

Notice is hereby given that, on February 22, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Mobile Enterprise Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Tango Networks, Plano, TX and Traverse Networks, Newark, CA have been added as parties to this venture. Also, Intel Corporation, Santa Clara, CA has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Mobile Enterprise Alliance, Inc. intends to file additional written notification disclosing all changes in membership.

On June 24, 2004, Mobile Enterprise Alliance, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 23, 2004 (69 FR 44062).

The last notification was filed with the Department on December 5, 2005. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 22, 2005 (70 FR 76079).

Dorothy B. Fountain,

*Deputy Director of Operations, Antitrust
Division.*

[FR Doc. 06-2590 Filed 3-16-06; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Semiconductor Test Consortium, Inc.

Notice is hereby given that, on February 21, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Semiconductor Test Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, From 30, Gyenoggi-do, REPUBLIC OF KOREA; ESMA AG, Rosenheim, GERMANY; and Macquarie Electronics, San Diego, CA have been added as parties to this venture. Also Aeroflex, Wichita, KS; and ESI, Portland, OR have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Semiconductor Test Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On May 27, 2003, Semiconductor Test Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 17, 2003 (68 FR 35913).

The last notification was filed with the Department on September 8, 2005. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 6, 2005 (70 FR 58473).

Dorothy B. Fountain,

*Deputy Director of Operations, Antitrust
Division.*

[FR Doc. 06-2589 Filed 3-16-06; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

March 13, 2006.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202-693-4129 (this is not a toll-free number) or e-mail: king.darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employee Benefits Security Administration (EBSA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employee Benefits Security Administration.

Type of Review: Extension of currently approved collection.

Title: ERISA Procedure 76-1; Advisory Opinion Procedure.

OMB Number: 1210-0066.

Frequency: On occasion.

Type of Response: Reporting.

Affected Public: Business or other for-profit; Individuals or households; and Not-for-profit institutions.

Number of Respondents: 83.

Number of Annual Responses: 83.
Estimated Time Per Respondent:
approximately 10 hours.

Total Burden Hours: 855.

Total Annualized capital/startup costs: \$0.

Total Annual Costs (operating/maintaining systems or purchasing services): \$50,791.

Description: Under the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (ERISA), the Department of Labor (Department) has responsibility to administer the reporting, disclosure, fiduciary and other standards for pension and welfare benefit plans. In 1976, the Department issued ERISA Procedure 76-1, Procedure for ERISA Advisory Opinions (ERISA Procedure), in order to establish a public process for requesting guidance from the Employee Benefits Security Administration (EBSA) on the application of ERISA to particular circumstances. The ERISA Procedure sets forth specific administrative procedures for requesting either an advisory opinion or an information letter and describes the types of questions that may be submitted. As part of the ERISA Procedure, requesters are instructed to provide information to EBSA concerning the circumstances governing their request. EBSA relies on the information provided by the requester to analyze the issue presented and provide guidance. The ERISA Procedure has been in use since 1976, and the Department has issued hundreds of advisory opinions and information letters under its rules.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. E6-3919 Filed 3-16-06; 8:45 am]

BILLING CODE 4510-29-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (06-018)]

Aerospace Safety Advisory Panel Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Friday, April 7, 2006, 12:30 p.m. to 2:30 p.m. Eastern Daylight Time.

ADDRESSES: National Aeronautics and Space Administration Headquarters, 300

E. Street, SW, Room 7H45, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John D. Marinaro, Aerospace Safety Advisory Panel Executive Director, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-0914.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel will hold its Quarterly Meeting. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The major subjects covered will be NASA organizational areas of interest as they relate to safety. The meeting will be open to the public up to the seating capacity of the room (40).

Seating will be on a first-come basis. Please contact Ms. Susan Burch on (202) 358-0914 at least 24 hours in advance to reserve a seat. Visitors will be requested to sign a visitor's register and asked to comply with NASA security requirements, including the presentation of a valid picture ID before receiving an access badge. Foreign Nationals attending this meeting will be required to provide the following information: Full name; gender; date/place of birth; citizenship; Green card/visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, phone); and title/position of visitor. To expedite admittance, attendees can provide identifying information in advance by contacting Ms. Susan Burch via e-mail at Susan.Burch@nasa.gov or by telephone at (202) 358-0914.

Photographs will only be permitted during the first 10 minutes of the meeting. During the first 30 minutes of the meeting, members of the public may make a 5-minute verbal presentation to the Panel on the subject of safety in NASA. To do so, please contact Ms. Susan Burch on (202) 358-0914 at least 24 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA.

Dated: March 13, 2006.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. E6-3918 Filed 3-16-06; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that two meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows:

NEA Jazz Masters, Panel B (application review)—March 29, 2006, from 3 p.m. to 4 p.m. (EST). This meeting will be closed.

Folk & Traditional Arts (application review)—April 7, 2006, from 11 a.m. to 11:30 a.m. (EST). This meeting will be closed.

Closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of April 8, 2005, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: March 13, 2006.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. E6-3847 Filed 3-16-06; 8:45 am]

BILLING CODE 7537-01-P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR part 140, "Financial Protection Requirements and Indemnity Agreements."

2. *Current OMB approval number:* 3150-0039.

3. *How often the collection is required:* As necessary in order for NRC to meet its responsibilities called for in sections 170 and 193 of the Atomic Energy Act of 1954, as amended (the Act).

4. *Who is required or asked to report:* Licensees authorized to operate reactor facilities in accordance with 10 CFR part 50 and licensees authorized to construct and operate a uranium enrichment facility in accordance with 10 CFR parts 40 and 70.

5. *The number of annual respondents:* 91.

6. *The number of hours needed annually to complete the requirement or request:* 1,307.

7. *Abstract:* 10 CFR part 140 of the NRC's regulations specifies information to be submitted by licensees to enable the NRC to assess (a) the financial protection required of licensees and for the indemnification and limitation of liability of certain licensees and other persons pursuant to section 170 of the Atomic Energy Act of 1954, as amended, and (b) the liability insurance required of uranium enrichment facility licensees pursuant to section 193 of the Atomic Energy Act of 1954, as amended.

Submit, by May 16, 2006, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft 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 about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-7233, or by Internet electronic mail to INFOCOLLECTS@NRC.GOV.

Dated at Rockville, Maryland, this 10th day of March 2006.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. E6-3920 Filed 3-16-06; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-390]

Tennessee Valley Authority; Watts Bar Nuclear Plant, Unit 1; Exemption

1.0 Background

Tennessee Valley Authority (TVA, the licensee) is the holder of Facility Operating License No. NPF-90, which authorizes operation of Watts Bar Nuclear Plant (WBN), Unit 1. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC) now or hereafter in effect. The facility consists of one pressurized-water reactor located in Rhea County, Tennessee.

2.0 Request/Action

Sections IV.F.2.b and c of Appendix E to Title 10 of the Code of Federal Regulations (10 CFR) Part 50 require the licensee at each site to conduct an exercise of its onsite emergency plan and of its offsite emergency plans biennially with full or partial participation by each offsite authority having a role under the plan. During such biennial exercises, the NRC evaluates onsite and the Federal Emergency Management Agency (FEMA) evaluates offsite emergency preparedness activities, including interaction with the various State and local emergency management agencies. TVA successfully conducted an exercise at WBN during the week of November 5, 2003.

The licensee had scheduled a plume exposure pathway exercise for November 2, 2005, however, due to Hurricane Katrina, the Tennessee Emergency Management Agency (TEMA) was unable to support the exercise. Under the current regulations, the licensee would have had until December 31, 2005, to complete their next exercise. Instead, the licensee will conduct an evaluated exercise on June 7, 2006. Future exercises will be scheduled biennially from the year 2005.

The Commission, pursuant to 10 CFR 50.12(a)(1), may grant exemptions from the requirements of 10 CFR Part 50 that are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security. The Commission, however, pursuant to 10 CFR 50.12(a)(2), will not consider granting an exemption unless special circumstances are present. Under 10 CFR 50.12(a)(2)(ii), special circumstances are present when application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

3.0 Discussion

The underlying purpose for conducting a biennial exercise is to ensure that emergency organization personnel are familiar with their duties and to test the adequacy of emergency plans. In order to accommodate the scheduling of exercises, the NRC has allowed licensees to schedule the exercises at any time during the calendar biennium. Conducting the WBN exercise in calendar year 2006 places the exercise past the previously scheduled biennial calendar year of 2005.

Since the last exercise conducted at WBN on November 5, 2003, WBN has conducted four training drills, a full scale plume phase off-year exercise on November 3, 2004, and an integrated training drill on September 28, 2005. The NRC staff considers the intent of this requirement is met by having conducted these series of exercises and drills. The NRC staff considers that these measures are adequate to maintain an acceptable level of emergency preparedness during this period, satisfying the underlying purpose of the

rule. Therefore, the special circumstances of 10 CFR 50.12(a)(2)(ii) are satisfied.

Only temporary relief from the regulation is provided by the requested exemption since WBN will resume their normal biennial exercise schedule in 2007. The licensee has made a good faith effort to comply with the regulation. The exemption is being sought by the licensee in response to a request by TEMA to postpone the exercise. TEMA was unable to support the original schedule for the exercise due to a series of severe weather events. FEMA stated, "Based on the impact that the response to Hurricane Katrina had on the State of Tennessee, we are agreeing to the postponement of the Watts Bar Nuclear Plant exercise until June 2006."

The NRC staff, having considered the schedule and resource issues with those agencies that participate in and evaluate the offsite portion of the exercises, concludes that the licensee made a good faith effort to meet the requirements of the regulation. The NRC staff, therefore, concludes that the exemption request meets the special circumstances of 10 CFR 50.12(a)(2)(v) and should be granted.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants TVA an exemption from the requirements of 10 CFR Part 50, Appendix E, Sections IV.F.2.b and c for WBN, Unit 1.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (70 FR 76470).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of December, 2005.

For the Nuclear Regulatory Commission.

Catherine Haney,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Licensing.

[FR Doc. E6-3924 Filed 3-16-06; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-04794]

Notice of Environmental Assessment Related to the Issuance of a License Amendment to Byproduct Material License No. 21-01443-06, for Unrestricted Release of a Former Facility for Warner-Lambert, LLC., Ann Arbor, MI

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT:

William Snell, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829-9871; fax number: (630) 515-1259; or by e-mail at wgs@nrc.gov.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to NRC Byproduct Materials License No. 21-01443-06, which is held by Warner-Lambert, LLC (licensee), which is a wholly-owned subsidiary of Pfizer, Inc. The amendment would authorize the unrestricted release of the licensee's former facility located at Building V, Domino Farms, 24 Frank Lloyd Wright Drive, Ann Arbor, Michigan. The NRC has prepared an Environmental Assessment in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the Environmental Assessment, the NRC has determined that a Finding of No Significant Impact is appropriate. The amendment to Warner-Lambert's license will be issued following the publication of this Environmental Assessment and Finding of No Significant Impact.

I. Environmental Assessment

Identification of Proposed Action

The proposed action would approve Warner-Lambert's request to amend its license and release the licensee's former facility for unrestricted use in accordance with 10 CFR Part 20, Subpart E. The proposed action is in accordance with Pfizer's request to the U.S. Nuclear Regulatory Commission (NRC) to amend the Warner-Lambert NRC Byproduct Material License by letters dated January 19, 2006 (ADAMS Accession No. ML060240154), and February 14, 2006 (ADAMS Accession

No. ML060480083). Warner-Lambert was first licensed to use byproduct materials at its Domino Farms facility on May 29, 1991. The licensee is authorized to use byproduct materials for activities involving in-vitro biochemical research. The majority of the licensee's operations involved the use of phosphorous-32 and iodine-125 in maximum quantities of 30 and 25 millicuries, respectively. Over the last several years hydrogen-3 and carbon-14 were used more frequently, in maximum concentrations of 100 millicuries. On January 31, 2006, Warner-Lambert completed removal of licensed radioactive material from the Building V, Domino Farms facility located at 24 Frank Lloyd Wright Drive, Ann Arbor.

The licensee conducted surveys of the facility and provided this information to the NRC to demonstrate that the radiological condition of the Building V, Domino Farms facility is consistent with radiological criteria for unrestricted use in 10 CFR Part 20, Subpart E. No radiological remediation activities are required to complete the proposed action.

Need for the Proposed Action

The licensee is requesting this license amendment because it has moved out of the Building V facility located at 24 Frank Lloyd Wright Drive, and is conducting licensed activities at another location. The NRC is fulfilling its responsibilities under the Atomic Energy Act to make a decision on the proposed action for decommissioning that ensures that residual radioactivity is reduced to a level that is protective of the public health and safety and the environment, and allows the facility to be released for unrestricted use.

Environmental Impacts of the Proposed Action

The NRC staff reviewed the information provided and surveys performed by the licensee to demonstrate that the release of the Building V, Domino Farms facility is consistent with the radiological criteria for unrestricted use specified in 10 CFR 20.1402. Based on its review, the staff determined that there were no radiological impacts associated with the proposed action because no radiological remediation activities were required to complete the proposed action, and that the radiological criteria for unrestricted use in § 20.1402 have been met.

Based on its review, the staff determined that the radiological environmental impacts from the proposed action for the Building V, Domino Farms facility are bounded by

the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities" (NUREG-1496). Additionally, no non-radiological or cumulative impacts were identified. Therefore, the NRC has determined that the proposed action will not have a significant effect on the quality of the human environment.

Alternatives to the Proposed Action

The only alternative to the proposed action of releasing the licensee's former Building V, Domino Farms facility located at 24 Frank Lloyd Wright Drive for unrestricted use is to take no action. Under the no-action alternative, the licensee's facility would remain under an NRC license and would not be released for unrestricted use. Denial of the license amendment request would result in no change to current conditions at the Building V, Domino Farms facility. The no-action alternative is not acceptable because it is inconsistent with 10 CFR 30.36, which requires licensees who have ceased licensed activities to begin decommissioning activities or submit a decommissioning plan, which upon approval, will be used to conduct decommissioning activities. This alternative would impose an unnecessary regulatory burden in controlling access to the former Building V, Domino Farms facility, and limit potential benefits from the future use of the facility.

Conclusion

The NRC staff concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

Agencies and Persons Consulted

The NRC staff has determined that the proposed action will not affect listed species or critical habitats. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. Likewise, the NRC staff has determined that the proposed action is not a type of activity that has potential to cause effect on historic properties. Therefore, consultation under Section 106 of the National Historic Preservation Act is not required.

The NRC consulted with the Michigan Department of Environmental Quality (DEQ). The Michigan DEQ, Waste and Hazardous Materials Division,

Radiological Protection and Medical Waste Section was provided the draft EA for comment on February 23, 2006. Mr. Bob Skowronek, Chief, Radioactive Material and Medical Waste Unit, with the Michigan DEQ, responded to the NRC by telephone on February 24, 2006, indicating that the State had no comments regarding the NRC Environmental Assessment for the release of the Warner-Lambert, Building V, Domino Farms facility.

II. Finding of No Significant Impact

On the basis of the EA in support of the proposed license amendment to release the site for unrestricted use, the NRC has determined that the proposed action will not have a significant effect on the quality of the human environment. Thus, the NRC has not prepared an environmental impact statement for the proposed action.

III. 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. If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov. The documents and ADAMS accession numbers related to this notice are:

1. Carol Lentz, Pfizer, Inc., letter to Patricia Pelke, U.S. Nuclear Regulatory Commission, January 19, 2006 (ADAMS Accession No. ML060240154).
2. Carol Lentz, Pfizer, Inc., letter to Patricia Pelke, U.S. Nuclear Regulatory Commission, February 14, 2006 (ADAMS Accession No. ML060480083).
3. U.S. Nuclear Regulatory Commission, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," NUREG-1748, August 2003.
4. U.S. Nuclear Regulatory Commission, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities," NUREG-1496, August 1994.
5. NRC, NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volumes 1-3, September 2003.

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 Lisle, Illinois, this 9th day of March 2006.

For the Nuclear Regulatory Commission.

James L. Cameron,

Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region III.

[FR Doc. E6-3921 Filed 3-16-06; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Notice of Issuance of Final Design Approval and Final Safety Evaluation Report, Supplement 1, for AP1000 Standard Plant Design; Westinghouse Electric Company, LLC

The U.S. Nuclear Regulatory Commission (NRC) has issued a revised final design approval (FDA) to Westinghouse for the AP1000 design under 10 CFR Part 52, Appendix O. This FDA allows the AP1000 design to be referenced in an application for a construction permit or an operating license under 10 CFR Part 50 or in an application for a combined license under 10 CFR Part 52. The FDA was revised to make it coterminous with the design certification rule that was issued on January 27, 2006, (Appendix D to 10 CFR Part 52). This FDA supersedes the FDA dated September 13, 2004.

The U.S. Nuclear Regulatory Commission has also issued Supplement 1 to the final safety evaluation report (FSER) related to the certification of the AP1000 standard plant design. The FSER (NUREG-1793) and Supplement 1 thereto supports issuance of the revised FDA.

A copy of the AP1000 FDA and Supplement 1 to the FSER have been placed in the NRC's Public Document Room for review and copying by interested persons.

Dated at Rockville, Maryland, this 10th day of March 2006.

For the Nuclear Regulatory Commission.

Laura A. Dudes,

Branch Chief, New Reactor Licensing Branch, Division of New Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E6-3926 Filed 3-16-06; 8:45 am]

BILLING CODE 7590-01-P

POSTAL RATE COMMISSION**Facility Tour**

AGENCY: Postal Rate Commission.

ACTION: Notice of Commission tour.

SUMMARY: Postal Rate Commissioners and advisory staff members will tour Bank of America Corporation mailing operations facilities in New Castle, Delaware on March 22, 2006.

DATES: March 22, 2006.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, general counsel, Postal Rate Commission, 202-789-6820.

Steven W. Williams,

Secretary.

[FR Doc. 06-2619 Filed 3-16-06; 8:45 am]

BILLING CODE 7710-FW-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53470; File No. SR-CBOE-2006-26]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Revise Position Limits for VIX Options

March 10, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on March 3, 2006, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed this proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder,⁴ which renders the proposed rule change effective upon filing with the commission.⁵ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ The Exchange requested the Commission to waive the five-day pre-filing notice requirement and the 30-day operative delay, as specified in Rule 19b-4(f)(6)(iii). 17 CFR 240.19b-4(f)(6)(iii).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing this rule change to clarify the position limits for the regular-size options on the CBOE Volatility Index® ("VIX"); the CBOE Nasdaq 100® Volatility Index ("VXN"); and the CBOE Dow Jones Industrial Average® Volatility Index ("VXD") to put them on a more equivalent level with the position limits for options on the underlying indexes, the SPX, NDX, and DJX.⁶ The proposed position limits would also be proportional to the position limits for the increased-value of VIX, VXN, and VXD. The text of the proposed rule change is available on the Exchange's Web site (<http://www.cboe.com>), at the Exchange's Office of the Secretary, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change**1. Purpose**

The Exchange received approval from the Commission to list and trade cash-settled, European-style options on (1) the regular-size VIX, VXN, and VXD⁷ (together, "Regular-Size Volatility Index Options") and (2) the increased-value versions of VIX, VXN, and VXD (together "Increased-Value Volatility Index Options").⁸ VIX, VXN, and VXD

⁶ Telephone Conference between Dave Doherty, Attorney, CBOE, and Florence E. Harmon, Senior Special Counsel, Division, Commission, on March 10, 2006.

⁷ See Securities Exchange Act Release No. 49563 (April 14, 2004), 69 FR 21589 (April 21, 2004) ("Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 Relating to Options on Certain CBOE Volatility Indexes"). As of the date of filing, the Exchange lists for trading VIX options (options on the regular size CBOE Volatility Index).

⁸ See Securities Exchange Act Release No. 49698 (May 13, 2004), 69 FR 29152 (May 20, 2004) ("Notice of Filing and Order Granting Accelerated

are calculated using real-time quotes of at-the-money and out-of-the-money nearby and second nearby index puts and calls of the S&P 500® Index (SPX), the Nasdaq 100® Index (NDX), and the Dow Jones Industrial Average® Index (DJX), respectively. Generally, volatility indexes provide investors with up-to-the-minute market estimates of expected volatility of the corresponding securities index that each particular volatility index tracks.

The Exchange originally sought and received approval for position and exercise limits of Regular-Size Volatility Index Options in the amount of 25,000 contracts on either side of the market, with no more than 15,000 of such contracts in series in the nearest expiration month. Given that there are no position limits for broad-based index option contracts on the DJX, NDX, OEX and SPX, the Exchange believes it is appropriate to increase the position limits for the Regular-Size VIX, VXN, and VXD to 250,000 position and exercise limits on either side of the market for each of those contracts, with no more than 150,000 of such contracts in series in the nearest expiration month. This is also consistent with limits applicable to the Increased-Value Volatility Index Options (which are 25,000 contracts on either side of the market, with no more than 15,000 of such contracts in series in the nearest expiration month).

The Exchange states that increasing the Regular-Size Volatility Index Options position limit from 25,000 contracts to 250,000 contracts would have no effect on the monetary value of the portfolio that could be controlled by a particular person or firm as compared to the Increased Value Volatility Index Options. The Exchange also stated that this also is consistent with previous filings in which the Exchange introduced reduced-value versions of other broad-based indexes.⁹ The

Approval of a Proposed Rule change by [CBOE] Relating to Options on Certain CBOE Volatility Indexes"). The increased-value version of VIX, VXN, and VXD will be calculated by simply multiplying the corresponding value of the VIX, VXN, and VXD, respectively, by ten. To illustrate, where the index level of the VIX would be 12.10, the increased-value VIX will have an index value of 121.00 (ten times 12.10). Similarly, the index level of the increased-value versions of the VXN and the VXD always will be ten times the index level of the VXN and the VXD, respectively. As of the date of filing, the Exchange has not listed for trading Increased-Value Volatility Index Options.

⁹ See SR-CBOE-2000-15 (Securities Exchange Act Release No. 43000 (June 30, 2000), 65 FR 42409 (July 10, 2000) ("Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 by [CBOE] Relating to a Reduction in the Value of the Nasdaq 100 Stock Index") and SR-CBOE-2004-89 (Securities

Exchange notes that pursuant to current CBOE Rule 24.4(d), positions in Regular-Size Volatility Index Options (up to 250,000 contracts) and each of their respective Increased-Value Volatility Index Options (up to 25,000 contracts) would be aggregated in order to determine compliance with position limits.

2. Statutory Basis

By placing position and exercise limits for Regular-Size Volatility Index Options on a more equivalent basis to the position limits of the underlying index options that such volatility indexes track and proportional to the position limits on the Increased-Size Volatility Index Options, the Exchange believes that this proposed rule change is consistent with Section 6(b) of the Act,¹⁰ in general, and further the objectives of Section 6(b)(5) in particular,¹¹ in that it should promote just and equitable principles of trade, serve to remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition 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 neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change, as amended, has become effective pursuant to Section 19(b)(3)(A) of the Act¹² and Rule 19b-4(f)(6) thereunder¹³ because the proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such

shorter time as the Commission may designate if consistent with the protection of investors and the public interest pursuant to Section 19(b)(3)(A) of the Act¹⁴ and Rule 19b-4(f)(6)¹⁵ thereunder.

The Exchange has requested that the Commission waive the five-day pre-filing notice requirement and the 30-day operative delay.¹⁶ The Commission is exercising its authority to waive the five-day pre-filing notice requirement and believes that the waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Acceleration of the operative delay would allow CBOE to implement the new position and exercise limits for Regular-Size Volatility Index Options immediately for the benefit of large volume traders of these options. For these reasons, the Commission designates the proposal to be effective and operative upon filing with the Commission.¹⁷

At any time within 60 days of the filing of the proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-CBOE-2006-26 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-CBOE-2006-26. This file

¹⁴ 15 U.S.C. 78s(b)(3)(A).

¹⁵ 17 CFR 240.19b-4(f)(6).

¹⁶ 17 CFR 240.19b-4(f)(6)(iii).

¹⁷ For the purposes only of waiving 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).

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 20549-1090. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. 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-CBOE-2006-26 and should be submitted on or before April 7, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁸

Nancy M. Morris,
Secretary.

[FR Doc. E6-3899 Filed 3-16-06; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53471; File No. SR-DTC-2005-21]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving Proposed Rule Change To Implement and Revise Fees Related to Non-Participant Services

March 13, 2006.

I. Introduction

On December 20, 2005, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") and on December 20, 2005, January 23, 2006, and January 25, 2006,¹ amended the proposed rule change SR-DTC-2005-21 pursuant to section 19(b)(1) of the

¹⁸ 17 CFR 200.30-3(a)(12).

¹ The proposed rule change filing was amended twice on January 25, 2006.

Exchange Act Release No. 51220 (February 17, 2005), 70 FR 9398 (February 25, 2005) ("Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto Relating to Reduced-Value Options on the Russell 2000 Stock Index").

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(5).

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(6).

Securities Exchange Act of 1934 ("Act").² Notice of the proposal as amended was published in the **Federal Register** on February 9, 2006.³ The Commission received no comment letters in response to the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description

DTC is (1) revising fees for special requests for Security Position Reports ("SPRs") and for weekly, monthly, and quarterly dividend record date SPR subscriptions,⁴ (2) revising existing fees for audit confirmations provided to issuers and their agents, and (3) implementing new fees for (a) audit confirmations for certificates of deposit ("CDs") provided to issuers and their agents and (b) access by transfer agents to DTC's imaging database.

Fees for Issuance of Security Position Reports

Several types of SPRs are available through DTC. These include: (1) Weekly reports showing daily closing positions during that week; (2) monthly reports showing closing positions on the last business day of the month; (3) quarterly dividend record date reports showing closing positions on the dividend record date; and (4) special requests showing closing positions for the date specified.

DTC charges fees for SPRs. Currently, the fee charged to issuers or trustees for weekly, monthly, and quarterly dividend record date SPR subscriptions is \$1,950, \$450, and \$150, respectively. The fee charged to issuers or trustees for special requests is \$85 per special request. The purpose of this filing is to formally seek Commission approval of these fees. Because DTC incurs significantly higher costs for the production of special request SPRs relative to the costs of producing reports by subscription and because DTC has determined that a fee increase is necessary to more fully recover costs associated with such production, DTC is increasing the fee charged to issuers or trustees for special request SPRs from \$85 to \$120 per special request. The increase will become effective on a date in the first quarter of 2006 to be announced by DTC upon the Commission's approval of this proposed rule change.

² 15 U.S.C. 78s(b)(1).

³ Securities Exchange Act Release No. 53219 (February 3, 2006), 71 FR 6800.

⁴ Weekly reports, monthly reports, and quarterly dividend record date reports are available by annual subscription only.

Fees Charged to Issuers/Agents

1. Audit Confirmations

DTC receives frequent requests from issuers and/or their agents for confirmations of audit information relating to securities held by DTC. In connection with the processing of such requests for audit confirmations, DTC currently charges a fee of \$10.00 per request containing up to and including five CUSIPs and \$2.13 for each CUSIP beyond the fifth CUSIP. DTC also receives requests from issuers and/or their agents for confirmations relating to information concerning CDs deposited at DTC. A fee is not currently charged to process these CD audit confirmation requests. Providing issuers and/or their agents with audit confirmation information requires the allocation of significant resources to process the requests resulting in considerable cost to DTC. To more fully recover the costs associated with such audit confirmation processing, DTC is (1) increasing fees related to processing of audit confirmations to \$22 per request for requests of up to and including five CUSIPs and an additional \$5.00 per item for each CUSIP beyond the fifth CUSIP and (2) implementing fees for CD confirmation requests that are identical to those for audit confirmation requests relating to securities. The proposed audit confirmation fees will be effective upon approval by the Commission.

2. Imaging

DTC frequently receives requests from transfer agents for access to DTC's security image database to obtain copies of certificates deposited at DTC. DTC incurs significant costs to maintain the database but currently does not charge transfer agents for access to the database. Therefore, in order to recover costs associated with this function, DTC is implementing a new subscription fee of \$350 per month for access to the DTC security image database. This fee will be effective upon approval by the Commission.⁵

III. Discussion

Section 19(b) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(D)

⁵ DTC has separately filed a proposed rule change (File No. SR-DTC-2005-22) with the Commission to impose a subscription fee in the same amount on participants who subscribe for access to the DTC security image database. Securities Exchange Act Release No. 53463 (March 10, 2006).

of the Act requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges.⁶ The Commission believes that DTC's rule change is consistent with this section because it will provide for the equitable allocation of reasonable dues, fees, and other charges among the users of DTC's services.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-DTC-2005-21) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁷

Nancy M. Morris,

Secretary.

[FR Doc. E6-3900 Filed 3-16-06; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53463; File No. SR-DTC-2005-22]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Revise Fee Schedule

March 10, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on December 22, 2005, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") and on February 22, 2006, amended 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 revise DTC's fee schedule.

⁶ 15 U.S.C. 78q-1(b)(3)(D).

⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

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

The purpose of the proposed rule change is to revise fees for certain services provided by DTC.

These changes include:³

(1) Elimination of fees charged for Mainframe Dual Host ("MDH") messaging and computer-to-computer ("CCF") file transfer services. The costs previously covered by these charges will be absorbed into the overall cost structure of the business lines affected (principally DTC Settlement and Asset Services) and will be covered by service fees.⁴

(2) Decreases to Settlement Services fees as part of DTC's continuing efforts to realign fees with costs.

(3) Restructuring of fees for Corporate Actions by charging fees per announcement and to compensate for the elimination of CCF charges.

(4) Increases in Custody and Asset Servicing, Underwriting, and Tax Services to realign fees with costs.

In addition, DTC is implementing certain disincentive fees to discourage activities which increase industry inefficiencies. These disincentive fees include fees for Withdrawals by Transfer, fees related to requirements for physical presentation on corporate action transactions, and fees for late submissions of deposits on restricted securities.

Also, DTC is introducing fees associated with new services. In particular, such fees relate to Canadian Settlement services, SMART/Track for Buy-Ins, and Agency Lender Disclosure.⁵ In addition, a new fee is

² The Commission has modified the text of the summaries prepared by DTC.

³ The specific changes to DTC's fee schedule are attached as an exhibit to the filing.

⁴ MDH and CCF are communications platforms used by participants to interact with DTC.

⁵ For further information regarding Canadian Settlement services, see Securities Exchange Act Release No. 52784 (November 16, 2005), 70 FR

being added for a processing enhancement, known as the Certificate Verification process, to the existing Deposits service which allows participants to submit files through DTC to appropriate transfer agents in order to verify that certificates destined for transfer are valid certificates prior to physical processing of certificates. Such verification provides for a decrease in deposit rejects and for improved transaction turnaround.⁶

These proposed fee revisions are consistent with DTC's overall pricing philosophy to align service fees with underlying costs, to discourage manual and exception processing, and to encourage immobilization and dematerialization of securities. The effective date for these fee adjustments was January 1, 2006.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(D) of the Act⁷ and the rules and regulations thereunder applicable to DTC because it provides for the equitable allocation of reasonable dues, fees, and other charges among DTC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have any impact on or impose any burden on competition.

(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 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)(ii) of the Act⁸ and Rule 19b-4(f)(2)⁹ thereunder because the proposed rule change establishes or

70902 (November 23, 2005) [File No. SR-DTC-2005-08]. For further information regarding SMART/Track for Buy-Ins, see Securities Exchange Act Release No. 53032 (December 28, 2005), 71 FR 1457 (January 9, 2006) [File No. SR-DTC-2005-19]. For further information regarding SMART/Track for Agency Lending Disclosure, see Securities Exchange Act Release No. 52104 (July 21, 2005), 70 FR 43730 [File No. SR-DTC-2005-06].

⁶ For further information regarding DTC's Deposits service, see Securities Exchange Act Release No. 46391 (August 21, 2002), 67 FR 55050 (August 27, 2002) [File No. SR-DTC-2002-07].

⁷ 15 U.S.C. 78q-1.

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁹ 17 CFR 240.19b-4(f)(2).

changes a due, fee, or other charge applicable only to a participant. At any time within sixty 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.¹⁰

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-2005-22 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-DTC-2005-22. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will

¹⁰ For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on February 22, 2006, the date on which the last amendment to the proposed rule change was filed with the Commission. 15 U.S.C. 78s(b)(3)(C).

be available for inspection and copying at the principal office of DTC and on DTC's Web site at <https://login.dtcc.com/dtcorg/>. 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-2005-22 and should be submitted on or before April 7, 2006.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.¹¹

Nancy M. Morris,

Secretary.

[FR Doc. E6-3901 Filed 3-16-06; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53450; File No. SR-ISE-2006-04]

Self-Regulatory Organizations; International Securities Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to Its Proposal To Reorganize From Its Current Structure Into a Holding Company Structure

March 8, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 12, 2006, the International Securities Exchange, Inc. ("ISE, Inc.") 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 ISE, Inc. The Exchange filed Amendment No. 1 to the proposed rule change on March 3, 2006, and withdrew Amendment No. 1 on March 3, 2006. On March 3, 2006, the Exchange filed Amendment No. 2.³ 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

ISE, Inc. is proposing to reorganize from its current structure into a holding company structure as more fully described below. The text of the proposed rule change is available on

ISE, Inc.'s Web site (<http://www.iseoptions.com>), at the principal office of ISE, Inc., and at the Commission's Public Reference Room. The text of Exhibit 5 of the proposed rule change, as well as Amendment No. 2, is also available on the Commission's Web site (<http://www.sec.gov/rules/sro.shtml>).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ISE, Inc. 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. ISE, Inc. 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

ISE, Inc. proposes to reorganize from the current structure of ISE, Inc., a Delaware corporation, into a holding company structure (the "Reorganization").⁴ A holding company, International Securities Exchange Holdings, Inc., a Delaware corporation ("ISE Holdings"), and its wholly owned subsidiary, International Securities Exchange, LLC, a Delaware limited liability company ("ISE, LLC"), have been formed in contemplation of the Reorganization. Consummation of the Reorganization is conditioned upon

⁴ For a discussion of ISE, Inc.'s current capital stock and governance structure, see Securities Exchange Act Release No. 51029 (January 12, 2005), 70 FR 3233 (January 21, 2005) (SR-ISE-2004-29) (relating to the approval of certain amendments to ISE, Inc.'s Certificate of Incorporation, Constitution, and ISE Rules in connection with ISE, Inc.'s initial public offering) ("IPO Order"). In connection with the initial public offering, ISE, Inc. filed a registration statement on Form S-1 with the Commission (File No. 333-117145).

This proposed rule change includes: (a) The deletion of the Amended and Restated Certificate of Incorporation of ISE, Inc. ("ISE, Inc. Amended Certificate") and Amended and Restated Constitution of ISE, Inc. ("ISE, Inc. Amended Constitution"); (b) the proposed Certificate of Incorporation of International Securities Exchange Holdings, Inc. ("Holdings Certificate"); (c) the proposed Bylaws of International Securities Exchange Holdings, Inc. ("Holdings Bylaws"); (d) the proposed Limited Liability Company Agreement of International Securities Exchange, LLC ("LLC Agreement"); (e) the proposed Constitution of International Securities Exchange, LLC ("LLC Constitution"); and (f) certain proposed amendments to the Rules of ISE, Inc. (the "ISE Rules") to reflect the Reorganization.

satisfaction of certain conditions, including approval of the Reorganization by the Commission.⁵ After satisfaction of these conditions, ISE, Inc. will merge into ISE, LLC, with ISE, LLC as the surviving entity of the merger (the "Merger"). In the Merger:

(1) Each outstanding share of Class A Common Stock will be converted into one share of ISE Holdings common stock, par value \$.01 per share ("ISE Holdings Common Stock");

(2) Each outstanding share of Series B-1 Common Stock will be converted into one PMM Right ("PMM Right"). Each PMM Right provides the holder with (a) the right to vote on the election of the PMM Directors of ISE, LLC,⁶ (b) the right to vote on any change in, amendment or modification of, the Core Rights⁷ or the definition of Core Rights, and (c) the predicate to obtaining the trading rights and privileges associated with each PMM Right as set forth in the LLC Constitution and ISE Rules for a PMM;

(3) Each outstanding share of Series B-2 Common Stock will be converted into one CMM Right ("CMM Right"). Each CMM Right provides the holder with (a) the right to vote on the election of the CMM Directors,⁸ (b) the right to vote on any change in, amendment or modification of, the Core Rights or the definition of Core Rights, and (c) the predicate to obtaining the trading rights and privileges of each CMM Right as set

⁵ ISE, Inc. has received a private letter ruling from the Internal Revenue Service relating to the treatment of the proposed Reorganization under U.S. Federal tax law with respect to ISE, Inc., its stockholders, and ISE Holdings. The ruling provides assurances that the Reorganization and related transactions will not result in any material taxes to the holders of shares of ISE, Inc. Class A Common Stock, par value \$.01 per share ("Class A Common Stock"), ISE, Inc. Class B Common Stock, Series B-1, par value \$.01 per share ("Series B-1 Common Stock"), ISE, Inc. Class B Common Stock, Series B-2, par value \$.01 per share ("Series B-2 Common Stock"), or ISE, Inc. Class B Common Stock, Series B-3, par value \$.01 per share ("Series B-3 Common Stock" and together with the Series B-1 Common Stock and Series B-2 Common Stock, the "Class B Common Stock"). See Internal Revenue Service PLR-135357-04 (November 17, 2004).

⁶ "PMM Directors" as defined in Section 3.2(b) of proposed LLC Constitution means two directors, who must be officers, directors, or partners of Primary Market Makers ("PMMs"), elected by a plurality vote of the holders of the PMM Rights voting together as a class.

⁷ "Core Rights" as defined in Section 2.2 of proposed LLC Agreement means any increase in the number of authorized PMM Rights or CMM Rights.

⁸ "CMM Directors" as defined in Section 3.2(b) of proposed LLC Constitution means two directors, who must be officers, directors, or partners of Competitive Market Makers ("CMMs"), elected by a plurality vote of the holders of the CMM Rights voting together as a class.

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Partial Amendment No. 2 dated March 3, 2006 ("Amendment No. 2").

forth in the LLC Constitution and ISE Rules for a CMM; and

(4) Each share of Series B-3 Common Stock will be converted into one EAM Right ("EAM Right" and together with the PMM Rights and CMM Rights, the "Exchange Rights"). Each EAM Right provides the holder thereof with (a) the right to vote on the election of the EAM Directors⁹ and (b) the predicate to obtaining the trading rights and privileges of such EAM Right as set forth in the LLC Constitution and ISE Rules for an EAM.

As a result of the Merger, the holders of shares of Class A Common Stock will become stockholders of ISE Holdings and holders of Series B-1 Common Stock, Series B-2 Common Stock, and Series B-3 Common Stock will become holders of PMM Rights, CMM Rights, and EAM Rights, respectively, in ISE, LLC, as further described below. Effectively, ISE Holdings will become the sole equity owner of ISE, LLC, and the shares of ISE Holdings Common Stock will in turn be publicly held. Furthermore, upon consummation of the Merger, the percentage of the outstanding shares of ISE Holdings Common Stock held after the Merger by each holder of Class A Common Stock will be identical to the percentage of Class A Common Stock that such holder held prior to the Merger. The percentage of Exchange Rights held after the Merger by each holder of Class B Common Stock will also be identical to the percentage of Class B Common Stock that such holder held prior to the Merger, giving effect to the particular series of Class B Common Stock and class of Exchange Rights held and to be held by such holder.

ISE, Inc. represents that, currently, no Person, either alone or together with its Related Persons, owns more than 40 percent of the outstanding shares of any class or series of stock of ISE, Inc., and no member, either alone or together with its Related Persons, owns more than 20 percent of the outstanding shares of any class or series of stock of ISE, Inc.¹⁰ Accordingly, ISE, Inc. has no

⁹ "EAM Directors" as defined in Section 3.2(b) of proposed LLC Constitution means two directors, who must be officers, directors, or partners of Electronic Access Members ("EAMs") elected by a plurality vote of the holders of the EAM Rights voting together as a class. The PMM Directors, CMM Directors, and EAM Directors are collectively referred to as the "Exchange Directors."

¹⁰ "Person" means an individual, partnership (general or limited), joint stock company, corporation, limited liability company, trust or unincorporated organization, or any governmental entity or agency or political subdivision thereof. See ISE, Inc. Amended Certificate, Article Fourth, Subdivision III. Currently, "Related Person" means (1) With respect to any Person, all "affiliates" and "associates" of such Person (as such terms are

reason to believe that the Reorganization, as detailed above, will result in any large concentrations of ownership or voting power by ISE, Inc.'s current stockholders or members. In addition, ISE, Inc. represents that it will continue to have a trading concentration limit and a 20% member ownership limit.¹¹

a. Description of ISE, LLC

i. General

ISE, LLC will be a wholly owned subsidiary of ISE Holdings. As the sole LLC member of ISE, LLC, ISE Holdings will have sole voting control over ISE, LLC, except for certain matters relating to Exchange Rights.¹² Specifically, as

defined in Rule 12b-2 under the Act); (2) with respect to any Person constituting an exchange member (as defined in the ISE, Inc. Amended Constitution), any broker or dealer with which such Exchange Member is associated; and (3) any two or more Persons that have any agreement, arrangement, or understanding (whether or not in writing) to act together for the purpose of acquiring, voting, holding, or disposing of shares of the capital stock of ISE, Inc. See ISE, Inc. Amended Certificate, Article Fourth, Subdivision III. ISE, Inc. proposes to modify the definition of "Related Persons" in connection with the Reorganization to also include, with respect to any Person, any executive officer (as defined under Rule 3b-7 under the Act), director, general partner, manager, or managing member, as applicable, and, with respect to any Person that is an executive officer (as defined under Rule 3b-7 under the Act), director, general partner, manager, or managing member of a company, corporation, or similar entity, such company, corporation, or entity, as applicable. See proposed Holdings Certificate, Article Fourth, Subdivision III.

¹¹ For the member trading concentration limit, see ISE Rule 303(b), which will continue to exist after the Reorganization, and proposed LLC Agreement, Section 6.5. ISE, Inc. proposes to modify Section 6.5(a) of proposed LLC Agreement to include lessees of Exchange Rights and to clarify that holders and lessees of Exchange Rights also may not exercise any of the non-trading rights associated with more than 20% of such Exchange Rights. ISE, Inc. also notes that the Commission is in the process of reviewing issues relating to new ownership structures of self-regulatory organizations ("SROs") and has proposed rules relating to the ownership of SROs, including imposing limitations on member ownership of an SRO or facility of an SRO. See Securities Exchange Act Release No. 50699 (November 18, 2004), 69 FR 71126 (December 8, 2004).

ISE, Inc. also notes that the Commission recently approved a separate proposal to amend ISE Rule 303 to increase the 20% member trading concentration limit to 30% for PMMs only, provided that in approving any PMM to exercise the trading privileges associated with more than 20% of the PMMs, the board of directors of ISE, Inc. (the "ISE, Inc. Board") will not approve any arrangement in which the PMM would gain ownership or voting rights in excess of those permitted under the ISE, Inc. Amended Certificate or ISE, Inc. Amended Constitution. See Securities Exchange Act Release No. 53271 (February 10, 2006), 71 FR 8625 (February 17, 2006). See also Amendment No. 2, *supra* note 3.

¹² The proposed LLC Agreement only permits ISE, LLC to have one LLC member at any given time, and assignment of the sole LLC member interest is subject to Commission approval. Proposed LLC Agreement, Sections 2.1, 3.1, and 7.1.

noted below, the composition of and qualifications for the Board of Directors of ISE, LLC (the "LLC Board") will be the same as they are for the ISE, Inc. Board, and ISE Holdings will have the sole right to vote on the election of a majority of the members of the LLC Board. In general, however, the management and administration of ISE, LLC will be carried out by the LLC Board and by the executive officers of ISE, LLC, who will be appointed by the LLC Board.¹³ In addition, to further preserve the autonomy of ISE, LLC, all meetings of the LLC Board pertaining to the self-regulatory function of ISE, LLC (including disciplinary matters) or to the structure of the market in which ISE, LLC regulates will be closed to all persons other than the LLC Board and officers, staff, counsel, or other advisors of ISE, LLC whose participation is necessary or appropriate to the proper discharge of ISE, LLC's regulatory functions and any representative of the Commission. No members of the Board of Directors of ISE Holdings (the "Holdings Board") who are not also LLC Board members and no officers, staff, counsel, or advisors of ISE Holdings who are not also officers, staff, counsel, or advisors of ISE, LLC will be allowed to participate in such meetings.¹⁴

ii. Exchange Operations

ISE, LLC will operate as a registered "national securities exchange" under Section 6 of the Act¹⁵ and will maintain ISE, Inc.'s current regulatory authority over its members.¹⁶ All persons using ISE, LLC as an exchange will continue to be subject to the current ISE Rules, as proposed to be modified herein in order to reflect the Reorganization.¹⁷ ISE, LLC will continue to carry out the statutory responsibilities to enforce compliance of its members with the provisions of the Federal securities laws and ISE Rules.¹⁸

ISE Holdings will not have any voting rights with respect to the Core Rights, the election of Exchange Directors, or any other matters relating to the Exchange Rights, such as the eligibility and approval of persons to own, transfer or lease Exchange Rights, rulemaking, supervision of entities holding Exchange Rights, and the like. Proposed LLC Agreement, Section 2.2.

¹³ Proposed LLC Constitution, Section 5.1(a). See also proposed LLC Agreement, Section 5.1.

¹⁴ Proposed LLC Constitution, Section 3.2(d).

¹⁵ 15 U.S.C. 78f.

¹⁶ For purposes of the Act, the holders or lessees of Exchange Rights will be deemed "members" of ISE, LLC.

¹⁷ ISE, Inc. is proposing to amend the ISE Rules to, among other things, change references to "Class B common stock," "Class B stockholders," "shares," and similar or derivative words to "Exchange Rights," "Exchange Rights holders," and "Rights" and the like.

¹⁸ In addition, in discharging his or her responsibilities as a member of the LLC Board, each director shall take into consideration the effect that

ISE, LLC will continue to be required to approve any changes to ISE Rules and governing documents of ISE, LLC and to file any such changes with the Commission pursuant to Section 19(b) of the Act and Rule 19b-4 thereunder.¹⁹

In addition, ISE, LLC is proposing to adopt a new ISE Rule 312, which will provide that, without prior Commission approval, ISE, LLC or any entity with which it is affiliated shall not, directly or indirectly through one or more intermediaries, acquire or maintain an ownership interest in a Member or non-member owner, and a Member or non-member owner shall not be or become an affiliate of ISE, LLC or an affiliate of any affiliate of ISE, LLC. Nothing in the new ISE Rule 312 will prohibit a Member or non-member owner from acquiring or holding any equity interest in ISE Holdings, Inc. that is permitted by the Holdings Certificate or prohibit any Member from being or becoming an affiliate of ISE, LLC or an affiliate of any affiliate of ISE, LLC solely by reason of any officer, director, or partner of such Member being or becoming an Exchange Director pursuant to the LLC Constitution.²⁰

All confidential information pertaining to the self-regulatory function of ISE, LLC (including but not limited to disciplinary matters, trading data, trading practices, and audit information) contained in books and records of ISE, LLC shall: (1) Not be made available to any persons (other than as provided below) other than to those officers, directors, employees, and agents of ISE, LLC that have a reasonable need to know the contents thereof; (2) be retained in confidence by ISE, LLC and the officers, directors, employees, and agents of ISE, LLC; and (3) not be used for any commercial purposes. Nothing in the LLC Agreement shall be interpreted to limit or impede the rights

his or her actions would have on the ability of ISE, LLC to carry out its responsibilities under the Act and on the ability of ISE, LLC to engage in conduct that fosters and does not interfere with ISE, LLC's ability to prevent fraudulent and manipulative acts and practices, 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 mechanisms of a free and open market and a national market system, and in general, to protect investors and the public interest. In discharging his or her responsibilities as a member of the LLC Board, each director also shall comply with the Federal securities laws and rules and regulations thereunder and cooperate with the Commission. Proposed LLC Agreement, Section 5.1(b).

¹⁹ 15 U.S.C. 78s(b) and 17 CFR 240.19b-4.

²⁰ The term "Member," as proposed to be defined in ISE Rule 100, means an organization that has been approved to exercise trading rights associated with Exchange Rights.

of the Commission to access and examine such confidential information pursuant to the Federal securities laws and rules and regulations thereunder or to limit or impede the ability of any officers, directors, employees, or agents of ISE, LLC to disclose such confidential information to the Commission.²¹

As the registered SRO, ISE, LLC will continue to have ultimate responsibility for the administration and enforcement of the rules governing its options business operations. The regulatory relationship that ISE, Inc. currently maintains with the National Association of Securities Dealers ("NASD") will not be affected by the Reorganization, and ISE, LLC, as the successor-in-interest to ISE, Inc., will continue to have the same regulatory relationship with the NASD.²² The Reorganization will not affect the current disciplinary process. ISE, LLC's disciplinary process will be the same as the process for ISE, Inc. and will continue to be governed by the Business Conduct Committee, which is comprised of members.²³ All decisions with respect to the listing and delisting of options and related products will continue to be made in accordance with ISE Rules.

ISE, Inc. currently is a participant in various national market system plans, including the Options Price Reporting Authority, which provides options price reporting, and the Options Intermarket Linkage Plan, which addresses intermarket options trading. After the Reorganization, ISE, LLC proposes to continue to participate in these plans and have a representative serve on the committees overseeing these plans.

iii. Organization, Management and Governance of ISE, LLC

Since ISE, LLC will be the surviving entity in the Merger, the LLC Agreement and the LLC Constitution will function as the charter and bylaws of the surviving entity. ISE, Inc. represents that the provisions of the LLC Agreement and LLC Constitution are substantively the same as the current ISE, Inc. Amended Certificate and ISE, Inc. Amended Constitution, respectively, insofar as exchange

²¹ Proposed LLC Agreement, Section 4.1(b).

²² See Securities Exchange Act Release No. 4781 (May 14, 2003), 68 FR 27869 (May 21, 2003) (approving an agreement pursuant to Rule 17d-2 of the Act between the NASD and ISE, Inc.).

²³ Currently, the Chief Regulatory Officer of ISE, Inc. authorizes the institution of disciplinary actions, and ISE, Inc., with the assistance of the NASD staff, if appropriate, conducts disciplinary proceedings before the Business Conduct Committee. Decisions of the Business Conduct Committee may be appealed to the Committee for Review of ISE, Inc., which is composed of directors of ISE, Inc.

operations and structure and corporate governance are concerned.²⁴ ISE, LLC will continue to have a similar interpretation regarding the payment of "dividends" to "stockholders," except that the interpretation will relate to distributions to the sole LLC member and holders of Exchange Rights. Specifically, ISE, LLC will interpret ISE Rules to require that any revenue it receives from regulatory fees or penalties will be segregated and applied to fund the legal, regulatory, and surveillance operations of ISE, LLC and will not be used to pay distributions to the sole LLC member or holders of Exchange Rights, except in the event of liquidation of ISE, LLC, in which case the sole LLC member will be entitled to the distribution of ISE, LLC's remaining assets.²⁵

As is the case currently with respect to the ISE, Inc. Board, the LLC Board will be comprised of 15 members,²⁶ eight of whom will be Non-Industry Directors²⁷ elected by ISE Holdings as the sole LLC member, six of whom will be Exchange Directors elected by a plurality of the holders of the Exchange Rights, and the Chief Executive Officer

²⁴ See IPO Order, *supra* note 4. In addition, while the ISE, Inc. Amended Constitution currently only requires that no officers may be holders of shares of Class B Common Stock or affiliated with an exchange member, ISE, LLC will require that no officers or employees of ISE, LLC may be holders of Exchange Rights or affiliated with an Exchange Member. Proposed LLC Constitution, Section 4.5. ISE, Inc. also is codifying its current practice of prohibiting the transfer or lease of fractional portions of any Exchange Rights. Proposed LLC Constitution, Sections 12.1, 12.2, and 12.4.

²⁵ See Securities Exchange Act Release No. 45803 (April 23, 2002), 67 FR 21306 (April 30, 2002) (adopting this interpretation in connection with ISE, Inc.'s demutualization).

²⁶ ISE, Inc. proposes that the number of members of the LLC Board may only be changed by the LLC Board with the approval of the affirmative vote of the holders of two-thirds of the then outstanding Exchange Rights. Proposed LLC Constitution, Section 3.2. Currently, the number of ISE, Inc. Board members can only be changed by the ISE, Inc. Board with the approval of the affirmative vote of the holders of two-thirds of the voting power of the then outstanding shares of Class A Common Stock. ISE, Inc. Amended Certificate, Article Seventh.

²⁷ "Non-Industry Director" means a director that meets the requirements of "non-industry representative." Proposed LLC Constitution, Section 3.2(b). The term "non-industry representative" means any person who would not be considered an "industry representative," as well as (i) a person affiliated with a broker or dealer that operates solely to assist the securities-related activities of the business of non-member affiliates or (ii) an employee of an entity that is affiliated with a broker or dealer that does not account for a material portion of the revenues of the consolidated entity and who is primarily engaged in the business of the non-member entity. Proposed LLC Constitution, Section 13.1(w). These definitions are the same as the current definitions. See ISE, Inc. Amended Constitution, Sections 3.2(b) and 14.1(q).

of ISE, LLC.²⁸ Each year, the Nominating Committee, which is not a committee of the LLC Board, will nominate the Exchange Directors, and the Corporate Governance Committee, which is a committee of the LLC Board, will nominate the Non-Industry Directors.²⁹ Holders of Exchange Rights also may nominate Exchange Directors by petition.³⁰ The initial members of the LLC Board were the individuals serving as directors of ISE, Inc. on the date of formation of ISE, LLC.³¹ Similar to the manner of election of the current ISE, Inc. Board, at the first annual meeting of the sole LLC member and holders of Exchange Rights and at each subsequent annual meeting, ISE Holdings will elect the Non-Industry Directors, and holders of Exchange Rights will elect the Exchange Directors, to serve until the next annual meeting or until their successors are elected and qualified.³² The Chairman of the LLC Board is a Non-Industry Director who is elected by the LLC Board. Each director of ISE, LLC holds office for a term of two years, except the Chief Executive Officer of ISE, LLC who holds office for a term of one year or such earlier time as such person no longer serves as Chief Executive Officer. The directors, other than the Chief Executive Officer, are divided into two classes, designated as Class I and Class II directors. At each annual meeting, the successors of the class of directors whose term expires at that meeting will be elected to hold office for a term expiring at the annual meeting held in the second year

²⁸ Proposed LLC Agreement, Section 5.2 and proposed LLC Constitution, Section 3.2(b). Pursuant to Section 4.6 of proposed LLC Constitution, the Chief Executive Officer of ISE, LLC is elected by the LLC Board and will be nominated by the LLC Board for a directorship by virtue of his or her office.

²⁹ See proposed LLC Constitution, Section 3.10. See also ISE, Inc. Amended Constitution, Section 3.10.

³⁰ ISE, Inc. represents that the petition process following the Reorganization will be substantially similar to the petition process in place currently for ISE, Inc., except that petitions submitted for nominees for Exchange Directors of ISE, LLC will not be required to contain all the information that is required to be disclosed pursuant to Regulation 14A under the Act since ISE, LLC will not be subject to the proxy requirements under the Act. In addition, for purposes of determining whether a person has been nominated for election by petition by the requisite percentage set forth in the proposed LLC Constitution, no Exchange Member, alone or together with its affiliates, may account for more than fifty percent (50%) of the signatures of the holders of outstanding Exchange Rights of the series entitled to elect such person, and any such signatures by such Exchange Member, alone or together with its affiliates, in excess of such fifty percent (50%) limitation shall be disregarded. *Id.*

³¹ The current directors of ISE, LLC are the same directors of ISE, Inc. immediately following the 2005 Annual Meeting of Stockholders of ISE, Inc.

³² See proposed LLC Constitution, Section 3.2(c). See also Amendment No. 2, *supra* note 3.

following the year of their election and until their successors are elected and qualified. If there is a vacancy on the LLC Board, the vacancy will be filled by the LLC Board, and the person chosen to fill the vacancy will serve until the expiration of the term of office of the class to which such person was elected. No Exchange Director may serve more than three consecutive terms, and, after a two-year hiatus, may be eligible to serve as an Exchange Director again.³³

ISE, LLC will have a Finance & Audit Committee, a Corporate Governance Committee, and a Compensation Committee, all of which will be governed by charters.³⁴ As is currently the case with respect to ISE, Inc. and its shares of Class B Common Stock, ISE, LLC will require ownership of an Exchange Right as a predicate to obtaining the trading rights and privileges associated with such Exchange Right.³⁵ Holders of PMM and CMM Rights will be entitled to the same Core Rights to which the holders of Series B-1 Common Stock and Series B-2 Common Stock are entitled with respect to ISE, Inc.³⁶

ISE, LLC will have officers, including a President and Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Chief Information Officer, Chief Regulatory Officer, and Chief Marketing Officer, who will manage the business and affairs of ISE, LLC, subject to the oversight of the LLC Board and, in some cases, the approval of ISE Holdings as the sole LLC member.³⁷ The initial officers of ISE, LLC will be the individuals currently serving as the officers of ISE, Inc.

The organizational documents of ISE, LLC will differ from the ISE, Inc.'s organizational documents in several notable respects. Because ISE, LLC is not a corporation and has limited

³³ Proposed LLC Constitution, Section 3.2(e). ISE, Inc. did not impose term limits on Non-Industry Directors, and ISE, LLC does not propose to do so, though the ISE, LLC Corporate Governance Committee may determine whether and how to provide for such term limits at a later time.

³⁴ Proposed LLC Constitution, Sections 5.4, 5.5 and 5.6. ISE, Inc. proposes that the LLC Board may designate additional committees by resolution passed by a majority of the whole LLC Board. Proposed LLC Constitution, Section 5.1. Currently, the ISE, Inc. Board may designate additional committees by a resolution of a majority of a quorum. ISE, Inc. Amended Constitution, Section 5.1.

³⁵ ISE, Inc. Amended Certificate, Article Fourth, Subdivision II(b)(ii) and proposed LLC Agreement, Section 6.2.

³⁶ ISE, Inc. Amended Certificate, Article Fourth, Subdivision II(b)(v)(B) and proposed LLC Agreement, Section 6.3(b).

³⁷ Under Delaware law, certain events such as a sale of all or substantially all of the assets, merger, or liquidation of ISE, LLC may require the approval of ISE Holdings.

liability members instead of stockholders, ISE Holdings and Exchange Right holders will not have voting, dividend, and liquidation rights typically associated with common stock under state corporate law.³⁸ For example, the LLC Act does not statutorily confer the same or similar voting rights on limited liability members as are conferred to stockholders, pursuant to the Delaware General Corporation Law. Accordingly, following the Reorganization, the sole LLC member and the Exchange Right holders will not statutorily be entitled to vote on certain items with respect to which the holders of Class A and Class B Common Stock would have had a voting right (*i.e.*, an increase or decrease in the aggregate number of authorized shares of Class A or Class B Common Stock, a change in par value, and any alteration or change in the powers, preferences, or special rights of the shares so as to affect them adversely).

ISE, Inc. notes that some of these items are irrelevant in the context of a wholly-owned limited liability company (*e.g.*, the notion of par value and certain Class A holder voting rights that instead will be relevant at the ISE Holdings level), but where still relevant and practical, ISE, Inc. has attempted to preserve in proposed LLC Agreement and proposed LLC Constitution certain rights of the holders of Class B Common Stock following the Reorganization. As a result, holders of Exchange Rights will continue to be entitled to vote with respect to the Core Rights (that is, any increase in the number of PMM Rights or CMM Rights to be approved by holders of a majority of PMM Rights, voting as a separate class, and CMM Rights, voting as a separate class) and with respect to any amendments that would alter or change the powers, preferences, or special rights of one or more series of Exchange Rights so as to affect them adversely (to be approved by holders of a majority of Exchange Rights entitled to vote thereon).³⁹

Also, since ISE, LLC will have ISE Holdings as its sole LLC member, ISE, Inc. deems certain of the antitakeover

³⁸ Because Exchange Rights will not have "par value" following the Reorganization, holders of EAMs also will not be entitled to a return of the \$0.01 par value per share upon withdrawal from ISE, LLC. Additionally, the holders of Exchange Rights will not be "members" of ISE, LLC for purposes of the Delaware Limited Liability Company Act (the "LLC Act"). Proposed LLC Agreement, Section 6.1.

³⁹ The sole LLC member will have a similar right to approve amendments to the proposed LLC Constitution if such amendments would alter or change the powers, preferences, or special rights of the sole LLC member so as to affect it adversely. Proposed LLC Agreement, Section 8.1 and proposed LLC Constitution, Section 10.1.

provisions in the ISE, Inc. organizational documents less necessary for ISE, LLC. Specifically, ISE, LLC's organizational documents will not: (1) Deny the right of ISE Holdings to call a special meeting; (2) require "advance notice" of ISE Holdings' or Exchange Right holders' proposals; (3) except as described herein, impose an ownership or voting limitation on ISE Holdings (or any corrective mechanism with respect to any ownership limitation);⁴⁰ or (4) require any super-majority votes with respect to certain significant matters, such as mergers.⁴¹

b. Description of ISE Holdings

i. General

ISE Holdings will be governed by the Holdings Certificate and the Holdings Bylaws. ISE Holdings will not cause ISE, LLC to be operated in a manner inconsistent with ISE, LLC's regulatory and oversight functions.⁴² The Holdings Certificate and Holdings Bylaws, as well as the LLC Agreement and LLC Constitution, are intended to ensure that the Reorganization will not unduly

⁴⁰ ISE, Inc. notes that ownership and voting limitations will not be relevant to a wholly owned subsidiary of a holding company, although ISE Holdings itself will have substantially the same ownership and voting limitations that ISE, Inc. currently has, as described below. Additionally, as stated earlier, ISE, LLC will continue to have a trading concentration limit and 20% member ownership limit pursuant to ISE Rule 303(b), except as described herein, and proposed LLC Agreement, Section 6.5. See *supra* note 11 for a discussion of certain modifications to ISE Rule 303(b) approved in a separate rule filing by the Commission. See also Amendment No. 2, *supra* note 3.

⁴¹ For the text of the current antitakeover provisions, see ISE, Inc. Amended Certificate, Article Eighth and ISE, Inc. Amended Constitution, Section 2.2 (pertaining to calling a special meeting); ISE, Inc. Amended Constitution, Section 2.7 (pertaining to "advance notice" provisions); ISE, Inc. Amended Certificate, Article Fourth, Subdivision III (pertaining to ownership and voting limitations); and ISE, Inc. Amended Certificate, Article Seventh (pertaining to super-majority votes). In addition, because ISE, LLC will be a wholly-owned subsidiary of ISE Holdings, and ISE Holdings will be entitled to elect a majority of the LLC Board, it is deemed less necessary to allow the sole LLC member to amend the proposed LLC Constitution (currently, ISE, Inc. stockholders representing at least a majority of the voting power may amend the ISE, Inc. Amended Constitution). However, the sole LLC member has the right to approve amendments to proposed LLC Constitution if such amendments would alter or change the powers, preferences, or special rights of the sole LLC member so as to affect it adversely. For the text of the current power to amend the ISE, Inc. Amended Constitution, see ISE, Inc. Amended Constitution, Section 11.1. For the text of the proposed power to amend the LLC Constitution, see proposed LLC Constitution, Section 10.1.

⁴² In particular, ISE Holdings, its officers, directors, and employees will give due regard to the preservation of the independence of the self-regulatory function of ISE, LLC and will not interfere with the effectuation of any decision by the LLC Board relating to such function. Proposed Holdings Bylaws, Section 1.5.

interfere with or restrict the ability of ISE, LLC or the Commission to effectively carry out their respective regulatory oversight responsibilities under the Act and generally to enable ISE, LLC to operate in a manner that complies with the Federal securities laws, including furthering the objectives of Section 6(b)(5) of the Act.⁴³ In addition, ISE Holdings and its officers, directors, employees, and agents will be required to submit to the jurisdiction of the U.S. Federal courts, the Commission, and ISE, LLC for the purposes of any suit, action, or proceeding, pursuant to the U.S. Federal securities laws and the rules or regulations thereunder arising out of, or relating to, the activities of ISE, LLC and will waive any claims of inconvenient forum or improper venue.⁴⁴

The ISE Holdings Common Stock will have the traditional features of common stock, including voting, dividend, and liquidation rights.⁴⁵ Except as described below, the holders of ISE Holdings Common Stock will be entitled to vote on all matters submitted to the stockholders for a vote, and, except as discussed below, each holder will have one vote per share of ISE Holdings Common Stock owned.⁴⁶ As discussed further below, holders of ISE Holdings Common Stock will be subject to substantially the same ownership and voting limitations with respect to ISE Holdings Common Stock to which the holders of Class A Common Stock currently are subject.

ii. Organization, Management and Governance of ISE Holdings

ISE Holdings will be governed under the direction of the Holdings Board. The number of directors shall be fixed by resolution of the Holdings Board and is expected to be nine immediately following the Reorganization.⁴⁷ Each year, the Corporate Governance Committee of ISE Holdings will nominate candidates for election as directors for the class of directors standing for election at the ISE Holdings annual meeting of stockholders.⁴⁸ As required by the New York Stock

⁴³ 15 U.S.C. 78f(b)(5).

⁴⁴ Proposed Holdings Bylaws, Section 1.4. ISE Holdings and its officers, directors, employees, and agents will also maintain an agent for service of process in the U.S. *Id.*

⁴⁵ ISE Holdings will be authorized to pay dividends to the stockholders of ISE Holdings as and when declared by the Holdings Board.

⁴⁶ ISE Holdings may issue preferred stock in the future, the terms of which will be determined by the Holdings Board.

⁴⁷ The Holdings Board is currently comprised of two directors; one is the Chief Executive Officer of ISE, Inc., and the other is the Secretary of ISE, Inc.

⁴⁸ Proposed Holdings Bylaws, Section 3.10(c).

Exchange, Inc. (the "NYSE"), where the Class A Common Stock currently trades and where ISE, Inc. intends that the ISE Holdings Common Stock will be listed and traded, a majority of the directors of ISE Holdings must be deemed "independent" within the meaning of the NYSE's listing standards.⁴⁹ The directors of ISE Holdings, other than the Chief Executive Officer of ISE Holdings, will be divided into two classes and will be elected by a plurality of the votes cast by stockholders at each annual meeting of stockholders at which a quorum is present.⁵⁰ The directors will serve staggered two-year terms, with the term of office of one class expiring each year.⁵¹ The Chief Executive Officer will hold office for a term of one year or such earlier time as such person no longer serves as Chief Executive Officer.⁵² The Chairman of the Holdings Board will be elected by the Holdings Board. If there is a vacancy on the Holdings Board, the vacancy will be filled by the Holdings Board, and the person elected to fill the vacancy will serve until the expiration of the term of office of the class to which such person was elected.⁵³

ISE Holdings will have officers, including a President and Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Chief Information Officer, General Counsel, and Chief Marketing Officer, who will manage the business and affairs of ISE Holdings, subject to the oversight of the Holdings Board. The initial officers of ISE Holdings will be the individuals currently serving as officers of ISE, Inc.

ISE Holdings will have a Board Executive Committee, Finance & Audit Committee, Compensation Committee, and a Corporate Governance Committee. The Finance & Audit, Compensation, and Corporate Governance committees will be governed by charters that comply with the NYSE's listing standards.

The Holdings Certificate and Holdings Bylaws will contain substantially the same ownership limitations (including the same corrective mechanisms), voting limitations, and antitakeover provisions⁵⁴ that are contained in the

⁴⁹ Section 303A of the NYSE Listed Company Manual.

⁵⁰ Proposed Holdings Certificate, Article Fifth.

⁵¹ *Id.* ISE, Inc. represents that it will address term limits, if any, in ISE Holdings' Corporate Governance Principles to be adopted in connection with the Reorganization.

⁵² *Id.*

⁵³ Proposed Holdings Bylaws, Section 3.3.

⁵⁴ The antitakeover provisions relate to such things as special meetings of stockholders, required stockholder vote with respect to certain actions, and advance notice of stockholder proposals (including

ISE, Inc. Amended Certificate and ISE, Inc. Amended Constitution.⁵⁵ If a Person, either alone or with its Related Persons,⁵⁶ beneficially owns shares of stock of ISE Holdings in violation of the relevant ownership limitation, ISE Holdings will apply substantially the same corrective procedures that were approved by the Commission in connection with ISE, Inc.'s initial public offering.⁵⁷ ISE, Inc. believes that the ownership and voting limitations will prevent any stockholder or group of stockholders acting together from exercising undue control over the operation of ISE, LLC.⁵⁸ Specifically, ISE, Inc. believes that these ownership and voting limitations are designed to prohibit any Person, either alone or with its Related Persons, from having the power to control a substantial number of outstanding votes entitled to be cast on any matter without Commission review and, more importantly, that may be adverse to ISE, LLC's or the Commission's regulatory oversight responsibilities. ISE, Inc. also believes that these provisions serve to protect the integrity of ISE, LLC's and the Commission's regulatory oversight responsibilities and allow the Commission to review, and subject to public notice and comment, the acquisition of substantial ownership or voting power by any stockholder or group of stockholders.

iii. Exchange-Related Matters

Pursuant to the Holdings Certificate, in discharging his or her responsibilities as a member of the Holdings Board, each director shall take into consideration the effect that ISE Holdings's actions would have on the ability of ISE, LLC to carry out its responsibilities under the Act and on

the nomination of directors). Proposed Holdings Bylaws, Article II.

⁵⁵ See IPO Order, *supra* note 4. For the sake of clarity, ISE, Inc. notes that the Special Trustee (as defined in the ISE, Inc. Amended Certificate and proposed Holdings Certificate) who holds the Excess Shares (as defined in the ISE, Inc. Amended Certificate and proposed Holdings Certificate) is currently ISE, Inc. and, after the Reorganization, will be ISE Holdings and that in each instance, ISE, Inc. and ISE Holdings can also appoint a special trustee who is unaffiliated with it or any Person or Related Person owning Excess Shares. ISE, Inc. Amended Certificate, Article Fourth, Subdivision III(c)(ii) and proposed Holdings Certificate, Article Fourth, Subdivision III(c)(ii).

⁵⁶ See *supra* note 10.

⁵⁷ See *supra* note 4 (implementing corrective procedures relating to the ownership limitations) and ISE, Inc. Amended Certificate, Article Fourth, Subdivision III(c) (setting forth the corrective procedures relating to the ownership limitations).

⁵⁸ ISE, Inc. also believes that, much like the 20% member ownership limitation, the 20% voting limitation cannot be waived by the Holdings Board with respect to members.

the ability of ISE, LLC and ISE Holdings to engage in conduct that fosters and does not interfere with ISE, LLC's and ISE Holdings' ability to prevent fraudulent and manipulative acts and practices, 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 mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.⁵⁹ In addition, in discharging his or her responsibilities as a member of the Holdings Board, each director shall comply with the Federal securities laws and rules and regulations thereunder and cooperate with ISE, LLC and the Commission.⁶⁰ Furthermore, in discharging his or her responsibilities as an officer or employee of ISE Holdings, each officer or employee shall comply with the Federal securities laws and rules and regulations thereunder and shall cooperate with ISE, LLC and the Commission.⁶¹

Moreover, for so long as ISE Holdings controls, directly or indirectly, ISE, LLC, each officer, director, and employee of ISE Holdings shall give due regard to the preservation of the independence of the self-regulatory function of ISE, LLC and to ISE, LLC's obligations under the Act and the rules thereunder, including, without limitation, Section 6(b) of the Act⁶² and shall not take any actions which he or she knows or reasonably should have known would interfere with the effectuation of any decisions by the LLC Board relating to ISE, LLC's regulatory functions (including disciplinary matters) or which would adversely affect the ability of ISE, LLC to carry out ISE, LLC's responsibilities under the Act.⁶³

ISE, Inc. believes that these provisions would help ensure that directors, officers, and employees of ISE Holdings are cognizant of, and take into account, when carrying out their duties and responsibilities as directors, officers, and employees of ISE Holdings, the fact

⁵⁹ Proposed Holdings Certificate, Article Twelfth.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² 15 U.S.C. 78f(b).

⁶³ Proposed Holdings Bylaws, Section 1.5. ISE Holdings also will take reasonable steps necessary to cause its officers, directors, and employees prior to accepting a position as such to consent in writing to the applicability to them of Article Twelfth, Article Thirteenth and Article Fourteenth of proposed Holdings Certificate and Sections 1.4 and 1.5 of proposed Holdings Bylaws, as applicable, with respect to their activities related to ISE, LLC. Proposed Holdings Bylaws, Section 1.6.

that ISE Holdings would operate an exchange that is subject to regulatory oversight by the Commission and that the ISE, LLC is required to be operated in compliance with Federal securities laws. ISE, Inc. believes that these provisions also would help ensure that the Commission is able to effectively fulfill its regulatory obligations with respect to ISE, LLC.

Pursuant to the Holdings Certificate and Holdings Bylaws, for so long as ISE Holdings controls, directly or indirectly, ISE, LLC, any amendment to the Holdings Certificate and Holdings Bylaws must be submitted by the Holdings Board to the LLC Board and, if the LLC Board determines that such amendment is required, under Section 19 of the Act⁶⁴ and the rules promulgated thereunder, to be filed with, or filed with and approved by, the Commission before such amendment may be effective under Section 19 of the Act and the rules promulgated thereunder, then such amendment shall not be filed with the Secretary of State of the State of Delaware until filed with, or filed and approved by, the Commission, as the case may be.⁶⁵ In short, if the LLC Board determines that an amendment to the Holdings Certificate and Holdings Bylaws must be filed with, or filed with and approved by, the Commission as a proposed rule change pursuant to Section 19 of the Act and Rule 19b-4 thereunder,⁶⁶ such amendment will not become effective until it becomes effective pursuant to the Rule 19b-4 filing process.

ISE, Inc. believes that these provisions would help to preserve the ability of ISE, LLC to carry out its regulatory responsibilities under the Act and would help to provide the Commission with the ability to review and subject to public notice and comment any changes in proposed Holdings Certificate and proposed Holdings Bylaws that could have the potential to affect ISE, LLC's and the Commission's regulatory responsibilities regarding ISE, LLC.

Pursuant to proposed Holdings Certificate, all confidential information pertaining to the self-regulatory function of ISE, LLC (including but not limited to disciplinary matters, trading data, trading practices, and audit information) contained in books and records of ISE, LLC that shall come into the possession of ISE Holdings shall: (1) Not be made available to any Persons (other than as provided below) other than to those

⁶⁴ 15 U.S.C. 78s.

⁶⁵ Proposed Holdings Certificate, Article Sixteenth and proposed Holdings Bylaws, Section 10.1.

⁶⁶ 15 U.S.C. 78s and 17 CFR 19b-4.

officers, directors, employees, and agents of ISE Holdings that have a reasonable need to know the contents thereof; (2) be retained in confidence by ISE Holdings and the officers, directors, employees, and agents of ISE Holdings; and (3) not be used for any commercial purposes. Nothing in the Holdings Certificate shall be interpreted to limit or impede the rights of the Commission to access and examine such confidential information pursuant to the Federal securities laws and rules and regulations thereunder or to limit or impede the ability of any officers, directors, employees, or agents of ISE Holdings to disclose such confidential information to the Commission.⁶⁷

For so long as ISE Holdings controls, directly or indirectly, ISE, LLC, the books, records, premises, officers, directors, and employees of ISE Holdings shall be deemed to be the books, records, premises, officers, directors, and employees of ISE, LLC for purposes of and subject to oversight pursuant to the Act but only to the extent they relate to the exchange business of ISE, LLC.⁶⁸ In addition, the books and records of ISE, LLC and ISE Holdings will be kept within the U.S.⁶⁹ ISE, Inc. believes that these provisions would help to ensure access to ISE Holdings' books and records by the Commission and, to the extent ISE Holdings' books and records relate to the operation or administration of ISE, LLC, would help enable the Commission to carry out its regulatory responsibilities regarding ISE, LLC.

Pursuant to proposed Holdings Certificate, ISE Holdings shall comply with the Federal securities laws and rules and regulations thereunder and shall cooperate with ISE, LLC and the Commission, pursuant to their respective regulatory authority.⁷⁰ In addition, ISE Holdings shall take reasonable steps necessary to cause its agents to cooperate with ISE, LLC and the Commission, pursuant to their respective regulatory authority with respect to such agents' activities related to ISE, LLC.⁷¹ ISE, Inc. believes that these provisions would help to ensure that ISE Holdings will not interfere with the Commission's regulatory responsibilities by ensuring that ISE Holdings will comply with Federal securities laws, cooperates with ISE, LLC and the Commission pursuant to

their respective regulatory authority, and takes reasonable steps to ensure that its agents do not interfere with the Commission's ability to carry out its regulatory responsibilities.

ISE, Inc. believes that the Reorganization will permit ISE, LLC to continue ISE, Inc.'s current function as a national securities exchange while its corporate parent, ISE Holdings, may, through greater organizational flexibility, facilitate access to capital markets, promote new business opportunities, facilitate future acquisitions and the formation of strategic alliances, and create a framework for future growth.

2. Statutory Basis

ISE, Inc. believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange and, in particular, with the requirements of Section 6(b) of the Act.⁷² The Exchange believes that the proposal is consistent with the requirement under Section 6(b)(1) of the Act⁷³ that an exchange be so organized and has the capacity to be able to carry out the purposes of the Act and to comply, and (subject to any rule or order of the Commission pursuant to Section 17(d)⁷⁴ or 19(g)(2)⁷⁵ of the Act) to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange. ISE, Inc. also believes this proposed rule change furthers the objective of Section 6(b)(5) of the Act⁷⁶ that an exchange have rules that, among other things, are designed to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

ISE, Inc. believes that the proposed rule change does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

ISE, Inc. has not solicited, and does not intend to solicit, comments on this

proposed rule change. ISE, Inc. has not received any unsolicited written comments from members or other interested parties.

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 other 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 self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form <http://www.sec.gov/rules/sro.shtml>; or
- Send an e-mail to rule-comments@sec.gov. Please include File No. SR-ISE-2006-04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-ISE-2006-04. 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

⁶⁷ Proposed Holdings Certificate, Article Thirteenth.

⁶⁸ Proposed Holdings Certificate, Article Fourteenth.

⁶⁹ Proposed Holdings Bylaws, Section 1.3.

⁷⁰ Proposed Holdings Certificate, Article Fifteenth.

⁷¹ *Id.*

⁷² 15 U.S.C. 78f(b). See also Amendment No. 2, *supra* note 3.

⁷³ 15 U.S.C. 78f(b)(1).

⁷⁴ 15 U.S.C. 78q(d).

⁷⁵ 15 U.S.C. 78s(g)(2).

⁷⁶ 15 U.S.C. 78f(b)(5).

available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-2006-04 and should be submitted by April 7, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷⁷

Nancy M. Morris,
Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53472; File No. SR-NYSE-2006-18]

Self-Regulatory Organizations; New York Stock Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Rule 104, Dealings by Specialists

March 13, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on March 8, 2006, the New York Stock Exchange, LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(6) thereunder,⁴ upon filing with the Commission.⁵ 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 amend NYSE Rules 104.12 and .13 concerning investment accounts and investment positions in specialty securities for securities issued by the Exchange. The text of the proposed rule change is available on NYSE's Web site, <http://www.nyse.com>, at NYSE's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. 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

NYSE Rule 104 (Dealings by Specialists) governs specialists' dealings in their specialty securities. Trades conducted by a specialist in specialty securities are effected in the specialist's dealer account. Under NYSE Rule 104.12, a specialist may assign part of his or her dealer account position to an investment account, provided that such assignment does not create a short position in the specialist's dealer account.

Additionally, NYSE Rule 104.12 prohibits the assignment to the investment account of any position or part thereof that was purchased on nonstabilizing ticks, *i.e.*, a "plus" tick (at a price higher than the last trade) or "zero plus tick" (higher than the last different trade). In order to assign a position to an investment account, a specialist's purchases in that security must be at least 75% stabilizing for that day and the calendar week encompassing the purchase of that security.

Similarly, positions in the dealer account are netted with positions in an investment account. Thus, if the specialist is short in the dealer account, but has a long position in the investment account that exceeds the short dealer position, the specialist is considered to be net long. In that

situation, a specialist may not liquidate the short dealer account position by purchasing on a plus tick; nor may the specialist purchase on a zero plus tick more than 50% of the stock that is being offered in the market at that time, and, in no event may the specialist purchase the final 100 shares offered.

NYSE Rule 104.13 requires that transactions effected in specialty stocks for the accounts of specified persons affiliated with or related to a specialist must be for investment purposes and executed in accordance with certain restrictions relating to the price at which transactions may take place, known as "tick" restrictions. The accounts specified in the rule include accounts of employees or parties active in the business of the specialist, the spouse or children residing in the same household as a specialist or person active in the specialist business, and any approved person (individual or entity in a control relationship) of the specialist, other than an approved person entitled to an exemption pursuant to NYSE Rule 98 (Restrictions on an Approved Person Associated with a Specialist's Member Organization).

NYSE-Archipelago Merger. The merger of NYSE and Archipelago Holdings, Inc. has received Commission approval and was completed on March 7, 2006.⁶ Trading in the common stock of the newly-formed, publicly-traded holding company NYSE Group, Inc. on the Exchange will commence on March 8, 2006, under the symbol "NYX."

Under the terms of the merger, members of the Exchange, *i.e.*, seaholders on the NYSE, will receive shares of NYX stock in exchange for their membership interests. In certain circumstances, where the purchase of an Exchange membership was the subject of a financing arrangement with the member organization a seat holder was associated with, the member organization will be eligible to receive the NYX shares being exchanged for a membership. These NYX shares will be held in a special account separate from the specialist's dealer and investment accounts.

The NYX shares received as a result of this exchange will be subject to transfer restrictions set forth in the amended and restated Certificate of Incorporation of NYSE Group, Inc. These transfer restrictions prohibit any direct or indirect assignment, sale, exchange, transfer, tender or any other disposition of NYX shares. Except as otherwise provided in Article IV,

⁶ See Securities Exchange Act Release No. 53382 (February 27, 2006), 71 FR 11251 (March 6, 2006) (SR-NYSE-2005-77).

⁷⁷ 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)(6).

⁵ The NYSE has asked the Commission to waive the 5-day pre-filing notice requirement and the 30-day operative delay. See Section 19(b)(3)(A) of the Act, and Rule 19b-4(f)(6)(iii) thereunder. 15 U.S.C. 78s(b)(1), 17 CFR 240.19b-4(f)(6)(iii).

Section 4 of the amended and restated Certificate of Incorporation, these restrictions are scheduled to expire after 12, 24, and 36 months subsequent to the issuance date of the shares, for one-third of the total shares after each such 12-month interval. The specialist organization will be informed by the transfer agent as to the specific date the restrictions will be lifted for each tranche. It is only when the restrictions are removed that these shares will be transferred to the specialist's dealer or investment account and will be fully subject to NYSE Rule 104.

Among those who will receive restricted NYX shares will be seaholders who are associated with the member organization which is registered as the specialist in NYX stock, and that specialist member organization itself.

Proposed Rule Change. The Exchange proposes to amend NYSE Rules 104.12 and .13 to exempt from these provisions any positions held by a specialist or his or her organization in a specialty security issued by NYSE Group, Inc. and listed on the NYSE which is restricted as to sale or transfer. This exemption will last during the pendency of such restriction as to sale or transfer. The Exchange believes that given that these shares cannot be used in the specialist's normal market making activities, the application of NYSE Rules 104.12 and .13 to these positions does not serve any useful purpose.

The provisions of NYSE Rule 104.12 are designed to permit specialists to establish investment positions in specialty securities while recognizing that all trading activity and positions in such specialty securities must be available for use in the specialist's dealer activities. The restrictions contained in NYSE Rule 104.13 help ensure that associated persons of specialists do not trade in a destabilizing manner any NYSE security in which the related specialist organization is registered. Since the shares of NYX that are to be received by the specialists, the specialist member organization and any associated parties in exchange for their membership interests will be, for all practical purposes, unable to be used in any manner until the restrictions described above are removed, the Exchange believes that it would be inappropriate to include them within the purview of NYSE Rules 104.12 and .13.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement

under Section 6(b)(5)⁷ that an Exchange have rules that are designed 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule does not (i) significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹ Accordingly, a proposed rule change filed under Rule 19b-4(f)(6) under the Act¹⁰ normally may not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii)¹¹ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest.

The NYSE has requested that the Commission waive the 5-day pre-filing

notice requirement and the 30-day operative delay, which would make the rule change effective and operative upon filing. The Commission believes that waiver of the 5-day pre-filing notice and the 30-day operative delay is consistent with the protection of investors and the public interest, because it allows the NYSE to implement this proposal as soon as possible upon the commencement of trading of NYX stock on March 8, 2006, and thereby accommodates the receipt and retention of restricted NYX shares by the specialist in a special account separate and apart from the specialist's dealer or investment accounts and addresses the treatment of such shares under NYSE Rule 104. For these reasons, the Commission designates the proposal to be effective and operative upon filing with the Commission.¹²

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.¹³

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-NYSE-2006-18 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2006-18. 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

⁷ 15 U.S.C. 78f(b)(5).

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 240.19b-4(f)(6)(iii).

¹² For the purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹³ See 15 U.S.C. 78s(b)(3)(C).

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 will also be available for inspection and copying at the principal office of the NYSE. 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-NYSE-2006-18 and should be submitted by April 7, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁴

Nancy M. Morris,
Secretary.

[FR Doc. E6-3898 Filed 3-16-06; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF STATE

[Public Notice 5342]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: International Sports Programming Initiative

Announcement Type: New Grant.
Funding Opportunity Number: ECA/PE/C/WHA-EAP-06-34.

Catalog of Federal Domestic Assistance Number: 00.000.

Key Dates: Application Deadline: May 11, 2006.

Executive Summary: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs announces an open competition for International Sports Programming Initiative. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to discuss approaches designed to enhance and improve the infrastructure of youth sports programs in the countries of Africa, East Asia, Near East and North Africa, and South

Asia. The focus of all programs must be reaching out to youth ages 8–18. Programs designed to train elite athletes will not be considered. In Africa, the following countries are eligible: Democratic Republic of Congo, Ethiopia, Guinea, Liberia, Rwanda, Tanzania and Uganda. In East Asia eligible countries are: Cambodia, China, Indonesia, Malaysia, Philippines and Thailand. In the Near East and North Africa eligible countries are: Algeria, Bahrain, Egypt, Kuwait, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, United Arab Emirates, and Yemen. Eligible countries in South Asia are: Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka. Only single country projects are eligible.

Applicants may not submit proposals that address more than one country or for countries that are not designated in the RFGP.

For the purposes of this competition, eligible regions are Africa, East Asia, the Near East, North Africa, and South Asia. No guarantee is made or implied that grants will be awarded in all themes and for all countries listed.

I. Funding Opportunity Description

Authority: Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is “to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.” The funding authority for the program above is provided through legislation.

Purpose

Overview: The Office of Citizen Exchanges welcomes proposals that directly respond to the following thematic areas. Given budgetary limitations, projects for other themes and other countries not listed below will not be eligible for consideration under the FY–2006 International Sports Program Initiative. In Africa, the following countries are eligible: Democratic Republic of Congo, Ethiopia, Guinea, Liberia, Rwanda, Tanzania and Uganda. In East Asia eligible countries are: Cambodia, China, Indonesia, Malaysia, Philippines and Thailand. In

the Near East and North Africa eligible countries are: Algeria, Bahrain, Egypt, Kuwait, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, United Arab Emirates, and Yemen. Eligible countries in South Asia are: Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka. Only single country projects are eligible.

Themes

(1) Training Sports Coaches

The World Summit on Physical Education (Berlin, 1999) stated that a “quality physical education helps children to develop the patterns of interest in physical activity, which are essential for healthy development and which lay the foundation for healthy, adult lifestyles.” Coaches are critical to the accomplishment of this goal. A coach not only needs to be qualified to provide the technical assistance required by young athletes to improve, but must also understand how to aid a young person to discover how success in athletics can be translated into achievement in the development of life skills and in the classroom.

Projects submitted in response to this theme would be aimed at aiding youth, secondary school and university coaches in the target countries in the development and implementation of appropriate training methodologies, through seminars and outreach. The goal is to ensure the optimal technical proficiency among the coaches participating in the program while also emphasizing the role sports can play in the long-term economic well being of youth.

(2) Youth Sports Management Exchange

Exchanges funded under this theme would help American and foreign youth sport coaches, adult sponsors, and sports associations officials share their experience in managing and organizing youth sports activities, particularly in financially challenging circumstances, and would contribute to a better understanding of the role of sports as a significant factor in educational success. Americans are in a good position to convey to foreign counterparts the importance of linking success in sports to educational achievement and how these two factors can contribute to short-term and long-term economic prospects.

(3) Youth With Disability

Exchanges supported by this theme are designed to promote and sponsor sports, recreation, fitness and leisure events for children and adults with physical disabilities. Project goals include improving the quality of life for

¹⁴ 17 CFR 200.30-3(a)(12).

people with disabilities by providing affordable inclusive sports and recreational experiences that build self-esteem and confidence, enhancing active participation in community life and making a significant contribution to the physical and psychological health of people with disabilities. Physically and developmentally challenged individuals will be fully included in the sports and recreation opportunities in their communities.

(4) Sports and Health

Projects funded under this category will focus on effective and practical ways to use sport personalities and sports health professionals to increase awareness among young people of the importance of following a healthy life style to reduce illness, prevent injuries and speed rehabilitation and recovery. Emphasis will be on the responsibility of the broader community to support healthy behavior. The project goals are to promote and integrate scientific research, education, and practical applications of sports medicine and exercise science to maintain and enhance physical performance, fitness, health, and quality of life. (Actual medical training and dispensing of medications are outside the purview of this theme.)

Audience: Representatives from government and non-governmental organizations, coaches, community leaders, and youth audiences.

Ideal Program Model

- U.S. grantee identifies U.S. citizens to conduct multi location in-country program, including clinics and training sessions for government officials (Ministry of Sports and Ministry of Education), coaches (adult and youth), GO representatives including representatives from relevant sports federation, community officials including local authorities associated with recreational facilities, youth audiences (equal numbers of boys and girls), elected local government officials, and sports management professionals to support one of the themes listed. In-country partner (a local university, government agency or other appropriate organization such as relevant sports federation) would co-host the event with the U.S. grantee institution; and participate in the selection of participants for U.S. program.

- U.S. program that would include a site visits designed to provide participants with background information on U.S. approaches to the themes listed in the announcement; internships with appropriate sports related organizations and at community-

based recreational facilities; and a one-day debriefing and evaluation.

- In-country program conducted by U.S. experts that served as internship hosts or coordinated site visits. Participants in U.S. program design the program and serve as co-presenters. Project would also support materials translated into target language, small grants for projects designed to expand the exchange experience and support for the development of alumni association.

Suggested Program Designs

Bureau-supported exchanges may include internships; study tours; short-term, non-technical experiential learning; extended and intensive workshops; and seminars taking place in the United States or overseas as long as these seminars promote intensive exchange of ideas among participants in the project. Examples of program activities include:

1. A U.S.-based program that includes an orientation to program purposes and to U.S. society; study tour/site visits; professional internships/placements; interaction and dialogue; hands-on training; professional development; and action plan development.

2. Capacity-building/training-of-trainer (TOT) workshops to help participants to identify priorities, create work plans, strengthen professional and volunteer skills, share their experience with committed people within each country, and become active in a practical and valuable way.

3. Site visits by U.S. facilitators/experts to monitor projects in the region and to encourage further development, as appropriate.

Participant Selection

Proposals should clearly describe the types of persons that will participate in the program as well as the participant recruitment and selection processes. For programs that include U.S. internships, applicants should submit letters of support from host institutions. In the selection of foreign participants, the Bureau and U.S. embassies retain the right to review all participant nominations and to accept or refuse participants recommended by grantee institutions. When U.S. participants are selected, grantee institutions must provide their names and brief biographical data to the Office of Citizen Exchanges. Priority in two-way exchange proposals will be given to foreign participants who have not previously traveled to the United States.

II. Award Information

Type of Award: Grant Agreement.
Fiscal Year Funds: 2006.

Approximate Total Funding: \$600,000.

Approximate Number of Awards: 4–5.
Approximate Average Award: \$135,000.

Floor of Award Range: \$60,000.

Ceiling of Award Range:

Approximately \$135,000.

Anticipated Award Date: Pending availability of funds, August 31, 2006.

Anticipated Project Completion Date: September 30, 2007–June 30, 2008.

Projects under this competition may range in length from one to three years depending on the number of project components, the country/region targeted and the extent of the evaluation plan proposed by the applicant. The Office of Citizen Exchanges strongly encourages applicant organizations to plan enough time after project activities to measure project outcomes. Please refer to the Program Monitoring and Evaluation section, item IV.3d.3 below, for further guidance on evaluation.

III. Eligibility Information

III.1. Eligible applicants: Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds: There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs. Cost sharing is an important element of the ECA-grantee institution relationship, and it demonstrates the implementing organization's commitment to the program. Cost sharing is included as one criterion for grant proposal evaluation. Applicants are strongly encouraged to cost share a portion of overhead and administrative expenses. Cost-sharing, including contributions from the applicant, proposed in-country partner(s), and other sources should be included in the budget request. Proposal budgets that do not reflect cost sharing will be deemed not competitive under the Cost Effectiveness and Cost Sharing criterion (item V.1 below). When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs that are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis

for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A-110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements:

(a) Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to \$60,000.

(b) Technical Eligibility: In addition to the requirements outlined in the Proposal Submission Instructions (PSI) technical format and instructions document, all proposals must comply with the following or they will result in your proposal being declared technically ineligible and given no further consideration in the review process.

1. The Office does not support proposals limited to conferences or seminars (i.e., one-to fourteen-day programs with plenary sessions, main speakers, panels, and a passive audience). It will support conferences only when they are a small part of a larger project in duration that is receiving Bureau funding from this competition.

2. No funding is available exclusively to send U.S. citizens to conferences or conference-type seminars overseas; nor is funding available for bringing foreign nationals to conferences or to routine professional association meetings in the United States.

3. The Office of Citizen Exchanges does not support academic research or faculty or student fellowships.

4. Applicants may not submit more than one (1) proposal for this competition. Organizations that submit proposals that exceed these limits will result in having all of their proposals declared technically ineligible, and none of the submissions will be reviewed by a State Department panel.

5. Proposals that target countries/regions or themes not listed in the RFGP will be deemed technically ineligible.

6. Proposals involving the production or interpretation of artistic work WILL NOT be accepted under this competition, and if received, will be declared technically ineligible.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants

until the proposal review process has been completed.

IV.1 Contact Information to Request an Application Package: Please contact the Office of Citizen Exchanges, ECA/PE/C, Room 220, U.S. Department of State, SA-44, 301 4th Street, SW., Washington, DC, 20547, tel.: 202-453-8163; fax: 202-453-8168; or e-mail harveyrh@state.gov to request a Solicitation Package. Please refer to the Funding Opportunity Number (ECA/PE/C/WHA-EAP-06-34) located at the top of this announcement when making your request. Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3F for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document that consists of required application forms, and standard guidelines for proposal preparation.

Please specify the Bureau Program Officer listed for each region and theme above and refer to the Funding Opportunity Number (ECA/PE/C/WHA-EAP-06-34) located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet: The entire Solicitation Package may be downloaded from the Bureau's Web site at <http://exchanges.state.gov/education/rfgps/menu.htm>, from the grants.gov Web site at <http://www.grants.gov>. Please read all information before downloading.

V.3. Content and Form of Submission: Applicants must follow all instructions in the Solicitation Package. The application should be sent per the instructions under IV.3f. "Application Deadline and Methods of Submission" below

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access <http://www.dunandbradstreet.com> or call 1-866-705-5711. Please ensure that your DUNS number is included in the appropriate box of the SF-424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI)

document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. Adherence To All Regulations Governing The J Visa: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR part 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR part 62, organizations receiving grants under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of grantee program organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR part 62. Therefore, the Bureau expects that any organization receiving a grant under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR part 62 *et seq.*

The Bureau of Educational and Cultural Affairs places great emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantee program organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss its record of compliance with 22 CFR part 62 *et seq.*, including the oversight of its Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and

security of forms, record-keeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS-2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at <http://exchanges.state.gov> or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD-SA-44, Room 734, 301 4th Street, SW., Washington, DC 20547. Telephone: (202) 203-5029. FAX: (202) 453-8640.

IV.3d.2. Diversity, Freedom and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation: Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the grantee will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in

behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes*. *Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted.

Outcomes, in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction* with the program and exchange experience.
2. *Participant learning*, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.
3. *Participant behavior*, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.
4. *Institutional changes*, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (i.e., surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit a comprehensive budget for the entire program. For this competition, requests should not exceed approximately \$135,000. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program include the following:

1. *Travel.* International and domestic airfare; visas; transit costs; ground transportation costs. Please note that all air travel must be in compliance with the Fly America Act. There is no charge for J-1 visas for participants in Bureau sponsored programs.

2. *Per Diem.* For U.S.-based programming, organizations should use the published Federal per diem rates for individual U.S. cities. Domestic per diem rates may be accessed at: <http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/perd03d.html>. ECA requests applicants to budget realistic costs that reflect the local economy and do not exceed Federal per diem rates. Foreign per diem rates can be accessed at: <http://www.state.gov/m/a/als/prdm/html>.

3. *Interpreters.* For U.S.-based activities, ECA strongly encourages applicants to hire their own locally

based interpreters. However, applicants may ask ECA to assign State Department interpreters. One interpreter is typically needed for every four participants who require interpretation. When an applicant proposes to use State Department interpreters, the following expenses should be included in the budget: Published Federal per diem rates (both "lodging" and "M&IE") and "home-program-home" transportation in the amount of \$400 per interpreter. Salary expenses for State Department interpreters will be covered by the Bureau and should not be part of an applicant's proposed budget. Bureau funds cannot support interpreters who accompany delegations from their home country or travel internationally.

4. Book and Cultural Allowances.

Foreign participants are entitled to a one-time cultural allowance of \$150 per person, plus a book allowance of \$50. Interpreters should be reimbursed up to \$150 for expenses when they escort participants to cultural events. U.S. program staff, trainers or participants are not eligible to receive these benefits.

5. Consultants. Consultants may be used to provide specialized expertise or to make presentations. Honoraria rates should not exceed \$250 per day. Organizations are encouraged to cost-share rates that would exceed that figure. Subcontracting organizations may also be employed, in which case the written agreement between the prospective grantee and sub-grantee should be included in the proposal. Such sub-grants should detail the division of responsibilities and proposed costs, and subcontracts should be itemized in the budget.

6. Room rental. The rental of meeting space should not exceed \$250 per day. Any rates that exceed this amount should be cost shared.

7. Materials. Proposals may contain costs to purchase, develop and translate materials for participants. Costs for high quality translation of materials should be anticipated and included in the budget. Grantee organizations should expect to submit a copy of all program materials to ECA, and ECA support should be acknowledged on all materials developed with its funding.

8. Equipment. Applicants may propose to use grant funds to purchase equipment, such as computers and printers; these costs should be justified in the budget narrative. Costs for furniture are not allowed.

9. Working meal. Normally, no more than one working meal may be provided during the program. Per capita costs may not exceed \$15–\$25 for lunch and \$20–\$35 for dinner, excluding room rental. The number of invited guests

may not exceed participants by more than a factor of two-to-one. When setting up a budget, interpreters should be considered "participants."

10. Return travel allowance. A return travel allowance of \$70 for each foreign participant may be included in the budget. This allowance would cover incidental expenses incurred during international travel.

11. Health Insurance. Foreign participants will be covered during their participation in the program by the ECA-sponsored Accident and Sickness Program for Exchanges (ASPE), for which the grantee must enroll them. Details of that policy can be provided by the contact officers identified in this solicitation. The premium is paid by ECA and should not be included in the grant proposal budget. However, applicants are permitted to include costs for travel insurance for U.S. participants in the budget.

12. Wire transfer fees. When necessary, applicants may include costs to transfer funds to partner organizations overseas. Grantees are urged to research applicable taxes that may be imposed on these transfers by host governments.

13. In-country travel costs for visa processing purposes. Given the requirements associated with obtaining J-1 visas for ECA-supported participants, applicants should include costs for any travel associated with visa interviews or DS-2019 pick-up.

14. Administrative Costs. Costs necessary for the effective administration of the program may include salaries for grantee organization employees, benefits, and other direct and indirect costs per detailed instructions in the Application Package. While there is no rigid ratio of administrative to program costs, proposals in which the administrative costs do not exceed 25% of the total requested ECA grant funds will be more competitive under the cost effectiveness and cost sharing criterion, per item V.1 below. Proposals should show strong administrative cost sharing contributions from the applicant, the in-country partner and other sources.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date: Thursday, May 11, 2006.

Reference Number: ECA/PE/C/WHA–EAP–06–34.

Methods of Submission: Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service

(i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2) Electronically through <http://www.grants.gov>. Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF-424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1. Submitting Printed Applications: Due to heightened security measures, proposal submissions must be sent via a nationally recognized overnight delivery service (i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.) and be shipped no later than the above deadline. The delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. ECA will *not* notify you upon receipt of application. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered. Applications may not be submitted electronically at this time.

Applicants must follow all instructions in the Solicitation Package.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF-424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and ten copies of the application should be sent to: U.S. Department of State, SA-44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/WHA–EAP–06–34, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF-424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.2.—Submitting Electronic Applications: Applicants have the option of submitting proposals electronically through Grants.gov (<http://www.grants.gov>). Complete solicitation packages are available at Grants.gov in the “Find” portion of the system. Please follow the instructions available in the “Get Started” portion of the site (<http://www.grants.gov/GetStarted>).

Applicants have until midnight (12 a.m.) of the closing date to ensure that their entire applications have been uploaded to the grants.gov site. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Applicants will receive a confirmation e-mail from grants.gov upon the successful submission of an application. ECA will not notify you upon receipt of electronic applications.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

IV.3h. Applicants must also submit the “Executive Summary” and “Proposal Narrative” sections of the proposal in text (.txt) format on a PC-formatted disk. The Bureau will provide these files electronically to the appropriate Public Affairs Section(s) at the U.S. Embassy for its review.

V. Application Review Information

V.1. Review Process: The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State’s Assistant Secretary for Educational and Cultural Affairs. Final technical authority for grants resides with the Bureau’s Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Program Planning and Ability to Achieve Objectives: Program objectives

should be stated clearly and should reflect the applicant’s expertise in the subject area and region. Objectives should respond to the topics in this announcement and should relate to the current conditions in the target country/countries. A detailed agenda and relevant work plan should explain how objectives will be achieved and should include a timetable for completion of major tasks. The substance of workshops, internships, seminars and/or consulting should be described in detail. Sample training schedules should be outlined. Responsibilities of proposed in-country partners should be clearly described. A discussion of how the applicant intends to address language issues should be included, if needed.

2. Institutional Capacity: Proposals should include (1) the institution’s mission and date of establishment; (2) detailed information about proposed in-country partner(s) and the history of the partnership; (3) an outline of prior awards—U.S. government and/or private support received for the target theme/country/region; and (4) descriptions of experienced staff members who will implement the program. The proposal should reflect the institution’s expertise in the subject area and knowledge of the conditions in the target country/countries. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grants Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program’s goals. The Bureau strongly encourages applicants to submit letters of support from proposed in-country partners.

3. Cost Effectiveness and Cost Sharing: Overhead and administrative costs in the proposal budget, including salaries, honoraria and subcontracts for services, should be kept to a minimum. *Proposals whose administrative costs are less than twenty-five (25) per cent of the total funds requested from the Bureau will be deemed more competitive under this criterion.*

Applicants are strongly encouraged to cost share a portion of overhead and administrative expenses. Cost-sharing, including contributions from the applicant, proposed in-country partner(s), and other sources should be included in the budget request. Proposal budgets that do not reflect cost sharing

will be deemed not competitive in this category.

4. Support of Diversity: Proposals should demonstrate substantive support of the Bureau’s policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities). Applicants should refer to the Bureau’s Diversity, Freedom and Democracy Guidelines in the Proposal Submission Instructions (PSI) and the Diversity, Freedom and Democracy Guidelines section, Item IV.3d.2, above for additional guidance.

5. Post-Grant Activities: Applicants should provide a plan to conduct activities after the Bureau-funded project has concluded in order to ensure that Bureau-supported programs are not isolated events. Funds for all post-grant activities must be in the form of contributions from the applicant or sources outside of the Bureau. Costs for these activities must not appear in the proposal budget, but should be outlined in the narrative.

6. Program Monitoring and Evaluation: Proposals should include a detailed plan to monitor and evaluate the program. Program objectives should target clearly defined results in quantitative terms. Competitive evaluation plans will describe how applicant organizations would measure these results, and proposals should include draft data collection instruments (surveys, questionnaires, etc.) in Tab E. See the “Program Management/Evaluation” section, item IV.3d.3 above for more information on the components of a competitive evaluation plan. Successful applicants (grantee institutions) will be expected to submit a report after each program component concludes or on a quarterly basis, whichever is less frequent. The Bureau also requires that grantee institutions submit a final narrative and financial report no more than 90 days after the expiration of a grant. Please refer to the “Program Management/Evaluation” section, item IV.3d.3 above for more guidance.

VI. Award Administration Information

VI.1a. Award Notices: Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive an Assistance Award Document (AAD) from the Bureau’s Grants Office. The AAD and the original grant proposal with subsequent modifications

(if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The AAD will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2. Administrative and National Policy Requirements: Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A-122, "Cost Principles for Nonprofit Organizations."

Office of Management and Budget Circular A-21, "Cost Principles for Educational Institutions."

OMB Circular A-87, "Cost Principles for State, Local and Indian Governments".

OMB Circular No. A-110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A-133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information: <http://www.whitehouse.gov/omb/grants>, <http://exchanges.state.gov/education/grantsdiv/terms.htm#articleI>.

VI.3. Reporting Requirements: You must provide ECA with a hard copy original plus two copies of the following reports:

(1) A final program and financial report no more than 90 days after the expiration of the award;

(2) Any interim report(s) required in the Bureau grant agreement document.

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to Application and Submission Instructions [IV.3d.3] above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VI.4. Program Data Requirements: Organizations awarded grants will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the grant or who benefit from the grant funding but do not travel.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three workdays prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: The Office of Citizen Exchanges, ECA/PE/C, Room 220, ECA/PE/C-WHA-EAP-06-34, Bureau of Educational and Cultural Affairs, U.S. Department of State, SA-44, 301 4th Street, SW., Washington, DC, 20547; tel.: 202-453-8163; fax: 202-453-8168; harveyrh@state.gov.

For correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C-06-xx. Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: March 8, 2006.

C. Miller Crouch,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 06-2572 Filed 3-16-06; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice 5346]

Fine Arts Committee; Notice of Meeting

The Fine Arts Committee of the Department of State will meet on April 20, 2006 at 2 p.m. in the Henry Clay Room of the Harry S. Truman Building, 2201 C Street, NW., Washington, DC. The meeting will last until approximately 4 p.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting on October 29, 2005 and the announcement of gifts and loans of furnishings as well as financial contributions from January 1, 2005 through December 31, 2005.

Public access to the Department of State is strictly controlled and space is limited. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office at (202) 647-1990 or send an e-mail to Craighillmf@state.gov by April 15 to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

Dated: March 13, 2006.

Gail F. Serfaty,

Secretary, Fine Arts Committee, Department of State.

[FR Doc. E6-3934 Filed 3-16-06; 8:45 am]

BILLING CODE 4710-35-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2005-20109]

Ameriflight, Inc.; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice; reopening of comment period.

SUMMARY: This action reopens the comment period for a proposed grant of exemption that was published on February 7, 2006. The purpose of that document was to improve the public's

awareness of, and participation in the FAA's regulatory activities. This reopening is a result of a request from the Air Line Pilots Association, International (ALPA) to extend the comment period to the exemption.

DATES: Comments must be received on or before April 3, 2006.

ADDRESSES: You may send comments identified by Docket Number FAA-2005-20109 using any of the following methods:

- 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 20590-001.

- Fax: 1-202-493-2251.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For more information on the rulemaking process, see the

SUPPLEMENTARY INFORMATION section of this document.

Privacy: We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. For more information, see the Privacy Act discussion in the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: To read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Katherine Perfetti, Air Transportation Division, Flight Standards Service, Room 831, 800 Independence Avenue, SW., Washington, DC 20591, telephone: (202) 267-3760, e-mail: katherine.perfetti@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to submit written comments, data, and views on the agency's analysis contained in the proposed grant of exemption. The most helpful comments reference a specific portion of the analysis, explain the reason for any recommended change, and include

supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the web address in the **ADDRESSES** section.

Privacy Act: Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment 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 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Background

On February 7, 2006, the Federal Aviation Administration (FAA) issued Proposed Grant of Exemption; Ameriflight, Inc. (71 FR 6307, 02/07/2006). Comments to that document were to be received on or before March 9, 2006.

By letter dated March 6, 2006, ALPA requested that the FAA extend the comment period for this proposed exemption for a period of 30 days. The FAA concurs with ALPA's request for an extension of the comment period. The comment period, however, closed on March 9, 2006. Additionally, the FAA believes that a 30-day extension would be excessive, thus, it will reopen the comment period for 15 days.

Reopening of Comment Period

In accordance with § 11.47 of Title 14, Code of Federal Regulations, the FAA has reviewed the petition made by

ALPA for an extension of the comment period to the subject proposed grant of exemption. ALPA has shown a substantive interest in the proposed exemption and good cause for the extension. The FAA also has determined that the reopening of the comment period is consistent with the public interest, and that good cause exists for taking this action.

Accordingly, the comment period for the proposed grant of exemption; Ameriflight, Inc.; Docket No. FAA-2005-20109 is reopened until April 3, 2006.

Issued in Washington, DC, on March 13, 2006.

Anthony F. Fazio,

Director, Office of Rulemaking.

[FR Doc. E6-3856 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Horry and Georgetown Counties, SC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed hurricane evacuation route project in Horry and Georgetown Counties, South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Tyndall, Environmental Program Manager, Federal Highway Administration, Strom Thurmond Federal Building, 1835 Assembly Street, Suite 1270, Columbia, SC 29201-2483, Telephone: 803-765-5411.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the South Carolina Department of Transportation (SCDOT) will prepare an environmental impact statement (EIS) on a proposal to establish a hurricane evacuation route for the southeastern portion of Horry County and the northeastern portion of Georgetown County in South Carolina. This project has been locally named the Southern Evacuation Lifeline. Horry County and Georgetown County Councils have appointed a Task Force of local representatives to guide the development of this project.

A timely and efficient means of hurricane evacuation is needed for the southern portion the South Carolina Grand Strand Area also known as the South Strand. This proposed action would establish a hurricane evacuation route between U.S. Route (US) 17 (in the

vicinity of Garden City, SC) and U.S. 501 (in the vicinity of Conway, SC). The study area's coastal boundary will be U.S. 17 and the inland boundary would extend to near the intersection of U.S. 501 and S.C. Route (SC) 22.

The FHWA and SCDOT are seeking input as a part of the scoping process to assist in identifying issues relative to this project. Letters describing the proposed action and soliciting comments will be sent to the appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this action. Scoping meetings are currently planned for April and May 2006. A series of public information meetings will be held in the proposed study area this calendar year. In addition, a public hearing will be held after the approval of the Draft Environmental Impact Statement (DEIS). Public notice will be given indicating the time and place of the meetings and the hearing. The DEIS will be made available for public and agency review and comment prior to the public hearing.

To ensure the full range of issues related to this proposed action are addressed, all significant issues will be identified and evaluated. Comments and suggestions are invited from all interested parties in the development of these issues. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 13, 2006.

Robert D. Thomas,

Assistant Division Administrator, Columbia, SC.

[FR Doc. E6-3915 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Federal Transit Administration

Environmental Impact Statement on Seattle Ferry Terminal—Seattle, WA

AGENCIES: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT) and Federal Transit Administration

(FTA), U.S. Department of Transportation (DOT).

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Highway Administration and Federal Transit Administration are issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the Washington State Ferries Seattle Ferry Terminal Project in Seattle, Washington.

DATES: Written comments on the purpose and need, scope of alternatives and impacts to be considered in the EIS must be received no later than May 19, 2006, and must be sent to Washington State Ferries at the address indicated below.

Scoping Meeting Dates: Two public information meetings will be held in April 2006, including:

Thursday, April 20, 2006, 11:30 a.m.–1:30 p.m., at the Seattle Ferry Terminal, 801 Alaskan Way (Pier 52), Seattle, Washington;

Tuesday, April 25, 2006, 4:30 p.m.–6:30 p.m., at the Puget Sound Regional Council, 1011 Western Ave, #50, Seattle, Washington.

Oral and written comments may be given at the public meetings.

This and all other public meetings will be accessible to persons with disabilities. Any individual who requires special assistance should contact Hadley Greene at (206) 515-3913 at least 48 hours in advance of the meeting in order for WSF to make necessary arrangements. Persons who are deaf or hard of hearing may access Washington State Telecommunications Relay Service by dialing 7-1-1 and asking to be connected to (206) 515-3913.

ADDRESSES: To ensure that the full range of issues related to this proposed action are identified and addressed, comments and suggestions are invited from interested parties. Comments will be accepted at the public scoping meetings (either through written comments forms and/or orally through the court reporter) or they can be e-mailed to *SeattleFerryTerminalProject@wsdot.wa.gov* or mailed to Washington State Ferries, Hadley Greene, Customer and Community Relations, 2901 Third Avenue, Suite 500, Seattle, WA 98121.

FOR FURTHER INFORMATION CONTACT: Linda Gehrke, Federal Transit Administration, Telephone: (206) 220-4463; or Steve Saxton, Federal Highway Administration, Telephone: (360) 753-9411; or Angela Freudenstein, Washington State Ferries. Telephone: (206) 382-5230. Additional information

on the Seattle Ferry Terminal Project can be found on the project Web site at www.wsdot.wa.gov/ferries/projects/seattlecolmandock/.

SUPPLEMENTARY INFORMATION:

Propose Action Background

The FHWA and FTA, as Federal co-lead agencies, in participation with the Washington State Ferries (WSF) will prepare an Environmental Impact Statement (EIS) on the proposed Seattle Ferry Terminal Project in Seattle, Washington. The project study area generally encompasses the southern portion of the Seattle downtown between King Street and Madison Streets along the waterfront.

The existing Seattle Ferry Terminal at Colman Dock is both structurally deteriorated and lacks the capacity to meet either the current peak travel demand or future needs. The existing pier structure was built in 1964, reusing many timber piles from the original 1936 pier. The south half of the dock was rebuilt in the 1990s. In 2002 WSF conducted an underwater inspection that indicated almost one-half of the timber piles were damaged or deteriorated. In addition, the transfer spans for loading cars and passengers onto the ferry vessels are aging and deteriorating. All of these facilities are nearing the end of their useful life and need to be replaced.

The draft WSF Long-Range Strategic Plan indicates that the Seattle Ferry Terminal will experience considerable growth in both vehicle and passenger traffic between now and 2030. During the daily westbound PM peak travel period, when traffic is heaviest, the number of vehicles carried is expected to increase by over 125%. During the same travel period, the number of walk-on passengers is projected to triple. To accommodate this projected growth, and avoid continuing and worsening backups on nearby surface streets, the existing terminal's holding capacity will need to more than double.

Currently, the Seattle Ferry Terminal does not have enough area to hold vehicles waiting to use the ferry on peak travel days, particularly on a Friday during the summer. As a result of limited space on the dock (currently there is room for a maximum of approximately 600 vehicles) vehicles back up on surface streets on several days each year. These waiting vehicles disrupt and conflict with through traffic at several roadway intersections. Backups are expected to worsen in the future if improvements at the terminal are not made.

Foot passengers moving between the terminal and downtown encounter

mobility issues related to the surges of heavy pedestrian traffic in one direction or the other on an above-street bridge; inadequate lighting and poor pavement conditions along surface streets; lack of Americans with Disabilities Act (ADA)-compliant facilities; and poor access and inconvenient connections to existing multi-modal transportation services.

The Maritime Transportation Security Act of 2002, part of the U.S. Coast Guard's Homeland Security mandate, requires a number of physical improvements be made at the Seattle Ferry Terminal, including areas for passenger and vehicle screening.

Project Objectives/Alternatives

The primary objectives of the Seattle Ferry Terminal Project are to replace the aging and deteriorating dock structure, accommodate projected growth of both vehicle and passenger traffic, enhance operational effectiveness and thus decrease congestion on adjacent city streets, improve passenger connections to multi-modal transportation services and mobility into downtown, and incorporate physical improvements in conformance with ADA and Maritime Transportation Security Act requirements.

All reasonable alternatives that meet the project objectives will be considered. The EIS will include a range of terminal improvements, as well as a No-Build Alternative.

Probable Effects

The EIS will evaluate significant transportation, environmental, social, and economic impacts of the alternatives. Potential areas of impact include: overwater coverage, aquatic resources, land use, economics, historic and cultural properties, traffic, and environmental justice. All impacts will be evaluated for both the construction period and for the long-term period of operation. Measures to avoid, minimize, or mitigate any significant impacts will be developed.

Issued on March 13, 2006.

R.F. Krochalis,

Regional Administrator, Region X, Federal Transit Administration.

Steve Saxton,

Area Engineer, Washington Division, Federal Highway Administration.

[FR Doc. 06-2582 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highways in South Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to various proposed highway projects in the State of South Carolina. Those actions grant licenses, permits, and approvals for the projects. **DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on any of the listed highway projects will be barred unless the claim is filed on or before September 13, 2006. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Lee, Division Administrator, Federal Highway Administration, 1835 Assembly Street, Suite 1270, Columbia, SC 29201; Telephone: (803) 765-5411; e-mail: bob.lee@fhwa.dot.gov. The FHWA South Carolina Division Office's normal business hours are 7 a.m. to 4:30 p.m. (eastern time). You may also contact Mr. J. Berry Still, P.E., South Carolina Department of Transportation, 955 Park Street, P.O. Box 191, Columbia, SC 29202-0191; Telephone: (803) 737-9967; e-mail: StillJB@scdot.org.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the highway projects in the State of South Carolina that are listed below. The actions by the Federal agencies on a project, and the laws under which such actions were taken, are described in the documented categorical exclusion (CE), environmental assessment (EA) environmental impact statement (EIS) or re-evaluation issued in connection with the project, and in other documents in the FHWA administrative record for the project. The CE, EA, FEIS or re-evaluation and other documents from the FHWA administrative record files for the listed projects are available by

contacting the FHWA or the SCDOT at the addresses provided above.

This notice applies to all Federal agency decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act, 42 U.S.C. 7401-7671(q).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Anadromous Fish Conservation Act [16 U.S.C. 757(a)-757(g)], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712], Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251-1377 (Section 404, Section 401, Section 319); Coastal Barrier Resources Act, 16 U.S.C. 3501-3510; Coastal Zone Management Act, 16 U.S.C. 1451-1465; Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601-4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401-406; Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA-21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001-4128.

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675; Superfund Amendments and Reauthorization Act of 1986 (SARA);

Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k).

9. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

The projects subject to this notice are:

1. *Project Location*: Richland and Calhoun Counties, U.S. 601 Bridge Replacements. Project Reference Number: BR–BR88(042). Project type: The project proposes to provide for the replacement of the U.S. Route 601 bridge over the Congaree River and three overflow bridges including pavement resurfacing. The section of U.S. 601 proposed for pavement resurfacing and replacement of the four bridges extends from near the intersection of U.S. Route 601/S.C. Route 48 to a point just beyond the Congaree River, a distance of approximately 4.3 miles. NEPA document: An Environmental Assessment (EA) was completed for the proposed project and approved on March 23, 2005. A Finding of No Significant Impacts (FONSI) was issued on November 30, 2005.

2. *Project Location*: Beaufort and Colleton Counties. U.S. 17 Bridge Replacement. Project Reference Number: BR–BR88(039). Project type: The project includes the replacement of the existing 2-lane U.S. 17 bridge over the Combahee River. The proposed project involves the construction of a new bridge downstream from the existing bridge. The finished product will be an 840' long by 81'9" wide structure that will carry four 12' lanes. NEPA document: A Categorical Exclusion (CE) was completed on the proposed project and approved on August 29, 2005.

3. *Project Location*: Lone Star, Calhoun County; Remini, Clarendon County; Briggs, DeLane, Pearson Connector formerly known as the James E. Clyburn Connector. Project Reference Number: FHWA–SC–EIS–01–01–F. Project type: The proposed action consists of constructing a two-lane road to connect the existing road system from the intersection of S.C. Route 33 and S.C. Route 267 to Secondary Road 52 or Road S–26. The proposed action crosses Lake Marion in the vicinity of an

existing CSX railroad bridge and would consist of a 46'10" wide and approximately 2.8 mile long bridge structure. NEPA document: An Environmental Impact Statement (EIS) was prepared for the project. The FEIS was approved and issued on December 5, 2002. The Record of Decision (ROD) for the project was issued on June 12, 2003.

4. *Project Location*: Hanahan, Berkeley County, Secondary Road 732, Railroad Avenue Extension. Project Reference Number: NCB–NC08(001). Project type: The project proposes to extend Railroad Avenue east of the existing CSX railroad along the existing railroad right of way. This extension would begin from a point just south of Mabeline Road northward approximately 1.2 miles to Eagle Landing Road. The extended roadway would have a typical section consisting of two 12-foot travel lanes including curb and gutter, and a sidewalk on one side. NEPA document: An Environmental Assessment (EA) was prepared for the project and was approved on October 6, 2004. A Finding of No Significant Impact (FONSI) was issued on December 20, 2004.

5. *Project Location*: North Augusta, Aiken County, Palmetto Parkway Extension Phase II formerly known as the Bobby Jones Expressway. Project Reference Number: FHWA–SC–75–03–F. Project type: The proposed project will construct a four-lane divided freeway with full access control on new location, along the east side of North Augusta. The freeway, which will be designed to interstate standards and designated as the Palmetto Parkway or I–520, will begin just north of U.S. 1/ U.S. 78 and continue north to I–20, a distance of approximately 6.5 miles. The roadway will provide regional travel between I–20 and I–520 south of Augusta, GA. NEPA document: An Environmental Impact Statement (EIS) was prepared for the project. A Final Environmental Impact Statement (FEIS) was issued on September 19, 1979. A Re-evaluation of the FEIS was completed on October 9, 2003. A Record of Decision (ROD) was issued on February 24, 2004.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: March 13, 2006.

Robert D. Thomas,
Assistant Division Administrator, Columbia,
SC.

[FR Doc. E6–3914 Filed 3–16–06; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Informal Hearing Implementation Process

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice.

SUMMARY: The Federal Motor Carrier Safety Administration's (FMCSA) final rule revising 49 CFR part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings" (Rules of Practice), published on May 18, 2005, became effective on November 14, 2005. As revised, the Rules of Practice permit a respondent in a civil penalty proceeding to request an informal hearing as an alternative to either a request for a formal hearing or a request to submit written evidence without a hearing. The Rules of Practice, however, do not prescribe specific procedures for conducting informal hearings.

As the informal hearing process is a new alternative for motor carriers, FMCSA will implement this alternative in two phases. This approach allows FMCSA to carefully evaluate and refine, as necessary, how the informal hearing process is conducted.

During the first phase of implementation, FMCSA will only consider requests for an informal hearing from respondents with a principal place of business within the FMCSA Midwest Service Center's geographical area. The Midwest Service Center's geographical area encompasses the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin. The second phase, nationwide implementation, will begin within one year of the effective date of the Rules of Practice. FMCSA will publish a notice of its nationwide implementation in the **Federal Register**.

FMCSA will consider any request for an informal hearing received by FMCSA before the publication date of this notice during the first phase of implementation, regardless of the location of respondent's principal place of business.

When an informal hearing request is granted, the hearing officer will provide

written information to each respondent about the procedures that will govern the hearing.

DATES: The first phase will begin on March 17, 2006 and will end September 18, 2006. The second phase will begin by November 14, 2006.

Issued on: March 13, 2006.

Annette M. Sandberg,
Administrator.

[FR Doc. E6-3895 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No: MARAD 2006-24149]

Availability of a Draft Environmental Assessment

AGENCY: Department of Transportation, Maritime Administration.

ACTION: Notice of the Availability of a Draft Environmental Assessment.

SUMMARY: The purpose of this Notice is to make available for public review and comment the Port of Anchorage Intermodal Expansion, North End Runway Material Extraction and Transport draft Environmental Assessment (EA). The draft EA analyzes the potential impacts on the human and natural environment associated with the proposed material extraction activities at the North End Borrow Site and potential transportation corridors located on Elmendorf Air Force Base (EAFB). This environmental documentation supports the proposed expansion of the Port of Anchorage (POA), which includes a variety of activities to enhance the transportation of goods and people within the State of Alaska.

DATES: Comments on this draft EA must be received by April 17, 2006.

FOR FURTHER INFORMATION CONTACT: Daniel E. Yuska, Jr., Environmental Protection Specialist, Office of Environmental Activities, U.S. Maritime Administration, 400 Seventh Street, SW., Washington, D.C. 20590; telephone (202) 366-0714, fax (202) 366-6988.

SUPPLEMENTARY INFORMATION: Comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 Seventh St., SW., Washington, DC 20590-0001. Written comments should refer to docket number MARAD 2006-24149. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except

Federal holidays. An electronic version of this document and all documents entered into this docket are available at <http://dms.dot.gov>. No comments will be accepted after April 17, 2006. In addition, copies of the draft EA are available for public viewing on the Port of Anchorage web site (<http://www.portofanchorage.org>) or at the Loussac Library in Anchorage.

(Authority: 49 CFR 1.66)

Dated: March 13, 2006.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. E6-3896 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2006-24044; Notice 1]

Pipeline Safety: Request for Waiver; Dominion Transmission, Inc.

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice of intent to consider waiver request.

SUMMARY: Dominion Transmission, Inc. (DTI) requested a waiver of compliance from the pipeline safety regulation that requires each liquefied natural gas (LNG) facility constructed after March 31, 2000 to comply with the American National Standards Institute and National Fire Protection Association (ANSI/NFPA) standard for low-pressure welded storage containers.

DATES: Persons interested in submitting comments on the waiver request described in this Notice must do so by April 17, 2006.

ADDRESSES: Comments 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, PHMSA-2006-24044, 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.

Privacy Act Statement: Anyone may search the electronic form of all comments received for any of our dockets. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: James Reynolds by telephone at 202-366-2786; by fax at 202-366-4566; by mail at DOT, Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety, 400 7th Street, SW., Washington, DC 20590; or by e-mail at james.reynolds@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Dominion Transmission, Inc. (DTI), requests a waiver of compliance from the regulatory requirements at 49 CFR 193.2301. This regulation requires each LNG facility constructed after March 31, 2000, to comply with 49 CFR 193 and ANSI/NFPA standard 59A (NFPA 59A).

NFPA 59A requires that welded containers designed for not more than 15 pounds per square inch gauge pressure (psig) comply with the Eighth Edition, 1990, of American Petroleum Institute standard 620 (API 620), *Design and Construction of Large, Welded, Low-Pressure Storage Tanks (Appendix Q)*. The Eighth Edition of API 620 requires inspection according to Appendix Q which calls for the full radiographic examination of all vertical and horizontal butt welds associated with the container.

DTI is proposing to use the current Tenth Edition, Addendum 1, of API 620. The Tenth Edition, Addendum 1, of API

620, allows ultrasonic examination—in lieu of radiography—as an acceptable alternative non-destructive testing method. DTI proposes to use ultrasonic examination on its project. The ultrasonic examination consists of full semi-automated and manual examination using shear wave probes, and volumetric examination using a combination of creep wave probes and focused angled longitudinal wave probes.

NFPA 59A Technical Committee recently approved and recommended the acceptance of the Tenth Edition, 2002 of API 620. PHMSA has not yet adopted the Tenth Edition, 2002 of API 620, and has not yet incorporated it by reference in Appendix A to Part 193; therefore, a waiver is required.

DTI asserts that ultrasonic examination is more sensitive than radiographic examination to detect the type of flaws most susceptible in the design and construction of large welded low pressure storage tanks. DTI further asserts that any potentially detrimental weld defect in the container walls will be identifiable using the ultrasonic examination method.

DTI concludes that the alternative method of inspection allowed by the current Tenth Edition, Addendum 1, of API 620, will not reduce the integrity of the installation, and will in fact enhance the quality of the inspection by using modern inspection technology while improving personnel safety and information sharing.

For the reasons stated, DTI is requesting a waiver from 49 CFR 193.2301, and is asking that it be allowed to use the ultrasonic examination method according to the Tenth Edition, Addendum 1, of API 620, in lieu of the radiographic examination method as specified by the Eighth Edition of API 620.

System Description

DTI's Cove Point LNG, liquid propane (LP) terminal is located on the Chesapeake Bay in Lusby, Maryland. DTI is engaged in an expansion project that will increase its plant daily output capacity from 1 billion cubic feet (Bcf) per day to 1.8 Bcf per day. DTI has sought approval from the Federal Energy Regulatory Commission for this project; and if granted, DTI's storage capacity at the terminal is expected to increase to approximately 14.5 Bcf.

DTI's Cove Point Expansion Project consists of two tanks each with a volume of approximately one million barrels. The outer wall of each container is constructed of carbon steel and the inner wall is constructed of 9% nickel steel.

PHMSA will consider DTI's waiver request and whether DTI's proposal will yield an equivalent or greater degree of safety than that currently provided by the regulations. This Notice is PHMSA's only request for public comment before making a decision. After considering any comments received, PHMSA will either grant DTI's waiver request as proposed or with modifications and conditions or deny DTI's request. If the waiver is granted and PHMSA subsequently determines that the effect of the waiver is inconsistent with pipeline safety, PHMSA may revoke the waiver at its sole discretion.

Authority: 49 U.S.C. 60118(c) and 49 CFR 1.53.

Issued in Washington, DC, on March 13, 2006.

Joy Kadnar,

Director of Engineering and Engineering Support.

[FR Doc. E6-3853 Filed 3-16-06; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 661]

Rail Fuel Surcharges

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of public hearing.

SUMMARY: The Surface Transportation Board (Board) will hold a public hearing beginning at 9 a.m. on Thursday, May 11, 2006, at its offices in Washington, DC, to provide interested persons an opportunity to express their views on the subject of fuel surcharges collected by railroads. Persons wishing to speak at the hearing should notify the Board in writing.

DATES: The public hearing will take place on May 11, 2006. Any person wishing to speak at the hearing should file with the Board a written notice of intent to participate, and should indicate a requested time allotment, as soon as possible but no later than April 20, 2006. Each speaker should also file with the Board his/her written testimony by April 27, 2006. Written submissions by interested persons who do not wish to appear at the hearing will also be due by April 27, 2006.

ADDRESSES: All notices of intent to participate and testimony may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should comply with instructions on the Board's <http://www.stb.dot.gov> Web site, at the

“E-FILING” link. Any person submitting a filing in the traditional paper format should send an original and 10 copies of the filing (referring to STB Ex Parte No. 661) to: Surface Transportation Board, Attn: STB Ex Parte No. 661, 1925 K Street, NW., Washington, DC 20423-0001.

FOR FURTHER INFORMATION, CONTACT:

Joseph H. Dettmar, (202) 565-1609. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.]

SUPPLEMENTARY INFORMATION: The Board will hold a public hearing to provide a forum for the expression of views by rail shippers, railroads, and other interested persons, on the manner in which fuel surcharges are calculated and charged by railroads. The cost of fuel is a significant component of the operating costs of providing rail service, and railroads can reasonably be expected to devise methods to collect increases in those costs from their shippers. However, the rail shipper community has voiced concerns that recent fuel surcharges collected by railroads are designed to recover amounts over and above increased fuel costs.

A surcharge is a separately identified component of the total rate that is charged for the transportation involved. The Board's authority to regulate the level of a railroad's rates is limited. The Board only has jurisdiction over a railroad's common carriage rates, not rates governed by a rail transportation contract negotiated by the shipper and railroad. 49 U.S.C. 10709. Even as to a railroad's common carriage rates, the Board can review the level of the rate only if there is no effective competition from other rail carriers or modes of transportation for the transportation to which the rate applies. 49 U.S.C. 10707(a). Moreover, Congress has precluded the Board from regulating rates which produce revenues that are less than 180% of the carrier's variable costs of providing the service involved. 49 U.S.C. 10707(d)(1)(A). Therefore, this hearing is not intended to address the level of surcharges.

On the other hand, the Board has broad authority over the reasonableness of a railroad's practices. 49 U.S.C. 10702(2). The Board cannot use its authority over the reasonableness of a carrier's practices to regulate the level of a carrier's rates. *See Union Pacific R.R. v. ICC*, 867 F.2d 646 (DC Cir. 1989). But, to the extent that shippers are complaining of the railroad practice of labeling a rate increase as a fuel surcharge when the increase is not directly and closely correlated to

increases in the cost of fuel for the particular movement to which the surcharge is applied, the Board arguably could consider that as a possible unreasonable practice.¹ Thus, it is that aspect of the shippers' concerns—whether railroad fuel surcharges are being set in such a manner as to insure that they are used only to recover the increased cost of fuel for the particular movements to which the surcharge is applied—that will be the subject of this hearing. Railroads are asked to present (individual not collective) testimony on how they set fuel surcharges, and whether their fuel surcharges fairly reflect the increasing fuel costs of the particular movements to which they are applied.

We are holding this hearing based on the Board's authority to inquire into the management of railroads and to obtain information that is needed to carry out the statute that the Board administers. 49 U.S.C. 721(b). To carry out its various statutory responsibilities, the Board requires railroads to collect and submit to the Board extensive cost and revenue information. 49 CFR parts 1200–1280. In this hearing, shippers and railroads are asked to comment on whether and how those reporting requirements should be adjusted to provide rail customers with better information on a carrier's fuel costs and the revenues collected through fuel surcharges. Making this information publicly available should enable shippers to better identify and protect against inappropriate surcharges and to more reliably forecast their future transportation costs.

Railroads have expressed concern that engaging in multi-carrier discussions regarding their fuel surcharge practices could expose them to potential liability under federal antitrust laws. This hearing will be structured to avoid such concerns. Railroads will be expected to submit separate, independent testimony at this hearing. They will not be asked to exchange information privately regarding their respective fuel surcharge practices or to agree upon a common method to calculate fuel surcharges. The agency is exercising its power to obtain from the regulated carriers information it needs to determine if a problem exists that requires agency action. 49 U.S.C. 721(b). Such a public conversation at the formal request of the agency should not implicate the federal antitrust laws. See *Eastern R.R. Presidents Conference*

v. Noerr Motor Freight, Inc., 365 U.S. 127 (1961) (petitioning immunity); *United Mine Workers v. Pennington*, 381 U.S. 657 (1965) (*Noerr* immunity extends to petitioning government administrative agencies). Nor should any inference to the contrary be drawn merely from their participation at these hearings.

Date of Hearing. The hearing will begin at 9 a.m. on May 11, 2006, in the 7th floor hearing room at the Board's headquarters in Washington, DC, and will continue, with short breaks if necessary, until every person scheduled to speak has been heard.

Board Releases and Live Audio Available Via the Internet. Decisions and notices of the Board, including this notice, are available on the Board's Web site at <http://www.stb.dot.gov>. This hearing will be available on the Board's website by live audio streaming. To access the hearing, click on the "Live Audio" link under "Information Center" at the left side of the home page beginning at 9 a.m. on May 11, 2006.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Dated: March 13, 2006.

Vernon A. Williams,

Secretary.

[FR Doc. E6–3931 Filed 3–16–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 13, 2006.

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 April 17, 2006 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1505–0170.

Type of Review: Extension.

Title: Form for OFAC License Application to Unblock Funds Transfers.

Form TD-Form 90–22.54.

Description: Assets blocked pursuant to sanctions administered by Office of Foreign Assets Control (OFAC) may be released only through a specific license issued by OFCA. Since February 2000, use of this form to apply for the unblocking of funds transfers has been mandatory pursuant to 31 CFR 501.801(b)(2). Use of this form greatly facilitates and speeds applicants' submission and OFAC's processing.

Respondents: Business or other for-profit and Not-for-profit institutions.

Estimated Total Burden Hours: 1,500 hours.

Clearance Officer: Stephanie Petersen, Department of Treasury, Office of Foreign Assets Control, 1500 Pennsylvania Avenue, NW., Annex-2nd Floor, Washington, DC 20220. (202) 622–2500.

OMB Reviewer: Alexander T. Hunt, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503. (202) 395–7316.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. E6–3905 Filed 3–16–06; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 13, 2006.

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 April 17, 2006 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1530.

Type of Review: Extension.

Title: Tip Rate Determination Agreement (Gaming Industry); Gaming Industry Tip Compliance Agreement Program.

¹ If a complainant sought to challenge a particular fuel surcharge that applied to exempt classes of traffic, the complainant would have to seek revocation of the exemption (under 49 U.S.C. 10502(d)) to the extent necessary before the Board could take regulatory action with regard to that traffic.

Description: Tip Rate Determination Agreement (Gaming Industry): Information is required by the Internal Revenue Service in its Compliance efforts to assist employers and their employees in understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers.
Gaming Industry Tip Compliance Agreement Program: Taxpayers who operate gaming establishments may enter into an agreement with the

Internal Revenue Service to establish tip rates and occupational categories for all tipped employees of the taxpayer. The agreements will require substantiation of the tip rates as well as annual reporting of information such as sales, tips received, employee status etc.

Respondents: Business or other for-profit and individuals or households.

Estimated Total Burden Hours: 10,467 hours.

Clearance Officer: Glenn P. Kirkland, Internal Revenue Service, Room 6516,

1111 Constitution Avenue, NW., Washington, DC 20224. (202) 622-3428.

OMB Reviewer: Alexander T. Hunt, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503. (202) 395-7316.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. E6-3912 Filed 3-16-06; 8:45 am]

BILLING CODE 4830-01-P

Corrections

Federal Register

Vol. 71, No. 52

Friday, March 17, 2006

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[REG-148568-04]

RIN 1545-BD93

Time for Filing Employment Tax Returns and Modifications to the Deposit Rules

Correction

In proposed rule document 05-24563 beginning on page 46 in the issue of

Tuesday, January 3, 2006, make the following correction:

On page 46, in the third column, under the heading **FOR FURTHER INFORMATION CONTACT**, in the eighth line, “(not a toll-free numbers)” should read “(not toll-free numbers)”.

[FR Doc. C5-24563 Filed 3-16-06; 8:45 am]

BILLING CODE 1505-01-D



Federal Register

**Friday,
March 17, 2006**

Part II

Department of Housing and Urban Development

**Federal Property Suitable as Facilities To
Assist the Homeless; Notice**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-5045-N-11]

**Federal Property Suitable as Facilities
To Assist the Homeless**

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where

property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to John Hicks, Division of Property Management, Program Support Center, HHS, room 5B-17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Marsha Pruitt, Department of Agriculture, Reporters Building, 300 7th St., SW., Washington, DC 20250; (202) 720-4335; *Air Force:* Ms. Kathryn M. Halvorson, Director, Air Force Real

Property Agency, 1700 North Moore St., Suite 2300, Arlington, VA 22209-2802; (703) 696-5502; *Energy:* Mr. John Watson, Department of Energy, Office of Engineering & Construction Management, ME-90, 1000 Independence Ave., SW., Washington, DC 20585; (202) 586-4548; *Interior:* Ms. Linda Tribby, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., MS5512, Washington, DC 20240; (202) 219-0728; *Navy:* Mr. Warren Meekins, Department of the Navy, Real Estate Services, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374-5065; (202) 685-9305; (These are not toll-free numbers).

Dated: March 9, 2006.

Mark R. Johnston,

Acting Deputy Assistant Secretary for Special Needs.

**TITLE V, FEDERAL SURPLUS PROPERTY
PROGRAM FEDERAL REGISTER REPORT
FOR MARCH 17, 2006**

Suitable/Available Properties

Buildings (by State)

Alaska

Bldg. 7525
Elmendorf AFB
Elmendorf AFB AK 99506-
Landholding Agency: Air Force
Property Number: 18200230009
Status: Unutilized
Comment: 26,226 sq. ft., need rehab, possible asbestos/lead paint, most recent use—dormitory, off-site use only

California

Redwoods Office Bldg.
8038 Chilnualna Falls Road
Yosemite Natl Park
Wawona Co: Mariposa CA 95389-
Landholding Agency: Interior
Property Number: 61200530005
Status: Unutilized
Comment: 1746 sq. ft., possible asbestos/lead paint, off-site use only

Redwoods Bldg.
8038 Chilnualna Falls Road
Yosemite Natl Park
Wawona Co: Mariposa CA 95389-
Landholding Agency: Interior
Property Number: 61200530006
Status: Unutilized
Comment: 78 sq. ft., possible asbestos/lead paint, off-site use only

Hawaii

Bldg. 849
Bellows AFS
Bellows AFS HI
Landholding Agency: Air Force
Property Number: 18200330008
Status: Unutilized
Comment: 462 sq. ft., concrete storage facility

Idaho

Bldg. 79
Section 9
Portion of Tract C

Paul Co: Jeromo ID 83347—
Landholding Agency: Interior
Property Number: 61200520012
Status: Unutilized
Comment: 832 sq. ft., presence of asbestos/
lead paint, most recent use—residence, off-
site use only

Maryland
F. Boy Scouts Shed
Tract 403—48
Boonsboro Co: Washington MD
Landholding Agency: Interior
Property Number: 61200540008
Status: Excess
Comment: 378 sq. ft., needs rehab, off-site
use only

Former Sera House
Tract 405—66
Middletown Co: Frederick MD 21769—
Landholding Agency: Interior
Property Number: 61200540009
Status: Excess
Comment: 1480 sq. ft. residence, needs rehab,
off-site use only

Former Sera Shed
Tract 405—66
Middletown Co: Frederick MD 21769—
Landholding Agency: Interior
Property Number: 61200540010
Status: Excess
Comment: 80 sq. ft., needs rehab, off-site use
only

Massachusetts
Bldgs. 3263—3266
Westover RAFB
Outer Road
Chicopee Co: MA 01022—
Landholding Agency: Navy
Property Number: 77200520002
Status: Excess
Comment: 3952 sq. ft., military family
housing, needs rehab, off-site use only

Bldgs. 3200 thru 3214
Westover RAFB
Cowan Ave/Goodwin St
Chicopee Co: MA
Landholding Agency: Navy
Property Number: 77200520003
Status: Excess
Comment: various sq. ft., needs rehab, most
recent use—admin., off-site use only

Missouri
Bldgs. 90A/B, 91A/B, 92A/B
Jefferson Barracks Housing
St. Louis MO 63125—
Landholding Agency: Air Force
Property Number: 18200220002
Status: Excess
Comment: 6450 sq. ft., needs repair, includes
2 acres

Bldg. 081
Rosecrans Memorial Airport
Saint Joseph Co: Buchanan MO 64503—
Landholding Agency: Air Force
Property Number: 18200610006
Status: Excess
Comment: 1440 sq. ft. trailer, off-site use only

New Hampshire
Bldg. 288
Naval Shipyard
Portsmouth Co: NH 03804—5000
Landholding Agency: Navy
Property Number: 77200510018
Status: Excess
Comment: 3600 sq. ft., presence of asbestos/
lead paint, most recent use—ship filters
shop, off-site use only

Bldg. 344
Naval Shipyard
Portsmouth Co: NH 03804—5000
Landholding Agency: Navy
Property Number: 77200510019
Status: Excess
Comment: 1406 sq. ft., presence of asbestos/
lead paint, most recent use—riggers shop,
off-site use only

Bldg. 346
Naval Shipyard
Portsmouth Co: NH 03804—5000
Landholding Agency: Navy
Property Number: 77200510020
Status: Excess
Comment: 545 sq. ft., presence of asbestos/
lead paint, most recent use—locker bldg.,
off-site use only

Bldg. M—17
Naval Shipyard
Portsmouth Co: NH 03804—5000
Landholding Agency: Navy
Property Number: 77200510021
Status: Excess
Comment: 760 sq. ft., presence of asbestos/
lead paint, most recent use—garage, off-site
use only

New Jersey
Former Mussina House
Tract 307—21
Wantage Co: Sussex NJ
Landholding Agency: Interior
Property Number: 61200540005
Status: Excess
Comment: 1747 sq. ft. residence, needs rehab,
off-site use only

Former Mussina Garage
Tract 307—21
Wantage Co: Sussex NJ
Landholding Agency: Interior
Property Number: 61200540006
Status: Excess
Comment: 730 sq. ft., needs rehab, off-site
use only

Former Mussina Shed
Tract 307—21
Wantage Co: Sussex NJ
Landholding Agency: Interior
Property Number: 61200540007
Status: Excess
Comment: 480 sq. ft., needs rehab, off-site
use only

New York
Bldg. 240
Rome Lab
Rome Co: Oneida NY 13441—
Landholding Agency: Air Force
Property Number: 18200340023
Status: Unutilized
Comment: 39108 sq. ft., presence of asbestos,
most recent use—Electronic Research Lab

Bldg. 247
Rome Lab
Rome Co: Oneida NY 13441—
Landholding Agency: Air Force
Property Number: 18200340024
Status: Unutilized
Comment: 13199 sq. ft., presence of asbestos,
most recent use—Electronic Research Lab

Bldg. 248
Rome Lab
Rome Co: Oneida NY 13441—
Landholding Agency: Air Force
Property Number: 18200340025
Status: Unutilized
Comment: 4000 sq. ft., presence of asbestos,
most recent use—Electronic Research Lab

Bldg. 302
Rome Lab
Rome Co: Oneida NY 13441—
Landholding Agency: Air Force
Property Number: 18200340026
Status: Unutilized
Comment: 10288 sq. ft., presence of asbestos,
most recent use—communications facility

F. Baron-Sousa House
Tract 284—43
Warwick Co: Orange NY
Landholding Agency: Interior
Property Number: 61200540002
Status: Excess
Comment: 1122 sq. ft. residence, needs rehab,
presence of asbestos, off-site use only

Former Fernau House
Tract 284—45
Warwick Co: Orange NY
Landholding Agency: Interior
Property Number: 61200540003
Status: Excess
Comment: 3963 sq. ft. residence, needs rehab,
presence of asbestos, off-site use only

Former Fernau Garage
Tract 284—45
Warwick Co: Orange NY
Landholding Agency: Interior
Property Number: 61200540004
Status: Excess
Comment: 840 sq. ft., needs rehab, off-site
use only

Building 1
Scotia Navy Depot
Scotia Co: Schenectady NY 12302—9460
Landholding Agency: Navy
Property Number: 77200440021
Status: Excess
Comment: 39,554 sq. ft., needs extensive
repairs, presence of asbestos/lead paint,
most recent use—office

South Carolina
Bldg. 3601
Hunley Park/Charleston AFB
N. Charleston Co: SC 29404—
Landholding Agency: Air Force
Property Number: 18200430013
Status: Excess
Comment: 1902 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

7 Bldgs.
Charleston AFB
Floor Plan 1
N. Charleston Co: SC 29404—4827
Landholding Agency: Air Force
Property Number: 18200430023
Status: Excess
Comment: 2135 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

4 Bldgs.
Charleston AFB
N. Charleston Co: SC 29404—
Location: 2314A/B, 2327A/B, 2339A/B,
2397A/B

Landholding Agency: Air Force
 Property Number: 18200430025
 Status: Excess
 Comment: 2722 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

4 Bldgs.
 Charleston AFB
 N. Charleston Co: SC 29404—
 Location: 2315A/B, 2323A/B, 2330A/B,
 2387A/B
 Landholding Agency: Air Force
 Property Number: 18200430027
 Status: Excess
 Comment: 2756 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

3 Bldgs.
 Charleston AFB
 N. Charleston Co: SC 29404—
 Location: 2321A/B, 2326A/B, 2336A/B
 Landholding Agency: Air Force
 Property Number: 18200430028
 Status: Excess
 Comment: 2766 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

Bldg. 2331A /B
 Charleston AFB
 N. Charleston Co: SC 29494—
 Landholding Agency: Air Force
 Property Number: 18200430029
 Status: Excess
 Comment: 2803 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

Bldg. 2341A/B
 Charleston AFB
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430030
 Status: Excess
 Comment: 2715 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

10 Bldgs.
 Charleston AFB
 Floor Plan D6
 N. Charleston Co: SC 29204—
 Landholding Agency: Air Force
 Property Number: 18200430036
 Status: Excess
 Comment: 1241 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

7 Bldgs.
 Charleston AFB
 Floor Plan DIV
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430038
 Status: Excess
 Comment: 1250 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

7 Bldgs.
 Charleston AFB
 Floor Plan E6
 N. Charleston Co: SC 29204—
 Landholding Agency: Air Force
 Property Number: 18200430040
 Status: Excess
 Comment: 1249 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

11 Bldgs.
 Charleston AFB
 Floor Plan F6
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430041
 Status: Excess
 Comment: 1249 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

11 Bldgs.
 Charleston AFB
 Floor Plan G6
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430042
 Status: Excess
 Comment: 1390 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

9 Bldgs.
 Charleston AFB
 Floor Plan GV
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430043
 Status: Excess
 Comment: 1390 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

8 Bldgs.
 Charleston AFB
 Floor Plan H6
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430044
 Status: Excess
 Comment: 1396 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

Bldgs. 1841A/B, 1849A/B
 Charleston AFB
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430045
 Status: Excess
 Comment: 2249 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

9 Bldgs.
 Charleston AFB
 Floor Plan I6
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430046
 Status: Excess
 Comment: 1400 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

7 Bldgs.
 Charleston AFB
 Floor Plan IV
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430047
 Status: Excess
 Comment: 1400 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

4 Bldgs.
 Charleston AFB
 N. Charleston Co: SC 29404—
 Location: 1846A/B, 1853A/B, 1862A/B,
 2203A/B
 Landholding Agency: Air Force

Property Number: 18200430048
 Status: Excess
 Comment: 2363 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

Bldg. 1765A/B
 Charleston AFB
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430050
 Status: Excess
 Comment: 2558 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

Bldg. 1828A/B
 Charleston AFB
 N. Charleston Co: SC 29404—
 Landholding Agency: Air Force
 Property Number: 18200430052
 Status: Excess
 Comment: 2330 sq. ft., presence of asbestos/
 lead paint, most recent use—residential,
 off-site use only

Texas
 Water Tower
 Lake Meredith Natl Rec Area
 Fritch Co: Hutchinson TX 79036—
 Landholding Agency: Interior
 Property Number: 61200510002
 Status: Unutilized
 Comment: off-site use only

Virginia
 Former C. Funk House
 Appalachian Natl Scenic Trail
 Rural Retreat Co: Smyth VA
 Landholding Agency: Interior
 Property Number: 61200530007
 Status: Excess
 Comment: 1144 sq. ft., needs rehab, presence
 of asbestos, off-site use only

Former Repass House
 Appalachian Natl Scenic Trail
 Rural Retreat Co: Smyth VA
 Landholding Agency: Interior
 Property Number: 61200530008
 Status: Excess
 Comment: 2008 sq. ft., needs rehab, presence
 of asbestos, off-site use only

Former Hoover House
 Appalachian Natl Scenic Trail
 Pearisburg Co: Giles VA
 Landholding Agency: Interior
 Property Number: 61200530009
 Status: Excess
 Comment: 996 sq. ft., needs rehab, presence
 of lead paint, off-site use only

Former Hoover Shed
 Appalachian Natl Scenic Trail
 Pearisburg Co: Giles VA
 Landholding Agency: Interior
 Property Number: 61200530010
 Status: Excess
 Comment: 128 sq. ft., needs rehab, presence
 of lead paint, off-site use only

Former Morse Cabin
 Appalachian Natl Scenic Trail
 Pearisburg Co: Giles VA
 Landholding Agency: Interior
 Property Number: 61200530011
 Status: Excess
 Comment: 792 sq. ft., needs rehab, off-site
 use only

Former Morse House

Appalachian Natl Scenic Trail
 Pearisburg Co: Giles VA
 Landholding Agency: Interior
 Property Number: 61200530012
 Status: Excess
 Comment: 2025 sq. ft., needs rehab, presence
 of asbestos, off-site use only

Land (by State)

South Dakota

S. Nike Ed. Annex Land
 Ellsworth AFB
 Pennington SD 57706—
 Landholding Agency: Air Force
 Property Number: 18200220010
 Status: Unutilized
 Comment: 7 acres w/five foundations from
 demolished bldgs. remain on site; with a
 road and a parking lot

Suitable/Unavailable Properties

Buildings (by State)

Colorado

Bldg. 100
 La Junta Strategic Range
 La Junta Co: Otero CO 81050-9501
 Landholding Agency: Air Force
 Property Number: 18200230001
 Status: Excess
 Comment: 7760 sq. ft., most recent use—
 admin/electronic equip. maintenance

Bldg. 101
 La Junta Strategic Range
 La Junta Co: Otero CO 81050-9501
 Landholding Agency: Air Force
 Property Number: 18200230002
 Status: Excess
 Comment: 336 sq. ft., most recent use—
 storage

Bldg. 102
 La Junta Strategic Range
 La Junta Co: Otero CO 81050-9501
 Landholding Agency: Air Force
 Property Number: 18200230003
 Status: Excess
 Comment: 1056 sq. ft., most recent use—
 storage

Bldg. 103
 La Junta Strategic Range
 La Junta Co: Otero CO 81050-9501
 Landholding Agency: Air Force
 Property Number: 18200230004
 Status: Excess
 Comment: 784 sq. ft., most recent use—
 storage

Bldg. 104
 La Junta Strategic Range
 La Junta Co: Otero CO 81050-9501
 Landholding Agency: Air Force
 Property Number: 18200230005
 Status: Excess
 Comment: 312 sq. ft., most recent use—
 storage

Bldg. 106
 La Junta Strategic Range
 La Junta Co: Otero CO 81050-9501
 Landholding Agency: Air Force
 Property Number: 18200230006
 Status: Excess
 Comment: 100 sq. ft., most recent use—
 storage

New York

Bldg. 1225

Verona Text Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220014
 Status: Unutilized
 Comment: 3865 sq. ft., needs repair, presence
 of asbestos/lead paint, most recent use—
 research lab

Bldg. 1226
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220015
 Status: Unutilized
 Comment: 7500 sq. ft., most recent use—
 storage

Bldg. 1227
 Verona Text Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220016
 Status: Unutilized
 Comment: 1152 sq. ft., presence of asbestos/
 lead paint, most recent use—power station

Bldg. 1231
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220017
 Status: Unutilized
 Comment: 3865 sq. ft., presence of asbestos/
 lead paint/volatile organic compounds,
 access requirements, most recent use—
 research lab

Bldg. 1233
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220018
 Status: Unutilized
 Comment: 1152 sq. ft., needs repair, presence
 of asbestos/lead paint/volatile organic
 compounds, access requirements, most
 recent use—power station

Bldgs. 1235, 1239
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220019
 Status: Unutilized
 Comment: 144/825 sq. ft., need repairs,
 presence of lead paint, most recent use—
 electric switch station

Bldg. 1241
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220020
 Status: Unutilized
 Comment: 159 sq. ft., presence of lead paint,
 most recent use—sewage pump station

Bldg. 1243
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220021
 Status: Unutilized
 Comment: 25 sq. ft., most recent use—waste
 treatment

Bldg. 1245
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220022

Status: Unutilized
 Comment: 3835 sq. ft., needs repair, presence
 of asbestos/lead paint, most recent use—
 research lab

Bldg. 1247
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220023
 Status: Unutilized
 Comment: 576 sq. ft., needs repair, presence
 of asbestos/lead paint, most recent use—
 power station

Bldg. 1250 + land
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220024
 Status: Unutilized
 Comment: 11,766 sq. ft. offices/lab with 495
 acres, presence of asbestos/lead paint/
 wetlands

Bldg. 1253
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220025
 Status: Unutilized
 Comment: 3835 sq. ft., needs repair, presence
 of asbestos/lead paint/volatile organic
 compounds, access requirements, most
 recent use—research lab

Bldg. 1255
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220026
 Status: Unutilized
 Comment: 576 sq. ft., needs repair, presence
 of lead paint/volatile organic compounds,
 access requirement, most recent use—
 power station

Bldg. 1261
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220027
 Status: Unutilized
 Comment: 3835 sq. ft., needs repair, presence
 of asbestos/lead paint, most recent use—
 research lab

Bldg. 1263
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220028
 Status: Unutilized
 Comment: 576 sq. ft. needs repair, presence
 of lead paint, most recent use—power
 station

Bldgs. 1266, 1269
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property Number: 18200220029
 Status: Unutilized
 Comment: 3730/3865 sq. ft., need repairs,
 presence of asbestos/lead paint, most
 recent use—research lab

Bldg. 1271
 Verona Test Annex
 Verona Co: Oneida NY 13478—
 Landholding Agency: Air Force
 Property number: 18200220030
 Status: Unutilized

Comment: 1152 sq. ft., needs repair, presence of lead paint, most recent use—power station

Bldg. 1273

Verona Test Annex
Verona Co: Oneida NY 13478—
Landholding Agency: Air Force
Property Number: 18200220031
Status: Unutilized

Comment: 87 sq. ft., presence of asbestos, most recent use—sewage pump station

Bldg. 1277

Verona Test Annex
Verona Co: Oneida NY 13478—
Landholding Agency: Air Force
Property Number: 18200220032
Status: Unutilized

Comment: 3865 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—research lab

Bldg. 1279

Verona Test Annex
Verona Co: Oneida NY 13478—
Landholding Agency: Air Force
Property Number: 18200220033
Status: Unutilized

Comment: 1152 sq. ft., needs repair, presence of lead paint, most recent use—power station

Bldg. 1285

Verona Test Annex
Verona Co: Oneida NY 13478—
Landholding Agency: Air Force
Property Number: 18200220034
Status: Unutilized

Comment: 4690 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—research lab

Bldg. 1287

Verona Test Annex
Verona Co: Oneida NY 13478—
Landholding Agency: Air Force
Property Number: 18200220035
Status: Unutilized

Comment: 1152 sq. ft., needs repair, presence of lead paint, most recent use—power station

Washington

22 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224—
Landholding Agency: Air Force
Property Number: 18200420001
Status: Unutilized

Comment: 1625 sq. ft., possible asbestos/lead paint, most recent use—residential

Bldg. 404/Geiger Heights

Fairchild AFB
Spokane WA 99224—
Landholding Agency: Air Force
Property Number: 18200420002
Status: Unutilized

Comment: 1996 sq. ft., possible asbestos/lead paint, most recent use—residential

11 Bldgs./Geiger Heights

Fairchild AFB
Spokane WA 99224—
Landholding Agency: Air Force
Property Number: 18200420003
Status: Unutilized

Comment: 2134 sq. ft., possible asbestos/lead paint, most recent use—residential

Bldg. 297/Geiger Heights

Fairchild AFB

Spokane WA 99224—
Landholding Agency: Air Force
Property Number: 18200420004
Status: Unutilized

Comment: 1425 sq. ft., possible asbestos/lead paint, most recent use—residential

9 Bldgs./Geiger Heights
Fairchild AFB

Spokane WA 99224—
Landholding Agency: Air Force
Property Number: 18200420005
Status: Unutilized

Comment: 1620 sq. ft., possible asbestos/lead paint, most recent use—residential

22 Bldgs./Geiger Heights
Fairchild AFB

Spokane WA 99224—
Landholding Agency: Air Force
Property Number: 18200420006
Status: Unutilized

Comment: 2850 sq. ft., possible asbestos/lead paint, most recent use—residential

51 Bldgs./Geiger Heights
Fairchild AFB

Spokane WA 99224—
Landholding Agency: Air Force
Property Number: 18200420007
Status: Unutilized

Comment: 2574 sq. ft., possible asbestos/lead paint, most recent use—residential

Bldg. 402/Geiger Heights
Fairchild AFB

Spokane WA 99224—
Landholding Agency: Air Force
Property Number: 18200420008
Status: Unutilized

Comment: 2451 sq. ft., possible asbestos/lead paint, most recent use—residential

5 Bldgs./Geiger Heights
Fairchild AFB

222, 224, 271, 295, 260
Spokane WA 99224—
Landholding Agency: Air Force
Property Number: 18200420009
Status: Unutilized

Comment: 3043 sq. ft., possible asbestos/lead paint, most recent use—residential

5 Bldgs./Geiger Heights
Fairchild AFB

102, 183, 118, 136, 113
Spokane WA 99224—
Landholding Agency: Air Force
Property Number: 18200420010
Status: Unutilized

Comment: 2599 sq. ft., possible asbestos/lead paint, most recent use—residential

Land (by State)

South Dakota

Tract 133
Ellsworth AFB
Box Elder Co: Pennington SD 57706—
Landholding Agency: Air Force
Property Number: 18200310004
Status: Unutilized

Comment: 53.23 acres

Tract 67
Ellsworth AFB
Box Elder Co: Pennington SD 57706—
Landholding Agency: Air Force
Property Number: 18200310005
Status: Unutilized

Comment: 121 acres, bentonite layer in soil, causes movement

Unsuitable Properties

Buildings (by State)

Alaska

Bldg. 15532
Elmendorf AFB
Elmendorf AFB AK 99506—
Landholding Agency: Air Force
Property Number: 18200220001
Status: Unutilized
Reasons: Within airport runway clear zone;
Secured Area

Bldg. 8354

Elmendorf AFB
Elmendorf AFB AK 99506—
Landholding Agency: Air Force
Property Number: 18200240001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 11827

Elmendorf AFB
Elmendorf AFB AK 99506—
Landholding Agency: Air Force
Property Number: 18200240002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area

Bldg. 7537

Elmendorf Air Force Base
Elmendorf AFB AK 99506—
Landholding Agency: Air Force
Property Number: 18200320001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9340

Elmendorf Air Force Base
Elmendorf AFB AK 99506—
Landholding Agency: Air Force
Property Number: 18200320002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9342

Elmendorf Air Force Base
Elmendorf AFB AK 99506—
Landholding Agency: Air Force
Property Number: 18200320003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 12737

Elmendorf Air Force Base
Elmendorf AFB AK 99506—
Landholding Agency: Air Force
Property Number: 18200320004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 13251

Elmendorf Air Force Base
Elmendorf AFB AK 99506—
Landholding Agency: Air Force
Property Number: 18200320005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 29453

Elmendorf Air Force Base
Elmendorf AFB AK 99506—
Landholding Agency: Air Force
Property Number: 18200320006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6527

Elmendorf AFB
Elmendorf AFB AK 99506—
Landholding Agency: Air Force
Property Number: 18200330001

Status: Unutilized
Reason: Extensive deterioration
Bldg. 12739
Elmendorf AFB
Elmendorf AFB AK 99506–
Landholding Agency: Air Force
Property Number: 18200330002
Status: Unutilized
Reason: Extensive deterioration
Bldg. 4314
Elmendorf AFB
Elmendorf AFB AK 99506–
Landholding Agency: Air Force
Property Number: 18200340001
Status: Unutilized
Reason: Extensive deterioration
Bldg. 6527
Elmendorf AFB
Elmendorf AFB AK 99506–
Landholding Agency: Air Force
Property Number: 18200340002
Status: Unutilized
Reason: Extensive deterioration
Bldg. 7541
Elmendorf AFB
Elmendorf AFB AK 99506–
Landholding Agency: Air Force
Property Number: 18200340003
Status: Unutilized
Reason: Extensive deterioration
Bldg. 8111
Elmendorf AFB
Elmendorf AFB AK 99506–
Landholding Agency: Air Force
Property Number: 18200340004
Status: Unutilized
Reason: Extensive deterioration
Bldg. 9489
Elmendorf AFB
Elmendorf AFB AK 99506–
Landholding Agency: Air Force
Property Number: 18200340005
Status: Unutilized
Reason: Extensive deterioration
Bldg. 10547
Elmendorf AFB
Elmendorf AFB AK 99506–
Landholding Agency: Air Force
Property Number: 18200340006
Status: Unutilized
Reason: Extensive deterioration
California
Assessor's Parcel
#5823–003–911
Oak Grove Drive
Pasadena Co: CA
Landholding Agency: Agriculture
Property Number: 15200610001
Status: Unutilized
Reason: Extensive deterioration
Bldg. 30101
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210019
Status: Unutilized
Reason: Secured Area
Bldgs. 30131, 30709
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210020
Status: Unutilized
Reason: Secured Area
Bldgs. 30137, 30701
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210021
Status: Unutilized
Reason: Secured Area
Bldg. 30235
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210022
Status: Unutilized
Reason: Secured Area
Bldgs. 30238, 30446
Vandenberg AFB
Vandenberg Co: Santa Barbara CA –
Landholding Agency: Air Force
Property Number: 18200210023
Status: Unutilized
Reason: Secured Area
Bldgs. 30239, 30444
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210024
Status: Unutilized
Reason: Secured Area
Bldgs. 30306, 30335, 30782
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210025
Status: Unutilized
Reason: Secured Area
Bldgs. 30339, 30340, 30341
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210026
Status: Unutilized
Reason: Secured Area
Bldg. 30447
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210027
Status: Unutilized
Reason: Secured Area
Bldg. 30524
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210028
Status: Unutilized
Reason: Secured Area
Bldg. 30647
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210029
Status: Unutilized
Reason: Secured Area
Bldgs. 30710, 30717
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210030
Status: Unutilized
Reason: Secured Area
Bldgs. 30718, 30607
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210031
Status: Unutilized
Reason: Secured Area
Property Number: 18200210031
Status: Unutilized
Reason: Secured Area
Bldgs. 30722, 30735
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210032
Status: Unutilized
Reason: Secured Area
Bldgs. 30775, 30777
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210033
Status: Unutilized
Reason: Secured Area
Bldgs. 30830, 30837
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210034
Status: Unutilized
Reason: Secured Area
Bldgs. 30839, 30844, 30854
Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200210035
Status: Unutilized
Reason: Secured Area
Bldg. 06522
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA
93437–
Landholding Agency: Air Force
Property Number: 18200330004
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 98
Vandenberg AFB
Oak Mountain Annex
Santa Barbara Co: CA 93437–
Landholding Agency: Air Force
Property Number: 18200430001
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 488
Vandenberg AFB
Santa Barbara Co: CA 93437–
Landholding Agency: Air Force
Property Number: 18200430002
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 535
Vandenberg AFB
Santa Barbara Co: CA 93437–
Landholding Agency: Air Force
Property Number: 18200430003
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldgs. 734, 738–739
Vandenberg AFB
Santa Barbara Co: CA 93437–
Landholding Agency: Air Force
Property Number: 18200430004
Status: Unutilized
Reason: Secured Area
Bldg. 946
Vandenberg AFB

Santa Barbara Co: CA 93437–
Landholding Agency: Air Force
Property Number: 18200430005
Status: Unutilized
Reason: Secured Area
Bldgs. 1200, 1201
Vandenberg AFB
Santa Barbara Co: CA 93437–
Landholding Agency: Air Force
Property Number: 18200430006
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 1205
Vandenberg AFB
Santa Barbara Co: CA 93437–
Landholding Agency: Air Force
Property Number: 18200430007
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
36 Bldgs.
Edwards AFB
Area F Housing
Kern Co: CA 93524–
Landholding Agency: Air Force
Property Number: 18200430008
Status: Unutilized
Reasons: Secured Area ; Extensive
deterioration
Bldgs. 7105, 7106
Edwards AFB
Area C
Kern Co: CA 93524–
Landholding Agency: Air Force
Property Number: 18200430009
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
28 Bldgs.
Edwards AFB
Area C
Kern Co: CA 93524–
Landholding Agency: Air Force
Property Number: 18200440001
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldg. 719
Vandenberg AFB
Lompoc Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200510001
Status: Unutilized
Reason: Secured Area
Bldg. 725
Vandenberg AFB
Lompoc Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200510002
Status: Unutilized
Reason: Secured Area
Bldg. 729
Vandenberg AFB
Lompoc Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200510003
Status: Unutilized
Reason: Secured Area
Bldg. 734
Vandenberg AFB
Lompoc Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200510004
Status: Unutilized
Reason: Secured Area
Bldg. 737
Vandenberg AFB
Lompoc Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200510005
Status: Unutilized
Reason: Secured Area
Bldg. 742
Vandenberg AFB
Lompoc Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200510006
Status: Unutilized
Reason: Secured Area
Bldg. 746
Vandenberg AFB
Lompoc Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200510007
Status: Unutilized
Reason: Secured Area
87 Buildings
Edwards AFB
Area “F”
Kern Co: CA 93524–
Landholding Agency: Air Force
Property Number: 18200510008
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
7 Buildings
Edwards AFB
Area “C”
Kern Co: CA 93524–
Landholding Agency: Air Force
Property Number: 18200510009
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 11237
Vandenberg AFB
Lompoc Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200520001
Status: Unutilized
Reason: Secured Area
Bldg. 02423
Edwards AFB
Kern Co: CA 93524–
Landholding Agency: Air Force
Property Number: 18200530001
Status: Unutilized
Reason: Secured Area
205 Bldgs., Area F
Edwards AFB
Kern Co: CA 93524–
Landholding Agency: Air Force
Property Number: 18200530002
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldgs. 01423, 01428
Edwards AFB
Kern Co: CA
Landholding Agency: Air Force
Property Number: 18200540001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Within airport runway
clear zone; Secured Area
Structure 2600
Edwards AFB
Kern Co: CA
Landholding Agency: Air Force
Property Number: 18200540002
Status: Unutilized
Reasons: Secured Area
18 Bldgs.
Edwards AFB
Area A
Kern Co: CA 93523–
Landholding Agency: Air Force
Property Number: 18200610001
Status: Excess
Reasons: Secured Area; Extensive
deterioration
73 Bldgs.
Edwards AFB
Area G
Kern Co: CA 93524–
Landholding Agency: Air Force
Property Number: 18200610002
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldg./Lodge
Yosemite National Park
Yosemite Co: Mariposa CA 95389–
Landholding Agency: Interior
Property Number: 61200420011
Status: Unutilized
Reason: Extensive deterioration
Bldg. 2533
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200520005
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldg. 13111
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200520006
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldgs. 53325, 53326
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200520007
Status: Excess
Reasons: Secured Area; Extensive
deterioration
5 Bldgs.
Marine Corps Base 53421, 53424 thru 53427
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200520008
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldgs. 61311, 61313, 61314
Marine Corps Base
Camp Pendleton Co: CA 92055–

Landholding Agency: Navy
Property Number: 77200520009
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 61320–61324, 61326
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200520010
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 62711 thru 62717
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200520011
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 4 & 15
Naval Submarine Base
Point Loma Co: CA–
Landholding Agency: Navy
Property Number: 77200520014
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 8902–8905
Naval Weapons Station
Seal Beach Co: CA 90740–
Landholding Agency: Navy
Property Number: 77200530003
Status: Excess
Reason: Extensive deterioration

Bldgs. 8915, 8931
Naval Weapons Station
Seal Beach Co: CA 90740–
Landholding Agency: Navy
Property Number: 77200530004
Status: Excess
Reason: Extensive deterioration

Bldgs. 11, 112
Naval Weapons Station
Seal Beach Co: CA 90740–
Landholding Agency: Navy
Property Number: 77200530005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 805
Naval Weapons Station
Seal Beach Co: CA 90740–
Landholding Agency: Navy
Property Number: 77200530006
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 810 thru 823
Naval Weapons Station
Seal Beach Co: CA 90740–
Landholding Agency: Navy
Property Number: 77200530007
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 851, 859, 864
Naval Weapons Station
Seal Beach Co: CA 90740–
Landholding Agency: Navy
Property Number: 77200530008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1146
Naval Base
Port Hueneme Co: Ventura CA 93042–
Landholding Agency: Navy

Property Number: 77200530009
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 1370, 1371, 1372
Naval Base

Port Hueneme Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 77200530011
Status: Unutilized
Reason: Extensive deterioration
Bldg. 115
Naval Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200530012
Status: Excess
Reason: Extensive deterioration
Bldg. 1674

Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200530027
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 2636, 2651, 2658
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200530028
Status: Excess
Reasons: Secured Area; Extensive deterioration

4 Bldgs.
Marine Corps Base
Camp Pendleton Co: CA 92055–
Location: 26053, 26054, 26056, 26059
Landholding Agency: Navy
Property Number: 77200530029
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 53333, 53334
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200530030
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 53507, 53569
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200530031
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. 170111
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200530032
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldg. PM4–3
Naval Base
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 77200530033
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1781

Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200540001
Status: Excess
Reasons: Secured Area; Extensive deterioration

Bldgs. 76, 477, 720
Naval Air Station
Lemoore Co: CA 93246–
Landholding Agency: Navy
Property Number: 77200540002
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 398, 399, 404
Naval Base Point Loma
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200540003
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 388, 389, 390, 391
Naval Base Point Loma
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200540004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 16
Naval Submarine Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200540017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldgs. 1647, 1648
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200610010
Status: Excess
Reason: Extensive deterioration

Bldg. 1713
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200610011
Status: Excess
Reason: Extensive deterioration

Bldg. 16171
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200610012
Status: Excess
Reason: Extensive deterioration

Bldg. 2100576
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200610013
Status: Excess
Reason: Extensive deterioration

Bldg. 220189
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200610014
Status: Excess
Reason: Extensive deterioration

Bldg. 2295
Marine Corps Base

Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200610015
Status: Excess
Reason: Extensive deterioration
Bldgs. 22115, 22116, 22117
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200610016
Status: Excess
Reason: Extensive deterioration
Bldg. 143
Naval Air Station
Lemoore Co: CA
Landholding Agency: Navy
Property Number: 77200610017
Status: Excess
Reason: Extensive deterioration
Bldgs. 213, 243, 273
Naval Air Station
Lemoore Co: CA
Landholding Agency: Navy
Property Number: 77200610018
Status: Excess
Reason: Extensive deterioration
Bldg. 303
Naval Air Station
Lemoore Co: CA
Landholding Agency: Navy
Property Number: 77200610019
Status: Excess
Reason: Extensive deterioration
Bldg. 471
Naval Air Station
Lemoore Co: CA
Landholding Agency: Navy
Property Number: 77200610020
Status: Excess
Reason: Extensive deterioration
Bldgs. 979, 928, 930
Naval Air Station
Lemoore Co: CA
Landholding Agency: Navy
Property Number: 77200610021
Status: Excess
Reason: Extensive deterioration
Bldgs. 999, 1000
Naval Air Station
Lemoore Co: CA
Landholding Agency: Navy
Property Number: 77200610022
Status: Excess
Reason: Extensive deterioration
Bldgs. 305, 353
Naval Base Point Loma
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200610023
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 358, 359, 360, 361
Naval Base Point Loma
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200610024
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 429, 431, 432
Naval Base Point Loma
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200610025
Status: Unutilized
Reason: Extensive deterioration
Bldg. 581
Naval Base Point Loma
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200610026
Status: Unutilized
Reason: Extensive deterioration
Bldgs. A25, A27
Naval Base Point Loma
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200610027
Status: Unutilized
Reason: Extensive deterioration
Colorado
Bldg. 105
Peterson AFB
Colorado Springs Co: El Paso CO 80914–
Landholding Agency: Air Force
Property Number: 18200310003
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
Bldg. 106
Peterson AFB
Colorado Springs Co: El Paso CO 80914–8090
Landholding Agency: Air Force
Property Number: 18200340010
Status: Underutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Within airport runway
clear zone; Secured Area
Bldg. 107
Peterson AFB
Colorado Springs Co: El Paso CO 80914–8090
Landholding Agency: Air Force
Property Number: 18200340011
Status: Underutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Within airport runway
clear zone; Secured Area
Bldg. 108
Peterson AFB
Colorado Springs Co: El Paso CO 80914–8090
Landholding Agency: Air Force
Property Number: 18200340012
Status: Underutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Within airport runway
clear zone; Secured Area
Connecticut
Bldg. CT380
Naval Submarine Base
Groton Co: New London CT 06340–
Landholding Agency: Navy
Property Number: 77200510016
Status: Unutilized
Reason: Extensive deterioration
Florida
Bldg. 1345
Cape Canaveral AFS
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18200210016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. 55122
Cape Canaveral AFS
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18200210018
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. 1705
Cape Canaveral AFS
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18200330005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
Bldg. 70500 V.I.B.
Cape Canaveral
Brevard Co: FL 32907–
Landholding Agency: Air Force
Property Number: 18200510010
Status: Underutilized
Reason: Secured Area
Bldg. U–150
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200520044
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldgs. V1221 A&B
Naval Air Station
Sigsbee Park
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200530013
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 969
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200540014
Status: Unutilized
Reason: Secured Area
Bldgs. 1759, 1760
Naval Air Station
Jacksonville Co: Duval FL
Landholding Agency: Navy
Property Number: 77200540015
Status: Unutilized
Reason: Secured Area
Bldg. 1917
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200540016
Status: Unutilized
Reason: Secured Area
Bldgs. 1, 2
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200540018
Status: Excess
Reasons: Floodway; Secured Area; Extensive
deterioration
Bldg. 24
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200540019
Status: Excess
Reasons: Floodway; Secured Area; Extensive
deterioration
Bldg. 66

Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200540020
Status: Excess
Reasons: Floodway; Secured Area; Extensive deterioration
Bldg. 216
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200540021
Status: Excess
Reasons: Floodway; Secured Area; Extensive deterioration
Bldgs. 437, 450
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200540022
Status: Excess
Reasons: Floodway; Secured Area; Extensive deterioration
Bldgs. 1234, 1235
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200540023
Status: Excess
Reasons: Floodway; Secured Area; Extensive deterioration

Georgia
Bldg. 340
Savannah IAP
Garden City Co: Chatham GA 31418–
Landholding Agency: Air Force
Property Number: 18200430010
Status: Excess
Reason: Secured Area
Bldg. 5101
Naval Submarine Base
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 77200520004
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration

Guam
Bldg. FH5
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520022
Status: Unutilized
Reason: Extensive deterioration
Bldg. B–32
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520023
Status: Unutilized
Reason: Extensive deterioration.
Bldgs. 76, 77, 79
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520024
Status: Unutilized
Reason: Extensive deterioration
4 Bldgs.
Naval Forces
261, 262, 263, 269
Marianas Co: GU

Landholding Agency: Navy
Property Number: 77200520025
Status: Unutilized
Reason: Extensive deterioration
Bldg. 404NM
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520026
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 635 thru 640
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520027
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1964
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520028
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 2013, 2014
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520029
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 3150, 3268
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520030
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 5409, 5412, 5413
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520031
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5500
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520032
Status: Unutilized
Reason: Extensive deterioration
73 Bldgs.
Naval Computer & Telecommunications Station
Marianas Co: GU
Location: A700–A716, A725, A728, A735, A741–A784, A803–A805, A811–A813, A829–A831
Landholding Agency: Navy
Property Number: 77200520045
Status: Excess
Reasons: Secured Area; Extensive deterioration
Bldg. 24
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520046
Status: Excess
Reasons: Secured Area; Extensive deterioration
Bldgs. 39, 42

Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520047
Status: Excess
Reasons: Secured Area; Extensive deterioration
Bldgs. 2006, 2009
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520048
Status: Excess
Reasons: Secured Area; Extensive deterioration
Bldgs. 2014, 2916
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520049
Status: Excess
Reasons: Secured Area; Extensive deterioration
Bldg. 2031
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520050
Status: Excess
Reasons: Secured Area; Extensive deterioration
Bldgs. 2056, 2057
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520051
Status: Excess
Reasons: Secured Area; Extensive deterioration
Bldg. 2064
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520052
Status: Excess
Reasons: Secured Area; Extensive deterioration
Bldgs. 2073, 2077
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520053
Status: Excess
Reasons: Secured Area; Extensive deterioration
Bldg. FH–05
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200530002
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 277, 308
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610028
Status: Excess
Reason: Secured Area
Bldgs. 1686, 1689, 1690
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610029

Status: Excess
Reason: Secured Area
Bldgs. 1714, 1767, 1768
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610030
Status: Excess
Reason: Secured Area
Bldgs. 1771, 1772, 1773
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610031
Status: Excess
Reason: Secured Area
Bldgs. 1791, 1792
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610032
Status: Excess
Reason: Secured Area
Bldgs. 3000, 3001
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610033
Status: Excess
Reason: Secured Area
Bldgs. 3002, 3004, 3005
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610034
Status: Excess
Reason: Secured Area
Bldgs. 3006, 3007
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610035
Status: Excess
Reason: Secured Area
Steam Plant
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610036
Status: Excess
Reason: Secured Area
Hawaii
Bldg. 503
Bellows AFS
Bellows AFS HI
Landholding Agency: Air Force
Property Number: 18200330007
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 907
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330009
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 954
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330010

Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 980
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330011
Status: Unutilized
Reason: Secured Area
Bldg. 992
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330012
Status: Unutilized
Reason: Secured Area
Bldg. 1035
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330013
Status: Unutilized
Reason: Secured Area
Bldgs. 1709, 1721
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 2041
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 2044
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330016
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 2104
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330017
Status: Unutilized
Reason: Secured Area
Bldg. 3018
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330018
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 3202
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration
Bldgs. 3338, 3356
Hickam AFB

Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330020
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 3432
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330021
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 3375
Hickam AFB
Hickam AFB HI
Landholding Agency: Air Force
Property Number: 18200330031
Status: Unutilized
Reason: Secured Area
Bldgs. 743, 1002, 6100
Johnston Atoll Airfield
Honolulu HI
Landholding Agency: Air Force
Property Number: 18200340013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Extensive deterioration
Bldgs. 1091, 1092
Hickam AFB
Hickam Co: HI
Landholding Agency: Air Force
Property Number: 18200510011
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area; Extensive deterioration
Bldg. 1864
Hickam AFB
Hickam Co: HI
Landholding Agency: Air Force
Property Number: 18200510012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 2074
Hickam AFB
Hickam Co: HI
Landholding Agency: Air Force
Property Number: 18200510013
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 2174
Hickam AFB
Hickam Co: HI
Landholding Agency: Air Force
Property Number: 18200510014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area
Bldg. 3426
Hickam AFB
Hickam Co: HI
Landholding Agency: Air Force
Property Number: 18200510015
Status: Unutilized
Reasons: Floodway; Secured Area; Extensive deterioration
Bldg. 3431
Hickam AFB
Hickam Co: HI
Landholding Agency: Air Force

Property Number: 18200510016
 Status: Unutilized
 Reasons: Floodway; Secured Area; Extensive deterioration
 Bldgs. 12, 14
 Kokee AFB
 Kokee Co: HI
 Landholding Agency: Air Force
 Property Number: 18200510017
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Bldg. 3389
 Hickam AFB
 Hickam Co: HI
 Landholding Agency: Air Force
 Property Number: 18200520002
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Bldg. 4027
 Hickam AFB
 Hickam Co: HI
 Landholding Agency: Air Force
 Property Number: 18200530003
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Moanalua Community
 Church Parsonage
 Pearl Harbor Co: Honolulu HI 96860–
 Landholding Agency: Navy
 Property Number: 77200530034
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 158
 Naval Station
 Pearl Harbor Co: Honolulu HI 96860–
 Landholding Agency: Navy
 Property Number: 77200540024
 Status: Excess
 Reason: Extensive deterioration
 Bldgs. 453, 454
 Naval Station
 Pearl Harbor Co: Honolulu HI 96860–
 Landholding Agency: Navy
 Property Number: 77200540025
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 437
 Naval Magazine
 West Loch Branch
 Ewa Beach Co: Honolulu HI 96706–
 Landholding Agency: Navy
 Property Number: 77200540026
 Status: Unutilized
 Reason: Extensive deterioration
 Bldgs. 570, 571
 Naval Magazine
 West Loch Branch
 Ewa Beach Co: Honolulu HI 96706–
 Landholding Agency: Navy
 Property Number: 77200540027
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 40
 Naval Station
 Ford Island
 Pearl Harbor Co: Honolulu HI 96860–
 Landholding Agency: Navy
 Property Number: 77200610037
 Status: Unutilized
 Reason: Extensive deterioration

Idaho
 Bldg. 1328
 Mountain Home AFB
 Mountain Home Co: Elmore ID 83648–
 Landholding Agency: Air Force
 Property Number: 18200240003
 Status: Excess
 Reason: Within 2000 ft. of flammable or explosive material
 Illinois
 Bldg. 3101
 Capital MAP, DCFT
 Springfield Co: Sangamon IL 62707–
 Landholding Agency: Air Force
 Property Number: 18200520003
 Status: Excess
 Reasons: Within 2000 ft. of flammable or explosive material; Secured Area
 Bldg. 42
 Naval Station
 Great Lakes Co: IL 60088–
 Landholding Agency: Navy
 Property Number: 77200520055
 Status: Excess
 Reasons: Secured Area; Extensive deterioration
 Bldgs. 25 & 28
 Naval Station
 Great Lakes Co: IL 60088–
 Landholding Agency: Navy
 Property Number: 77200530001
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 42
 Naval Station
 Great Lakes Co: IL 60088–
 Landholding Agency: Navy
 Property Number: 77200530014
 Status: Excess
 Reasons: Secured Area; Extensive deterioration
 Bldg. 2C
 Naval Station
 Great Lakes Co: IL 60088–2900
 Landholding Agency: Navy
 Property Number: 77200540005
 Status: Excess
 Reason: Secured Area
 Indiana
 Bldgs. 1871, 2636
 Naval Support Activity
 Crane Co: Martin IN 47522–
 Landholding Agency: Navy
 Property Number: 77200530015
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration
 Bldg. 1820
 Naval Support Activity
 Crane Co: Martin IN 47522–
 Landholding Agency: Navy
 Property Number: 77200540028
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 2694
 Naval Support Activity
 Crane Co: Martin IN 47522–
 Landholding Agency: Navy
 Property Number: 77200540029
 Status: Unutilized
 Reason: Extensive deterioration

Louisiana
 Bldgs. 006, 007
 Naval Air Station
 Belle Chasse Co: Plaquemines LA 70143–
 Landholding Agency: Air Force
 Property Number: 18200610003
 Status: Excess
 Reasons: Within 2000 ft. of flammable or explosive material; Secured Area
 Bldgs. 102, 146, 164
 Naval Air Station
 Belle Chasse Co: Plaquemines LA 70143–
 Landholding Agency: Air Force
 Property Number: 18200610004
 Status: Excess
 Reasons: Within 2000 ft. of flammable or explosive material; Secured Area
 Bldg. 379
 Naval Air Station
 Belle Chasse Co: Plaquemines LA 70143–
 Landholding Agency: Air Force
 Property Number: 18200610005
 Status: Excess
 Reasons: Within 2000 ft. of flammable or explosive material; Secured Area
 Maine
 Bldg. M–6
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240013
 Status: Excess
 Reason: Secured Area
 Bldg. M–9
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240014
 Status: Excess
 Reason: Secured Area
 Bldg. M–10
 Portsmouth Naval Shipyard
 Kittery Co: York ME 0390–4
 Landholding Agency: Navy
 Property Number: 77200240015
 Status: Excess
 Reason: Secured Area
 Bldg. M–11
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240016
 Status: Excess
 Reason: Secured Area
 Bldg. M–18
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240017
 Status: Excess
 Reason: Secured Area
 Bldg. H–29
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240018
 Status: Excess
 Reasons: Within 2000 ft. of flammable or explosive material; Secured Area
 Bldg. 33
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy

Property Number: 77200240019
 Status: Excess
 Reason: Secured Area
 Bldg. 34
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240020
 Status: Excess
 Reason: Secured Area
 Bldg. 41
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240021
 Status: Excess
 Reason: Secured Area
 Bldg. 55
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240022
 Status: Excess
 Reason: Secured Area
 Bldg. 62/62A
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240023
 Status: Excess
 Reason: Secured Area
 Bldg. 63
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240024
 Status: Excess
 Reason: Secured Area
 Bldg. 65
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240025
 Status: Excess
 Reason: Secured Area
 Bldg. 158
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240026
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 188
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240027
 Status: Excess
 Reason: Secured Area
 Bldg. 189
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240028
 Status: Excess
 Reason: Secured Area
 Bldg. 237
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904–
 Landholding Agency: Navy
 Property Number: 77200240029
 Status: Excess
 Reason: Secured Area

Bldg. 150
 Portsmouth Naval Shipyard
 Kittery Co: York ME
 Landholding Agency: Navy
 Property Number: 77200340040
 Status: Excess
 Reason: Extensive deterioration
 Bldg. M–17
 Portsmouth Naval Shipyard
 York Co: Kittery ME 03904–
 Landholding Agency: Navy
 Property Number: 77200520057
 Status: Excess
 Reason: Secured Area
 Bldg. 288
 Portsmouth Naval Shipyard
 York Co: Kittery ME 03904–
 Landholding Agency: Navy
 Property Number: 77200520058
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldgs. 344, 346
 Portsmouth Naval Shipyard
 York Co: Kittery ME 03904–
 Landholding Agency: Navy
 Property Number: 77200520059
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Maryland
 Bldg. 84NS
 Naval Support Activity
 Annapolis Co: Anne Arundel MD 21402–
 Landholding Agency: Navy
 Property Number: 77200610038
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Floodway
 Mississippi
 Bldg. 9
 Construction Battalion Center
 Gulfport Co: MS
 Landholding Agency: Navy
 Property Number: 77200610039
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Bldgs. 22, 27, 41
 Construction Battalion Center
 Gulfport Co: MS
 Landholding Agency: Navy
 Property Number: 77200610040
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Bldgs. 108, 181, 183
 Construction Battalion Center
 Gulfport Co: MS
 Landholding Agency: Navy
 Property Number: 77200610041
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Bldg. 201
 Construction Battalion Center
 Gulfport Co: MS
 Landholding Agency: Navy
 Property Number: 77200610042
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Bldgs. 270, 270A–1, 270A–2
 Construction Battalion Center

Gulfport Co: MS
 Landholding Agency: Navy
 Property Number: 77200610043
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Bldgs. 375, 420
 Construction Battalion Center
 Gulfport Co: MS
 Landholding A: Navy
 Property Number: 77200610044
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Montana
 Bldg. 547
 Malmstrom AFB
 Malmstrom AFB Co: Cascade MT 59402
 Landholding Agency: Air Force
 Property Number: 18200240004
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 1084
 Malmstrom AFB
 Malmstrom AFB Co: Cascade MT 59402
 Landholding Agency: Air Force
 Property Number: 18200240006
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 2025
 Malmstrom AFB
 Malmstrom AFB Co: Cascade MT 59402
 Landholding Agency: Air Force
 Property Number: 18200240007
 Status: Unutilized
 Reason: Secured Area
 Bldg. 1700
 Malmstrom AFB
 Malmstrom AFB Co: Cascade MT 59402–
 Landholding Agency: Air Force
 Property Number: 18200330022
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area;
 Extensive deterioration
 Bldg. 546
 Malmstrom AFB
 Cascade Co: MT 59402–
 Landholding Agency: Air Force
 Property Number: 18200520007
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 1708
 Malmstrom AFB
 Cascade Co: MT 59402–
 Landholding Agency: Air Force
 Property Number: 18200610007
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg.
 Tiber Dam
 Chester Co: Liberty MT 59522–
 Landholding Agency: Interior
 Property Number: 61200410005
 Status: Excess
 Reason: Extensive deterioration
 Nevada
 3 Bldgs.
 Nevada Test Site

23-790, 06-CP50, 26-2107
Mercury Co: Nye NV 89023-
Landholding Agency: Navy
Property Number: 77200510025
Status: Excess
Reasons: Contamination; Secured Area
New Jersey
Bldg. 263
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733-5000
Landholding Agency: Navy
Property Number: 77200310002
Status: Unutilized
Reason: Extensive deterioration
Bldg. GB-1
Naval Weapons Station
Colts Neck NJ 07722-
Landholding Agency: Navy
Property Number: 77200310013
Status: Unutilized
Reason: Extensive deterioration
Bldg. D-5
Naval Weapons Station
Colts Neck NJ 07722-
Landholding Agency: Navy
Property Number: 77200310014
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 437, 443, 506
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733-
Landholding Agency: Navy
Property Number: 77200520056
Status: Unutilized
Reason: Extensive deterioration
Facility No. 2
Naval Weapons Station
Cape May Co: NJ
Landholding Agency: Navy
Property Number: 77200540006
Status: Excess
Reason: Extensive deterioration
Bldgs. 475, 476
Naval Weapons Station
Colts Neck Co: NJ 07722-
Landholding Agency: Navy
Property Number: 77200540030
Status: Unutilized
Reason: Extensive deterioration
Bldgs. C-4, C-58
Naval Weapons Station
Colts Neck Co: NJ 07722-
Landholding Agency: Navy
Property Number: 77200540031
Status: Unutilized
Reason: Extensive deterioration
Bldg. D-1A
Naval Weapons Station
Colts Neck Co: NJ 07722-
Landholding Agency: Navy
Property Number: 77200540032
Status: Unutilized
Reason: Extensive deterioration
Bldgs. D-2, D-3, D-4
Naval Weapons Station
Colts Neck Co: NJ 07722-
Landholding Agency: Navy
Property Number: 77200540033
Status: Unutilized
Reason: Extensive deterioration
Bldg. EA-1
Naval Weapons Station
Colts Neck Co: NJ 07722-
Landholding Agency: Navy

Property Number: 77200540034
Status: Unutilized
Reason: Extensive deterioration
Bldg. HA-1A
Naval Weapons Station
Colts Neck Co: NJ 07722-
Landholding Agency: Navy
Property Number: 77200540035
Status: Unutilized
Reason: Extensive deterioration
Bldgs. S-31, S-219
Naval Weapons Station
Colts Neck Co: NJ 07722-
Landholding Agency: Navy
Property Number: 77200540036
Status: Unutilized
Reason: Extensive deterioration
New Mexico
Bldg. 14170
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230010
Status: Unutilized
Reason: Secured Area
Bldg. 14240
Cannon AFB
Cannon AFB NM
Landholding Agency: Air Force
Property Number: 18200230011
Status: Unutilized
Reason: Secured Area
Bldg. 14270
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230012
Status: Unutilized
Reason: Secured Area
Bldg. 14330
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230013
Status: Unutilized
Reason: Secured Area
Bldg. 14350
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230014
Status: Unutilized
Reason: Secured Area
Bldg. 14370
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230015
Status: Unutilized
Reason: Secured Area
Bldg. 14390
Cannon AFB
Cannon AFB Co: Curry NM
Landholding Agency: Air Force
Property Number: 18200230016
Status: Unutilized
Reason: Secured Area
Bldg. 524
Holloman AFB
Otero NM 88330-
Landholding Agency: Air Force
Property Number: 18200330024
Status: Unutilized

Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. 1076
Holloman AFB
Otero NM 88330-
Landholding Agency: Air Force
Property Number: 18200330025
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 1190
Holloman AFB
Otero NM 88330-
Landholding Agency: Air Force
Property Number: 18200330026
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 1264
Holloman AFB
Otero NM 88330-
Landholding Agency: Air Force
Property Number: 18200330027
Status: Unutilized
Reason: Secured Area
Bldg. 5001
Holloman AFB
Otero NM 88330-
Landholding Agency: Air Force
Property Number: 18200330028
Status: Unutilized
Reason: Secured Area
Bldg. 5012
Holloman AFB
Otero NM 88330-
Landholding Agency: Air Force
Property Number: 18200330029
Status: Unutilized
Reason: Secured Area
Bldg. 615
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117-5663
Landholding Agency: Air Force
Property Number: 18200340014
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 736
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117-5663
Landholding Agency: Air Force
Property Number: 18200340015
Status: Unutilized
Reason: Secured Area
Bldg. 1013
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117-5663
Landholding Agency: Air Force
Property Number: 18200340016
Status: Unutilized
Reason: Secured Area
Bldg. 20419
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117-5663
Landholding Agency: Air Force
Property Number: 18200340017
Status: Unutilized
Reason: Secured Area
Bldgs. 29014, 29016, 29017
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117-5663
Landholding Agency: Air Force
Property Number: 18200340018
Status: Unutilized

Reasons: Secured Area; Extensive deterioration
 Bldg. 30102
 Kirtland AFAB
 Kirtland AFB Co: Bernalillo NM 87117-5663
 Landholding Agency: Air Force
 Property Number: 18200340019
 Status: Unutilized
 Reason: Secured Area
 Bldgs. 37532, 37534
 Kirtland AFB
 Kirtland AFB Co: Bernalillo NM 87117-5663
 Landholding Agency: Air Force
 Property Number: 18200340020
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Bldg. 57005
 Kirtland AFB
 Kirtland AFB Co: Bernalillo NM 87117-5663
 Landholding Agency: Air Force
 Property Number: 18200340021
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Bldgs. 57006, 57013
 Kirtland AFB
 Kirtland AFB Co: Bernalillo NM 87117-5663
 Landholding Agency: Air Force
 Property Number: 18200340022
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Bldgs. 10, 11
 Holloman AFB
 Holloman Co: Otero NM 88330-
 Landholding Agency: Air Force
 Property Number: 18200410005
 Status: Unutilized
 Reason: Secured Area
 New York
 6 UG Missile Silos
 Youngstown Test Annex
 Porter Co: Niagara NY
 Landholding Agency: Air Force
 Property Number: 18200220003
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 100
 Youngstown Test Annex
 Porter Co: Niagara NY
 Landholding Agency: Air Force
 Property Number: 18200220004
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 101
 Youngstown Test Annex
 Porter Co: Niagara NY
 Landholding Agency: Air Force
 Property Number: 18200220005
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 104
 Youngstown Test Annex
 Porter Co: Niagara NY
 Landholding Agency: Air Force
 Property Number: 18200220006
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 107
 Youngstown Test Annex
 Porter Co: Niagara NY
 Landholding Agency: Air Force
 Property Number: 18200220007

Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 109
 Youngstown Test Annex
 Porter Co: Niagara NY
 Landholding Agency: Air Force
 Property Number: 18200220008
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 116
 Youngstown Test Annex
 Porter Co: Niagara NY
 Landholding Agency: Air Force
 Property Number: 18200220009
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 0492
 Brookhaven Natl Lab
 Upton Co: Suffolk NY 11973-
 Landholding Agency: Energy
 Property Number: 41200610001
 Status: Excess
 Reason: Secured Area
 Bldg. 0628
 Brookhaven Natl Lab
 Upton Co: Suffolk NY 11973-
 Landholding Agency: Energy
 Property Number: 41200610002
 Status: Excess
 Reason: Secured Area
 Sailors Haven Complex
 Fire Island Natl Seashore
 Suffolk Co: NY 11772-
 Landholding Agency: Interior
 Property Number: 61200530001
 Status: Unutilized
 Reasons: Not accessible by road; Extensive deterioration
 North Carolina
 Bldg. 216
 Tract 42-101
 Blowing Rock Co: Watauga NC 28605-
 Landholding Agency: Interior
 Property Number: 61200540001
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 82
 Marine Corps Air Station
 Cherry Point Co: Craven NC 28533-
 Landholding Agency: Navy
 Property Number: 77200510009
 Status: Underutilized
 Reason: Secured Area
 Bldg. 4314
 Marine Corps Air Station
 Cherry Point Co: Craven NC 28533-
 Landholding Agency: Navy
 Property Number: 77200510010
 Status: Underutilized
 Reason: Secured Area
 Bldg. 124
 Marine Corps Air Station
 Cherry Point Co: Craven NC 28533-
 Landholding Agency: Navy
 Property Number: 77200510023
 Status: Underutilized
 Reason: Secured Area
 Ohio
 Bldgs. 105, 116, 125
 Toledo Express Airport
 Lucas Co: OH 43558-
 Landholding Agency: Air Force
 Property Number: 18200610008

Status: Excess
 Reason: Within 2000 ft. of flammable or explosive material
 Pennsylvania
 Bldg. 904
 Naval Support Activity
 Mechanicsburg Co: Cumberland PA 17055-
 Landholding Agency: Navy
 Property Number: 77200430066
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 952
 Naval Support Activity
 Mechanicsburg Co: Cumberland PA 17055-
 Landholding Agency: Navy
 Property Number: 77200430067
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 953
 Naval Support Activity
 Mechanicsburg Co: Cumberland PA 17055-
 Landholding Agency: Navy
 Property Number: 77200430068
 Status: Excess
 Reason: Extensive deterioration
 South Carolina
 Bldg. 277
 McEntire Air Natl Station
 Eastover Co: Richland SC 29044-
 Landholding Agency: Air Force
 Property Number: 18200530008
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Building
 N. Charleston Training Annex
 N. Charleston Co: SC 29404-
 Landholding Agency: Air Force
 Property Number: 18200540004
 Status: Excess
 Reason: Extensive deterioration
 Bldgs. B323, B324
 McEntire Air Natl Guard
 Eastover Co: Richland SC 29044-
 Landholding Agency: Air Force
 Property Number: 18200540005
 Status: Unutilized
 Reason: Extensive deterioration
 Bldgs. 1000 thru 1021
 Naval Weapons Station
 Goose Creek Co: Berkeley SC 29445-
 Landholding Agency: Navy
 Property Number: 77200440018
 Status: Unutilized
 Reason: Secured Area
 Bldg. 102
 Marine Corps Recruit Depot
 Parris Island Co: Beaufort SC 29905-
 Landholding Agency: Navy
 Property Number: 77200530017
 Status: Unutilized
 Reasons: Floodway; Secured Area; Extensive deterioration
 South Dakota
 Bldg. 6000
 Ellsworth AFB
 Meade Co: SD 57706-
 Landholding Agency: Air Force
 Property Number: 18200510021
 Status: Underutilized
 Reason: Secured Area
 Bldgs. 7437, 7513, 7616
 Ellsworth AFB

Meade Co: SD 57706–
Landholding Agency: Air Force
Property Number: 18200530009
Status: Unutilized
Reason: Secured Area
Bldg. 7219
Ellsworth AFB
Meade Co: SD 57706–
Landholding Agency: Air Force
Property Number: 18200540006
Status: Unutilized
Reason: Secured Area

Tennessee
17 Buildings
Naval Support Activity
Mid-South
Millington Co: TN 38054–
Location: 892–893, 1704, 1487, 2020, 2035,
2044–2045, 2071, 2074, 2079–2082, 2094,
2096, 2063
Landholding Agency: Navy
Property Number: 77200520012
Status: Excess
Reason: Secured Area
Bldgs. 2, 3, 5
Naval/Marine Corps Rsv Ctr
Knoxville Co: Knox TN 37920–
Landholding Agency: Navy
Property Number: 77200530018
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration

Texas
Bldg. 1307
Hensley Field ANG Station
Dallas TX 75211–9820
Landholding Agency: Air Force
Property Number: 18200330030
Status: Excess
Reason: Extensive deterioration
Bldg. B1274
Ellington Field
Houston Co: TX 77034–5586
Landholding Agency: Air Force
Property Number: 18200540007
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration

Bldg. 1732
Naval Air Station
Corpus Christi Co: Nueces TX
Landholding Agency: Navy
Property Number: 77200540007
Status: Excess
Reasons: Secured Area; Extensive
deterioration

Virginia
Former Averhart Barn
Appalachian Natl Scenic Trail
Huffman Co: Craig VA
Landholding Agency: Interior
Property Number: 61200530002
Status: Excess
Reason: Extensive deterioration
Former Givens House
Appalachian Natl Scenic Trail
Huffman Co: Craig VA
Landholding Agency: Interior
Property Number: 61200530003
Status: Excess
Reason: Extensive deterioration
Former Edmiston Barn
Appalachian Natl Scenic Trail

Rural Retreat Co: Smyth VA
Landholding Agency: Interior
Property Number: 61200530004
Status: Excess
Reason: Extensive deterioration
Bldg. SP–235
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200530019
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. F11
Naval Air Station
Crane Island Fuel Terminal
Portsmouth Co: VA
Landholding Agency: Navy
Property Number: 77200530020
Status: Excess
Reasons: Floodway; Secured Area
Bldgs. CI33, CI34
Naval Air Station
Crane Island Fuel Terminal
Portsmouth Co: VA
Landholding Agency: Navy
Property Number: 77200530021
Status: Excess
Reasons: Floodway; Secured Area
4 Bldgs.
Naval Air Station
Crane Island Fuel Terminal
Portsmouth Co: VA
Location: CI89, CI90, CI93A, CI95
Landholding Agency: Navy
Property Number: 77200530022
Status: Excess
Reasons: Floodway; Secured Area
Bldgs. CI143, CI148, CI155
Naval Air Station
Crane Island Fuel Terminal
Portsmouth Co: VA
Landholding Agency: Navy
Property Number: 77200530023
Status: Excess
Reasons: Floodway; Secured Area
Bldgs. CI196, CI197, CI198
Naval Air Station
Crane Island Fuel Terminal
Portsmouth Co: VA
Landholding Agency: Navy
Property Number: 77200530024
Status: Excess
Reasons: Floodway; Secured Area
Bldgs. CI453, CI456
Naval Air Station
Crane Island Fuel Terminal
Portsmouth Co: VA
Landholding Agency: Navy
Property Number: 77200530025
Status: Excess
Reasons: Floodway; Secured Area
Bldg. Q–78
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200610045
Status: Excess
Reason: Secured Area
Bldg. SP–86A
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200610046

Status: Excess
Reason: Secured Area
Bldg. SP–89
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200610047
Status: Excess
Reason: Secured Area
Bldg. 1
Headquarters Battalion
Henderson Hall
Arlington Co: VA 22214–
Landholding Agency: Navy
Property Number: 77200610048
Status: Unutilized
Reason: Extensive deterioration
Bldg. 3
Naval Air Station
Oceana
Virginia Beach Co: VA 23460–
Landholding Agency: Navy
Property Number: 77200610049
Status: Excess
Reason: Extensive deterioration
Bldgs. 202, 240
Naval Air Station
Oceana
Virginia Beach Co: VA 23460–
Landholding Agency: Navy
Property Number: 77200610050
Status: Excess
Reason: Extensive deterioration
Bldg. 403
Naval Air Station
Oceana
Virginia Beach Co: VA 23460–
Landholding Agency: Navy
Property Number: 77200610051
Status: Excess
Reason: Extensive deterioration
Bldgs. 501, 504, 519
Naval Air Station
Oceana
Virginia Beach Co: VA 23460–
Landholding Agency: Navy
Property Number: 77200610052
Status: Excess
Reason: Extensive deterioration
Bldgs. 521, 522, 523
Naval Air Station
Oceana
Virginia Beach Co: VA 23460–
Landholding Agency: Navy
Property Number: 77200610053
Status: Excess
Reason: Extensive deterioration
Bldgs. 524, 525, 533
Naval Air Station
Oceana
Virginia Beach Co: VA 23460–
Landholding Agency: Navy
Property Number: 77200610054
Status: Excess
Reason: Extensive deterioration
Bldg. 825
Naval Air Station
Oceana
Virginia Beach Co: VA 23460–
Landholding Agency: Navy
Property Number: 77200610055
Status: Excess
Reason: Extensive deterioration
Bldgs. F19, F19A

Naval Air Station
Oceana
Virginia Beach Co: VA 23460–
Landholding Agency: Navy
Property Number: 77200610056
Status: Excess
Reason: Extensive deterioration

Railroad Tracks
Naval Air Station
Oceana
Virginia Beach Co: VA 23460–
Landholding Agency: Navy
Property Number: 77200610057
Status: Excess
Reason: Extensive deterioration

Washington
Bldg. 529
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040020
Status: Excess
Reason: Secured Area

Bldg. 8
Naval Reserve Center
Spokane Co: WA 99205–
Landholding Agency: Navy
Property Number: 77200430025
Status: Excess
Reasons: Secured Area; Extensive
deterioration

Bldgs. 10, 11
Naval Reserve Center
Spokane Co: WA 99205–
Landholding Agency: Navy
Property Number: 77200430026
Status: Excess
Reasons: Secured Area; Extensive
deterioration

Bldgs. 2656–2658
Naval Air Station
Lake Hancock
Coupeville Co: Island WA 98239–
Landholding Agency: Navy
Property Number: 77200430027
Status: Unutilized
Reason: Secured Area

Bldgs. 2652, 2705
Naval Air Station
Whidbey
Oak Harbor Co: WA 98277–
Landholding Agency: Navy
Property Number: 77200440010
Status: Unutilized
Reason: Secured Area

Bldgs. 79, 884
NAS Whidbey Island
Seaplane Base
Oak Harbor Co: WA 98277–
Landholding Agency: Navy
Property Number: 77200440011
Status: Unutilized
Reason: Secured Area

Bldg. 121
NAS Whidbey Island
Ault Field
Oak Harbor Co: WA 98277–
Landholding Agency: Navy
Property Number: 77200440012

Status: Unutilized
Reason: Secured Area

Bldg. 419
NAS Whidbey Island
Ault Field
Oak Harbor Co: WA 98277–
Landholding Agency: Navy
Property Number: 77200440013
Status: Unutilized
Reason: Secured Area

Bldgs. 2609, 2610
NAS Whidbey Island
Ault Field
Oak Harbor Co: WA 98277–
Landholding Agency: Navy
Property Number: 77200440014
Status: Unutilized
Reason: Secured Area

Bldg. 2753
NAS Whidbey Island
Ault Field
Oak Harbor Co: WA 98277–
Landholding Agency: Navy
Property Number: 77200440015
Status: Unutilized
Reason: Secured Area

Bldg. 108
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200510015
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration

Bldg. 351s
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77200530026
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area

West Virginia
Buckland Footbridge
New River Gorge
Tract 104–01
Hinton Co: Raleigh WV 25951–
Landholding Agency: Interior
Property Number: 61200520021
Status: Excess
Reason: Extensive deterioration

Helms House/Shed
New River Gorge
Tract 104–05
Hinton Co: Raleigh WV 25951–
Landholding Agency: Interior
Property Number: 61200520022
Status: Excess
Reason: Extensive deterioration

Cochran Pump House
New River Gorge
Tract 104–29
Hinton Co: Raleigh WV 25951–
Landholding Agency: Interior
Property Number: 61200520023
Status: Excess
Reason: Extensive deterioration

Wyoming
Bldg. 360
F. E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18200240013
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration

Bldg. 354
F. E. Warren AFB
Laramie Co: WY 82005–
Landholding Agency: Air Force
Property Number: 18200510022
Status: Underutilized
Reason: Secured Area

Land (by State)

California
Trailer Space
Naval Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200520013
Status: Unutilized
Reason: Secured Area

North Carolina
Sites A,B,C,D,E
Marine Corps Base
Camp Lejeune Co: NC
Landholding Agency: Navy
Property Number: 77200430053
Status: Underutilized
Reason: Secured Area

Portion/Training Area
Marine Corps Base
Camp Lejeune Co: NC
Landholding Agency: Navy
Property Number: 77200430065
Status: Underutilized
Reason: Secured Area

Puerto Rico
Site 3
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77200320031
Status: Unutilized
Reason: Secured Area

Site 4
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77200320032
Status: Unutilized
Reason: Secured Area

Washington
405 sq. ft./Land
Naval Base Kitsap
Bangor Co: WA
Landholding Agency: Navy
Property Number: 77200520060
Status: Unutilized
Reason: Secured Area

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Federal Register

**Friday,
March 17, 2006**

Part III

Department of Labor

Office of the Secretary

**Department of Labor's Public Affairs
Program; Notice**

DEPARTMENT OF LABOR**Office of the Secretary**

[Secretary's Order—08–2006]

Department of Labor's Public Affairs Program**1. Purpose**

This Order delegates authority and assigns responsibility for the Department of Labor's public affairs program.

2. Authority and Directives Affected

This order is issued pursuant to the Act of March 4, 1913, as amended (37 Stat. 736; 29 U.S.C. 551), and Reorganization Plan No. 6 of 1950 (15 FR 3174; 29 U.S.C. 551, Note). Secretary's Order 37–65 is cancelled.

3. Background

In 1945, Secretary of Labor L.B. Schwollenbach centralized supervision of all information work performed by the Department in the Division of Information (currently the Office of Public Affairs, OPA). This was done "to obtain maximum efficiency and economy in the dissemination of public information concerning the activities of the Department." In 1957, Secretary of Labor James B. Mitchell delegated more authority and responsibility to the Office of Information to ensure centralized coordination and adherence to Departmental policy. In 1965, Secretary of Labor W. Willard Wirtz issued Secretary's Order 37–65 to improve information service to the public. In 2003, the agencies' public affairs functions were centralized in the Office of Public Affairs to ensure this important function was continued, but in a more efficient manner.

4. Scope

The Department of Labor's public affairs function includes all activities that involve the interaction with, and the preparation and issuance of information to, the media and the public. Its authority to execute such functions covers all aspects of planning, developing, implementing, and monitoring informational, educational and promotional activities of a public affairs nature. It includes all forms of public communication, e.g., oral, written, visual or electronic.

This Order applies to all Departmental agencies (National and Regional Offices). This Order shall not contravene the provisions of Public Law 95–452, the Inspector General Act of 1978, as amended (5 U.S.C., App. 3). In addition, the authority and responsibilities delegated to the

Commissioner of the Bureau of Labor Statistics in Secretary's Order 9–75, section 4 paragraph d(1), pursuant to 29 U.S.C. 1, shall not be superseded by this Order.

5. Delegation of Authority and Assignment of Responsibility

A. *The Assistant Secretary for Public Affairs* is delegated authority and assigned responsibility for:

(1) Supervising, directing and coordinating all Department of Labor public affairs activities.

(2) Serving as the Department of Labor's primary media spokesperson; delegating media spokesperson authority to other OPA and agency staff members; overseeing the Departmental spokesperson function.

(3) Serving as the primary advisor to the Secretary of Labor and all Departmental executives and staff on issues relating to public affairs.

(4) Planning, developing and conducting a comprehensive nationwide public affairs program in support of the Secretary's goals and initiatives; Departmental policies, programs and activities; and the Department's basic mission.

(5) Establishing, developing and implementing policies, regulations, guidelines and standards governing all public affairs and information activities carried out by the Department of Labor.

(a) Developing and implementing policies, guidelines and standards governing all informational, educational and promotional campaigns, events, etc.; news releases; articles; speeches; publications; and other related information activities and products developed and prepared by the agencies.

(b) Developing and implementing all policies, guidelines and standards regulating the Department's audiovisual program, including audio-video, graphics, photography, exhibits, and other related functions (Secretary's Order 6–83).

(c) Developing and implementing policies, guidelines and standards relating to the Department of Labor enterprise communications services (Secretary's Order 2–2005).

(6) Reviewing and approving agency public affairs plans involving major national programs and initiatives at the concept stage. If such materials are approved, periodically monitoring progress with the authority to change or discontinue the activity or production.

(7) Providing technical advice and assistance to agencies on planning, developing, implementing, and monitoring public affairs programs and activities.

(8) Under the auspices of the Department of Homeland Security, OPA participates in the planning, development and implementation of public affairs and communication activities as a part of the Continuity of Operations (COOP) that assures the ability of the Federal government to continue its essential functions.

(9) Preparing, approving and disseminating Department of Labor news releases; approving publications and audiovisual materials that serve a public affairs function, and any other public information materials, with the exception of legal, regulatory, interpretive, technical or similar material. However, this Order does not supersede the implementation of the Office of Management and Budget Statistical Directive No. 3 by the Bureau of Labor Statistics relating to the production, safeguarding, and implementation of Principal Federal Economic Indicators.

(10) In each region, planning and conducting a comprehensive public affairs program as well as providing all support and services required by Departmental components.

B. Department of Labor Agency Heads are delegated authority and assigned responsibility for:

(1) Developing goals and objectives for their agencies.

(2) Developing agency plans that identify major programs or initiatives agencies will focus on during the coming fiscal year and providing a brief description of the informational, educational or promotional activities planned for each major program and initiative; submitting the plans to OPA to assist in carrying out public affairs activities.

(3) Planning and developing activities to inform the public about the agencies' laws, policies, programs and activities.

(4) Planning, preparing and producing a wide range of informational materials designed to effectively and efficiently inform the public about the agencies' responsibilities and functions, as well as the public's rights and responsibilities; producing all such materials in accordance with established policies, procedures, guidelines and standards; submitting materials to OPA for approval. Informational materials subject to such approval do not include legal, regulatory, interpretive, technical or similar materials.

(5) Developing internal procedures to ensure adherence to established Departmental public affairs policies, procedures, guidelines and standards.

C. *The Solicitor of Labor* shall have the responsibility for providing legal advice and assistance to all officers of

the Department relating to the administration of activities under this Order. Starting Departmental legal proceedings, representing the Secretary and/or other officials of the Department of Labor, and determining whether such proceedings or representations are appropriate in a given case are delegated exclusively to the Solicitor.

6. Restrictions

No agency or individual will negotiate or enter into any agreement to alter, restrict, limit or control conduct of the

Department of Labor's public affairs activities. Requests for waivers to this restriction must be obtained from the Assistant Secretary for Public Affairs prior to action.

7. Re-Delegation

The authorities described in paragraph 5 may be re-delegated.

8. Secretarial Action

Any problems or disagreements arising in the application of the authorities delegated in this Order that cannot be mutually resolved by the

Office of Public Affairs and agency officials will be referred through the Assistant Secretary for Public Affairs to the Secretary of Labor for resolution or other appropriate action.

9. Effective Date

This order is effective immediately.

Dated: March 10, 2006.

Elaine L. Chao,

Secretary of Labor.

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LIST OF PUBLIC LAWS

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The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.gpoaccess.gov/plaws/index.html>. Some laws may not yet be available.

H.R. 4515/P.L. 109-180

To designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the "Corporal Jason L. Dunham Post Office". (Mar. 14, 2006; 120 Stat. 284)

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