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OFFICE OF PERSONNEL MANAGEMENT

5 CFR PART 334

RIN 3206–AJ94

Temporary Assignments Under the Intergovernmental Personnel Act (IPA)

AGENCY: Office of Personnel Management.

ACTION: Final.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations on a plain language rewrite of its regulations regarding the Intergovernmental Personnel Act Mobility Program as part of a broader review of OPM regulations. The purpose of the revision is to make the regulations more readable.

DATES: October 18, 2006.

FOR FURTHER INFORMATION CONTACT: Darlene Phelps by telephone on 202–606–0960, by FAX on 202–606–2329, by TDD on 202–418–3134, or by e-mail at *employ@opm.gov*.

SUPPLEMENTARY INFORMATION: OPM published for comment on August 22, 2003, (at 68 FR 50726) proposed regulations revising part 334 of title 5, Code of Federal Regulations, to make it more readable. The principal purpose of that proposed revision was to clarify the regulations. OPM also solicited comments on whether certain non-Federal entities define themselves as: (1) An "instrumentality or authority of a State or States or local government" as cited in 5 U.S.C. 3371; or (2) a "Federal-State authority or instrumentality" as cited in 5 U.S.C. 3371.

Two agencies submitted comments on OPM's proposed part 334 regulations. Both agencies believed that the question and answer format in the proposed regulations required the reader to spend more, rather than less time, to locate information in part 334. After consideration of the agencies' comments, OPM dropped the question and answer format in this final redraft of part 334.

One agency suggested we rename the title of this part by including a reference to the Intergovernmental Personnel Act. We agree the current title does not accurately describe the nature of assignments under this part, so we have renamed part 334 as "Temporary Assignments under the Intergovernmental Personnel Act (IPA)".

The other agency suggested OPM provide definitions of the terms listed in § 334.102 rather than offer readers the statutory citations where these terms are defined. We agree having the definitions in the regulation improves the readability of part 334, so we have added the definitions along with their statutory citations in § 334.102.

The other agency asked that OPM clarify whether the definition of "Institution of higher education" includes graduate level programs. OPM agrees clarification is necessary and we have revised the definition in § 334.102 to include longstanding OPM policy that this definition includes both undergraduate and graduate study.

The same agency also asked that OPM set a specific time period for maintaining copies of each written agreement that documents the obligations and responsibilities of each party to an IPA assignment. OPM believes that each agency should have the flexibility to best determine the appropriate time period for retaining copies of its written agreements under this part. We have modernized the final regulations, in § 334.106(b), to allow agencies the flexibility for establishing the time period for retaining copies of its written agreements under the IPA program.

The second agency asked that OPM clarify the IPA participation restriction in § 334.104(c) that a Federal agency may not send or receive an individual on an IPA assignment for more than four continuous years without at least a 12-month return to duty back to the organization where the individual was employed before the IPA assignment. OPM believes that the present language in § 334.104(c) sufficiently states OPM's intention that an individual may not participate on an assignment under this part for more than four continuous years without a minimum 12-month return to duty back to the individual's pre-assignment employing organization.

The same agency also asked OPM to include a statement in § 334.102(c) clarifying that "successive assignments with a break of no more than 60 calendar days will be regarded as continuous service" per guidance on OPM's Web site. For the convenience of the reader we have added the statement pertaining to successive assignments of at least 60 calendar days to § 334.102(c), which is consistent with longstanding OPM policy.

E.O. 12866 Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

Lists of Subjects in 5 CFR Part 334

Colleges and universities, Government employees, Indians, Intergovernmental relations.

U.S. Office of Personnel Management.

Linda M. Springer,

Director.

■ Accordingly, OPM is revising 5 CFR part 334 to read as follows:

PART 334—TEMPORARY ASSIGNMENTS UNDER THE INTERGOVERNMENTAL PERSONNEL ACT (IPA)

Sec.

334.101 Purpose.
334.102 Definitions.
334.103 Requirements for approval of instrumentalities or authorities of State and local governments and "other organizations."
334.104 Length of assignment.
334.105 Obligated service requirement.
334.106 Requirement for written agreement.
334.107 Termination of agreement.
334.108 Reports required.

Authority: 5 U.S.C. 3376; E.O. 11589, 3 CFR 557 (1971–1975)

§ 334.101 Purpose.

The purpose of this part is to implement title IV of the Intergovernmental Personnel Act (IPA) of 1970 and title VI of the Civil Service Reform Act. These statutes authorize the temporary assignment of employees

between the Federal Government and State, local, and Indian tribal governments, institutions of higher education and other eligible organizations.

§ 334.102 Definitions.

In this part:

Assignment means a period of service under chapter 33, subchapter VI of title 5, United States Code;

Employee, for purposes of participation in this program, means an individual serving in a Federal agency under a career or career-conditional appointment, including career appointees in the Senior Executive Service, individuals under appointments of equivalent tenure in excepted service positions (including, *e.g.*, the Presidential Management Fellows Program, the Federal Career Intern Program, the Student Career Experience Program, and Veterans Recruitment Appointments (VRA)), or an individual employed for at least 90 days in a career position with a State, local, or Indian tribal government, institution of higher education, or other eligible organization;

Federal agency as defined in 5 U.S.C. 3371(3) means an Executive agency, military department, a court of the United States, the Administrative Office of the United States Courts, the Library of Congress, the Botanic Garden, the Government Printing Office, the Congressional Budget Office, the United States Postal Service, the Postal Rate Commission, the Office of the Architect of the Capitol, the Office of Technology Assessment, and such other similar agencies of the legislative and judicial branches as determined appropriate by the Office of Personnel Management;

Indian tribal government as defined in 5 U.S.C. 3371(2)(c) means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act (85 Stat. 668), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and includes any tribal organization as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act;

Institution of higher education means a domestic, accredited public or private 4-year and/or graduate level college or university, or a technical or junior college;

Local government as defined in 5 U.S.C. 3371(2)(A) and (B) means:

(1) Any political subdivision, instrumentality, or authority of a State or States; and

(2) Any general or special purpose agency of such a political subdivision, instrumentality, or authority;

Other organization as defined in 5 U.S.C. 3371(4) means:

(1) A national, regional, Statewide, area wide, or metropolitan organization representing member State or local governments;

(2) An association of State or local public officials;

(3) A nonprofit organization which offers, as one of its principal functions, professional advisory, research, educational, or development services, or related services, to governments or universities concerned with public management; or

(4) A federally funded research and development center.

State as defined in 5 U.S.C. 3371(1) means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and a territory or possession of the United States; an instrumentality or authority of a State or States; and a Federal-State authority or instrumentality.

§ 334.103 Requirements for approval of instrumentalities or authorities of State and local governments and "other organizations."

(a) Organizations interested in participating in the IPA mobility program as an instrumentality or authority of a State or local government or as an "other organization" as set out in this part must have their eligibility certified by the Federal agency with which they are entering into an assignment.

(b) Written requests for certification must include a copy of the organization's:

(1) Articles of incorporation;

(2) Bylaws;

(3) Internal Revenue Service nonprofit statement; and

(4) Any other information which indicates that the organization has as a principal function the offering of professional advisory, research, educational, or development services, or related services to governments or universities concerned with public management.

(c) Federally funded research and development centers which appear on a master list maintained by the National Science Foundation are eligible to participate in the program.

(d) An organization denied certification by an agency may request reconsideration by the Office of Personnel Management (OPM).

§ 334.104 Length of assignment.

(a) The head of a Federal agency, or his or her designee, may make an assignment for up to 2 years, which may be extended for up to 2 more years if the parties agree.

(b) A Federal agency may not send an employee on an assignment if that person is a Federal employee and has participated in this program for more than a total of 6 years during his or her Federal career. OPM may waive this restriction upon the written request of the agency head, or his or her designee.

(c) A Federal agency may not send or receive an employee on an assignment if the employee has participated in this program for 4 continuous years without at least a 12-month return to duty with the organization from which the employee was originally assigned. Successive assignments with a break of no more than 60 calendar days will be regarded as continuous service under the mobility authority.

§ 334.105 Obligated service requirement.

(a) A Federal employee assigned under this part must agree, as a condition of accepting an assignment, to serve with the Federal Government upon completion of the assignment for a period equal to the length of the assignment.

(b) If the employee fails to carry out this agreement, he or she must reimburse the Federal agency for its share of the costs of the assignment (exclusive of salary and benefits). The head of the Federal agency, or his or her designee, may waive this reimbursement for good and sufficient reason.

§ 334.106 Requirement for written agreement.

(a) Before the assignment begins, the assigned employee and the Federal agency, the State, local, Indian tribal government, institution of higher education, or other eligible organization must enter into a written agreement recording the obligations and responsibilities of the parties, as specified in 5 U.S.C. 3373–3375.

(b) Federal agencies must maintain a copy of each assignment agreement form established under this part, including any modification to the agreement. The agency may determine the appropriate time period for retaining copies of its written agreements.

§ 334.107 Termination of agreement.

(a) An assignment may be terminated at any time at the request of the Federal agency or the State, local, Indian tribal government, institution of higher education, or other organization

participating in this program. Where possible, the party terminating the assignment prior to the agreed upon date should provide 30-days advance notice along with a statement of reasons, to the other parties to the agreement.

(b) Federal assignees continue to encumber the positions they occupied prior to assignment, and the position is subject to any personnel actions that might normally occur. At the end of the assignment, the employee must be allowed to resume the duties of the employee's position or must be reassigned to another position of like pay and grade.

(c) An assignment is terminated automatically when the employer-employee relationship ceases to exist between the assignee or original employer.

(d) OPM has the authority to direct Federal agencies to terminate assignments or take other corrective actions when OPM finds assignments have been made in violation of the requirements of the Intergovernmental Personnel Act or this part.

§ 334.107 Reports required.

A Federal agency which assigns an employee to or receives an employee from a State, local, Indian tribal government, institution of higher education, or other eligible organization in accordance with this part must submit to OPM such reports as OPM may request.

[FR Doc. E6–15436 Filed 9–15–06; 8:45 am]
BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR PART 630

RIN 3206–AK80

Absence and Leave; Creditable Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final regulations to provide Federal agencies with the authority to grant a newly appointed or reappointed employee credit for prior work experience that otherwise would not be creditable for the purpose of determining the employee's annual leave accrual rate. An agency may use this authority to recruit an individual with the skills and experience necessary to achieve an important agency mission or performance goal.

DATES: The regulations are effective on October 18, 2006.

FOR FURTHER INFORMATION CONTACT: Carey Johnston by telephone at (202) 606–2858, by fax at (202) 606–0824, or by e-mail at *pay-performance-policy@opm.gov*.

SUPPLEMENTARY INFORMATION: On April 29, 2005, the Office of Personnel Management (OPM) published interim regulations (70 FR 22245) to implement section 202(a) of the Federal Workforce Flexibility Act of 2004 (Pub. L. 108–411, October 30, 2004), hereafter referred to as "the Act." Section 202(a) added subsection (e) to 5 U.S.C. 6303, which provides OPM with the authority to prescribe regulations to permit an agency to grant a newly appointed or reappointed employee service credit for prior work experience that otherwise would not be creditable for the purpose of determining his or her annual leave accrual rate. An employee may receive credit if (1) The experience was obtained in a position having duties that directly relate to the duties of the position to which he or she is being appointed, and (2) it is determined by the head of the agency that crediting service to provide a higher annual leave accrual rate is necessary to recruit an individual with the skills and experience necessary to achieve an important agency mission or performance goal.

The 60-day public comment period on the interim regulations ended on June 28, 2005. During the comment period, OPM received comments from 1 Federal labor organization, 5 Federal agencies, and 20 individuals.

Three commenters expressed the view that the effective date of an agency's authority to provide credit for non-Federal work experience should be the date the Act was signed (October 30, 2004). Section 6303(e)(1) of title 5, United States Code, provides that, not later than 180 days after enactment of the Act, OPM must prescribe regulations to permit an agency to provide service credit to a newly appointed or reappointed employee for prior work experience that otherwise would not be creditable for the purpose of determining his or her annual leave accrual rate. The earliest date this new authority could become effective was the effective date of OPM's regulations—*i.e.*, April 28, 2005.

Several commenters objected to the interim regulations because current Federal employees may not receive credit for non-Federal work experience for the purpose of redetermining their annual leave accrual rate. The commenters believe the new authority provides an unfair advantage to newly appointed employees, since current employees must have 3 years or more of creditable service before accruing 6 hours of annual leave each pay period and 15 years or more of creditable service before accruing 8 hours of annual leave each pay period. One commenter thought it was unfair that this provision applies only to future employees, while section 202(b) of the Act provides an 8-hour annual leave accrual rate each pay period to current and future members of the Senior Executive Service (SES) and employees in senior-level and scientific or professional positions. Creditable service for non-Federal work experience may not be granted to current Federal employees because section 202(c) of the Act prohibits employees who were employed before the effective date of OPM's regulations (*i.e.*, April 28, 2005) from receiving such credit.

Two agencies asked whether there are any exceptions to the prohibition on crediting non-Federal work experience to reappointed employees who held civil service positions within 90 days before their reappointment. OPM may not grant any exceptions because 5 U.S.C. 6303(e)(3) prohibits a reappointed employee who held an appointment in the civil service within the previous 90-day period from receiving service credit for non-Federal work experience.

Senate Report 108–223 (January 27, 2004) on the Act stated that the law would "reform the annual leave accrual policy for new mid-career federal employees" so that agencies have an enhanced capability to recruit these individuals (pages 9). The Senate Report explained that "individuals with substantial private sector experience may be hesitant to enter government service if they have to surrender a considerable amount of vacation time" (page 9). OPM's regulations are consistent with this expression of congressional intent that this tool be available to agencies to recruit individuals with the skills and experience necessary to achieve an important agency mission or performance goal. The fact that current employees accepted Federal employment without receiving this new leave benefit clearly demonstrates that a higher annual leave accrual rate was not necessary to recruit them.

An agency recommended revising 5 CFR 630.205(a) by replacing "a newly appointed employee" with "an employee receiving his or her first appointment (regardless of tenure) as a civilian employee of the Federal Government." The agency explained that the recommended revision would align the language in § 630.205(a) with

the language in 5 CFR 531.211(a) covering pay setting for new appointees. We agree and have revised § 630.205(a) accordingly.

Another agency recommended that OPM define a *newly appointed* employee to mean an employee who is newly appointed to a permanent position in the Federal service. We have not adopted this recommendation. Any employee who has an established regular tour of duty, including an employee appointed to a temporary position, may earn annual leave, with one limited exception. Under 5 U.S.C. 6303(b), a newly appointed employee whose appointment is limited to fewer than 90 days is not entitled to accrue annual leave. However, if the appointment is extended or the employee receives one or more successive appointments without a break in service, the employee becomes eligible to accrue annual leave on the 90th day of employment, and in addition, the employee is entitled to the annual leave that would have accrued during the initial 90-day period. A decision to provide creditable service for prior work experience must be made when an employee is newly appointed to a Federal position.

Under § 630.205(a)(1), an agency may provide credit for service that otherwise would not be creditable under 5 U.S.C. 6303(a) for the purpose of determining the annual leave accrual rate of an employee if the head of the agency or his or her designee determines that the skills and experience the employee possesses are essential to the new position and were acquired through performance in a non-Federal position having duties that directly relate to the duties of the position to which the employee is being appointed. An agency recommended that OPM remove the term *non-Federal* in § 630.205(a)(1) and throughout the regulations, since the law does not require a prior position to be a *non-Federal* position. Although the law does not require a position to be a non-Federal position, we believe most work experience that will now be considered for credit will be work performed in a *non-Federal* position. For administrative convenience, we refer to this prior work experience in this Supplementary Information as *non-Federal* work experience. However, we have revised the regulations at § 630.205 to remove the term *non-Federal*.

An agency asked whether the head of the agency or designee may redelegate the authority to grant service credit for non-Federal work experience. The head of an agency may authorize a designee to redelegate this authority to a lower level. The same agency asked whether an agency may change its initial determination to provide service credit if, for example, the agency learns after the employee enters on duty that the employee was fired from the position upon which the creditable service was based. Section 6303(e)(2) of title 5, United States Code, provides that credit for prior work experience is granted to the employee upon the effective date of his or her initial appointment or reappointment to the agency and remains creditable for annual leave accrual purposes thereafter unless the employee fails to complete 1 full year of continuous service with the appointing agency. Therefore, an agency may not reduce the amount of creditable service under the circumstances described. However, an agency may require, as part of the written documentation required by § 630.205(d), that an employee provide written self-certification that he or she was not fired from the position upon which the creditable service is based.

Another agency asked whether an employee may appeal an agency's decision not to provide creditable service to OPM. Under § 630.205(a), the authority to provide service credit for non-Federal work experience rests solely with the head of the agency or his or her designee. An agency's determination not to provide creditable service under § 630.205(a) is not appealable to OPM. However, a claim that such decision constitutes a prohibited personnel practice under 5 U.S.C. 2302 could be filed with the Office of Special Counsel.

An agency recommended that a definition of *agency* be added to the regulations. We agree and have added a definition of *agency* in § 630.201.

Several agencies requested more specific guidance on (1) Determining whether an individual possesses the skills and experience essential to the new position, (2) determining whether the duties performed in the prior position directly relate to the position to which the employee is being appointed, (3) determining whether providing service credit to an employee is necessary to achieve an important agency mission or performance goal, and (4) determining what kind and how much directly related experience should be credited. An agency recommended that the term *important agency mission* be defined to mean a mission or function that is central or core to the purpose of the agency and that the term *performance goal* be defined to mean a goal or objective assigned to a Department or agency by Presidential directive, Executive order or other official issuance or through laws passed by Congress. Two commenters expressed concern that the lack of specific guidance in the regulations may result in widely divergent implementation and recruitment strategies among Federal agencies. A Federal labor organization stated that it anticipates this new leave benefit will be applied equally to all eligible candidates and that the conditions prescribed for eligibility appear to be fair to newly appointed and reappointed employees.

OPM has delegated to the head of each agency or his or her designee the sole discretion to make these determinations consistent with the law and OPM's regulations. Because it is likely that each agency will tailor its plan for using this authority to meet its individual workforce and mission needs, we do not believe it would be constructive to require a uniform, Governmentwide approach, since doing so may inappropriately limit the use of an agency's authority. The amount of service credit that may be granted may not exceed the actual amount of service during which an employee performed duties directly related to the position to which he or she is being appointed. (See § 630.205(c).)

By enhancing the annual leave accrual policy, Congress has provided an additional tool to assist agencies in strategically aligning their human resources management policies with their goals and missions. Agencies are cautioned to use this new leave benefit for the sole purpose for which it was established—*i.e.*, to recruit an individual with the skills and experience necessary to achieve an important agency mission or performance goal. Agencies should not provide creditable service for non-Federal work experience or experience in a uniformed service across-the-board for all new hires.

Three commenters asked whether service credit may be provided for non-paid volunteer work experience. Another commenter questioned whether service may be credited for previously noncreditable work experience in quasi-Federal organizations. Another commenter asked whether service may be credited for a combination of prior work experience and experience in a uniformed service. Under 5 U.S.C. 6303(e)(1), an agency may provide service credit for prior work experience if the agency determines that the work experience was obtained in a position having duties that directly relate to the duties of the position to which the employee is being appointed. Therefore, agencies may consider non-paid volunteer work, formerly noncreditable

work experience in a quasi-Federal organization, or a combination of prior work experience and experience in a uniformed service as creditable for this purpose.

Section 630.205(d) requires an employee to provide written documentation, acceptable to the agency, of his or her non-Federal work experience. An agency recommended that OPM require agencies to make the determination to approve an employee's qualifying work experience before the employee enters on duty. We agree and have revised § 630.205(d) to include this requirement. The same agency asked whether a resumé or employment application is sufficient. Each agency is responsible for determining what constitutes acceptable written documentation of an employee's qualifying prior work experience. However, the written documentation must be sufficient to allow an agency to make the determination that the employee's work experience was obtained in a position having duties that directly relate to the duties of the position to which the employee is being appointed. A resumé or employment application may be acceptable if it provides sufficient information for an agency to make this determination.

An agency recommended that OPM revise § 630.205(d) to require an employee to provide written documentation from the military before crediting uniformed service. This would be consistent with OPM's requirement that an employee or applicant submit documentation from the military to credit uniformed service for other purposes, such as creditable service for annual leave accrual under 5 U.S.C. 6303(a) and veteran's preference in hiring. We agree and have revised § 630.205(d) to include this requirement. An individual recommended that OPM require Standard Form (SF) 813, Verification of A Military Retiree's Service in Nonwartime Campaigns or Expeditions, to be used to verify military service. We disagree. Agencies use SF 813 to request verification of a retiree's military service performed in a nonwartime campaign or expedition for which a badge or medal was authorized in order to credit such service for determining an annual leave accrual rate under 5 U.S.C. 6303(a) and applying reduction-in-force procedures. However, SF 813 does not provide sufficient information on the duties performed by the retiree.

An agency asked whether it must document the reasons for not giving service credit to an employee. There is no statutory or regulatory requirement to document the reasons for not crediting prior work experience under § 630.205(a). However, if such a decision is appealed as a prohibited personnel action, the agency may be well-served by contemporaneous documentation that the decision was made consistent with an established agency policy and criteria.

Section 630.205(e) of the interim regulations requires each agency to establish documentation and recordkeeping procedures sufficient to allow reconstruction of each action. An agency asked whether the Guide to Personnel Recordkeeping will be updated to include various documents provided by the employee for right-side retention to allow reconstruction of the service computation date when additional service credit has been granted. The Guide to Personnel Recordkeeping already requires documentation that supports an employee's creditable service to be retained on the permanent (right) side of the official personnel folder.

Section 630.205(f) provides that credit for prior work experience or experience in a uniformed service is granted to the employee and remains creditable for annual leave accrual purposes thereafter unless the employee fails to complete 1 full year of continuous service with the appointing agency. An agency recommended that an employee who transfers to a position in the same line of work for which he or she received creditable service should retain that service even though the position is in a different agency. We have not adopted this recommendation. Section 6303(e)(2)(B) of title 5, United States Code, allows service to remain creditable unless the employee fails to complete a full year of continuous service with the agency. In addition, House Report 108–733 (October 5, 2004) states that "[o]nce credited upon the effective date of the employee's appointment, the past experience remains creditable for this purpose unless the employee does not complete one continuous year of service with the *same* agency" [page 16, emphasis added].

Section 630.205(g) provides that if an employee separates from Federal service or transfers to another agency before completing 1 full year of continuous service with the appointing agency, the agency must subtract the creditable service and redetermine the employee's annual leave accrual rate under 5 U.S.C. 6303(a). All unused annual leave accrued and accumulated by an employee as a result of receiving service credit for non-Federal work experience or experience in a uniformed service remains to the credit of the employee and must be transferred to the new agency under § 630.501 or liquidated by a lump-sum payment under § 550.1205, as appropriate. A commenter asked whether employees should be required to sign a service agreement. Employees are not required to sign a service agreement for this purpose. When an agency provides service credit, the agency will use remark code B73 or B74 on the SF–50 (Notification of Personnel Action) that effects the appointment. The text of these remark codes notifies the employee that the service will remain creditable unless the employee fails to complete 1 full year of continuous service with the appointing agency.

Another commenter expressed concern about the increased cost of paying a lump-sum payment for accrued and accumulated annual leave under 5 CFR part 550, subpart L, for employees who separate from Federal service prior to completing 1 year of continuous service. The commenter recommended that employees who do not complete 1 full year of service be required to repay the Government for the hours of annual leave they accrued during their service. Section 6303(e)(2)(B) allows an agency to reduce the amount of creditable service granted the employee if he or she does not fulfill the 1-year service requirement. The law does not allow an agency to reduce the amount of annual leave accrued by the employee as a result of the creditable service or require the employee to repay the Government for any annual leave accrued during this period.

A commenter asked whether a gaining agency may correct an employee's annual leave accrual rate if the agency discovers an error made by the losing agency in providing the employee credit for prior work experience. The gaining agency must coordinate any proposed corrections with the losing agency. However, the losing agency makes the final determination on whether a correction is appropriate.

An agency asked whether an employee's service credit for prior work experience would be reduced for periods during which the employee is in a nonpay status—*e.g.*, leave without pay. The amount of creditable service is not affected by extended periods of leave without pay. However, since an employee must remain with the appointing agency for 1 full continuous year for the service to remain creditable, the completion date of the 1-year period must be extended by any period of leave without pay. If an employee's absence is due to active duty uniformed service or a compensable injury, the period of leave without pay must be credited as

though the employee had remained in a pay and duty status.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will apply only to Federal agencies and employees.

List of Subjects in 5 CFR 630

Government employees.

Office of Personnel Management.

Linda M. Springer,

Director

■ Accordingly, the interim rule amending 5 CFR part 630, which was published at 70 FR 22245 on April 29, 2005, is adopted as final with the following changes:

PART 630—ABSENCE AND LEAVE

■ 1. The authority citation for part 630 is revised to read as follows:

Authority: 5 U.S.C. 6311; § 630.205 also issued under Pub. L. 108–411, 118 Stat 2312; § 630.301 also issued under Pub. L. 103–356, 108 Stat. 3410 and Pub. L. 108–411, 118 Stat 2312; § 630.303 also issued under 5 U.S.C. 6133(a); §§ 630.306 and 630.308 also issued under 5 U.S.C. 6304(d)(3), Pub. L. 102–484, 106 Stat. 2722, and Pub. L. 103–337, 108 Stat. 2663; subpart D also issued under Pub. L. 103–329, 108 Stat. 2423; 630.501 and subpart F also issued under E.O. 11228, 30 FR 7739, 3 CFR,-1974 Comp., p. 163; subpart G also issued under 5 U.S.C. 6305; subpart H also issued under 5 U.S.C. 6326; subpart I also issued under 5 U.S.C. 6332, Pub. L. 100–566, 102 Stat. 2834, and Pub. L. 103–103, 107 Stat. 1022; subpart J also issued under 5 U.S.C. 6362, Pub. L 100–566, and Pub. L. 103–103; subpart K also issued under Pub. L. 105–18, 111 Stat. 158; subpart L also issued under 5 U.S.C. 6387 and Pub. L. 103–3, 107 Stat. 23; and subpart M also issued under 5 U.S.C. 6391 and Pub. L. 102–25, 105 Stat. 92.

Subpart B—Definitions and General Provisions for Annual and Sick Leave

■ 2. In § 630.201, a definition of *agency* is added in alphabetical order to read as follows:

§ 630.201 Definitions.

* * * * *

Agency means an Executive agency, as defined in 5 U.S.C. 105, and any other entity of the Federal Government that employs officers and employees to whom subchapter I of chapter 63 of title 5, United States Code, applies.

* * * * *

■ 3. In § 630.205, the section heading and paragraphs (a), introductory text; (a)(1); (c); (d); and (f) are revised to read as follows:

§ 630.205 Credit for Prior Work Experience and Experience in a Uniformed Service for Determining Annual Leave Accrual Rate.

(a) The head of an agency or his or her designee may, at his or her sole discretion, provide credit for service that otherwise would not be creditable under 5 U.S.C. 6303(a) for the purpose of determining the annual leave accrual rate of an individual receiving his or her first appointment (regardless of tenure) as a civilian employee of the Federal Government or an employee who is reappointed following a break in service of at least 90 calendar days after his or her last period of civilian Federal employment. The head of the agency or his or her designee must determine that the skills and experience the employee possesses are—

(1) Essential to the new position and were acquired through performance in a prior position having duties that directly relate to the duties of the position to which he or she is being appointed; and

* * * * *

(c) When the head of an agency or his or her designee makes a determination to provide service credit for prior work experience or active duty in the uniformed services under paragraph (a) or (b) of this section, he or she must determine the amount of service that will be credited. The amount of service credited may not exceed the actual amount of service during which the employee performed duties directly related to the position to which the employee is being appointed.

(d) An employee must provide written documentation, acceptable to the agency, of his or her prior work experience. An employee must provide written documentation from the military, acceptable to the agency, of his or her uniformed service. The head of an agency or his or her designee must make the determination to approve an employee's qualifying prior work experience before the employee enters on duty.

* * * * *

(f)(1) Credit for prior work experience or experience in a uniformed service under paragraphs (a) and (b) of this section is granted to the employee upon the effective date of his or her initial appointment to the agency or reappointment after a 90-day break in service and remains creditable for annual leave accrual purposes thereafter unless the employee fails to complete 1 full year of continuous service with the appointing agency.

(2) If an employee is placed in a leave without pay status during the 1-year period of continuous service required by paragraph (f)(1) of this section, the 1-year period of continuous service must be extended by the amount of time in a leave without pay unless—

(i) The employee separates or is placed in a leave without pay status to perform service in the uniformed services (as defined in 38 U.S.C. 4303 and 5 CFR 353.102) and later returns to civilian service through the exercise of a reemployment right provided by law, Executive order, or regulation; or

(ii) The employee separates or is placed in a leave without pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81 and later recovers sufficiently to return to work.

* * * * *

[FR Doc. E6–15423 Filed 9–15–06; 8:45 am]

BILLING CODE 6325–39–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

RIN 3150–AH66

Charges for Reproducing Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is revising its charges for copying publicly available documents by the copy service at the NRC's Public Document Room (PDR). The revised charges for copying publicly available documents are listed in § 9.35 Duplication fees. This document is necessary to inform the public of these changes to the NRC's regulations.

DATES: *Effective Date:* October 18, 2006.

FOR FURTHER INFORMATION CONTACT: Anna McGowan, Chief, Technical Information Center Section, Office of Information Services, Nuclear Regulatory Commission, Washington, DC 20555–0001, 301–415–7204, or 1–800–397–4209 (toll-free).

SUPPLEMENTARY INFORMATION: The NRC is revising its charges for copying publicly available documents by the copy service at the NRC's PDR. The PDR retains a copy service to reproduce for a fee publicly available documents, regardless of format. Since the NRC's Agencywide Documents Access and Management System (ADAMS) was

implemented in November 2000, making recently released documents available in full text online, there has been a significant reduction in the volume of documents being reproduced. The total volume of pages copied has decreased from over 1,600,000 in FY2000 to 529,600 in FY2003 and 321,000 pages in FY2004. Because the copy service contract is at no cost to the government, the contractor must provide all supplies and equipment. Due to this reduction in the total volume of pages copied, the copying fees charged by the NRC's contractor have changed. The NRC believes that the revised prices, which were the result of a competitive solicitation process, are reasonable and in line with the prices charged by other Federal agencies.

The contractor is able to accept orders from the PDR reference staff via telephone (301–415–4737), fax (301–415–3548), standard mail, or e-mail (*pdr@nrc.gov*), and from requesters in the PDR Reading Room located at NRC Headquarters, One White Flint North, 11555 Rockville Pike, Room O–1F23, Rockville, Maryland.

The ADAMS retrieval system provides text and image files of NRC's public documents. The documents may be accessed through the NRC's Public Electronic Reading Room on the Internet *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

The Freedom of Information Act (FOIA) requires each federal agency covered by the Act to promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to processing requests for agency records. 5 U.S.C. 552(a)(4)(A)(i). The Commission published a proposed rule containing a schedule of fees for public comment on August 6, 1987 (52 FR 29196). The Commission received six comments on the proposed rule (52 FR 49351; December 31, 1987). All six comments were addressed in the final rule establishing the fee schedule (52 FR 49351–54; December 31, 1987).

The revisions to the copying charges contained in this amendment are not intended to affect any rights under the FOIA. As explained above, the revisions are necessary to update the Commission's procedures to reflect current copying charges, which have changed due to the reduction in the volume of documents being reproduced. The NRC believes that the revised fees, which were the result of a competitive solicitation process, represent reasonable standard charges for document duplication.

Because this amendment deals solely with agency practice and procedure, the NRC has determined that the notice and comment provisions under the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A).

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1) and (2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150–0043.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

A regulatory analysis has not been prepared for this final rule because the final rule makes only minor conforming changes to the regulations that reference Section 202 of the Energy Reorganization Act and minor changes to other regulations.

Backfit Analysis

The NRC has determined that these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1); therefore a backfit analysis is not necessary.

Congressional Review Act

In accordance with the Congressional Review Act, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects in 10 CFR Part 9

Criminal penalties, Freedom of information, Privacy, Reporting and record keeping requirements, the Sunshine Act.

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 9.

PART 9—PUBLIC RECORDS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

Subpart A also issued 5 U.S.C. 552; 31 U.S.C. 9701; Pub. L. 99–570.

Subpart B is also issued under 5 U.S.C. 552a.

Subpart C is also issued under 5 U.S.C. 552b.

■ 2. Section 9.35 is amended by removing paragraph (a)(2), redesignating paragraphs (a)(3), (a)(4), and (a)(5), as (a)(2), (a)(3), and (a)(4), respectively, and revising paragraph (a)(1) to read as follows:

§ 9.35 Duplication fees.

(a)(1) The charges by the duplicating service contractor for the duplication of records made available under § 9.21 at the NRC Public Document Room (PDR), One White Flint North, 11555 Rockville Pike, Room O–1F23, Rockville, Maryland, may be found on the NRC's Web site at *http://www.nrc.gov/reading-rm/pdr/copy-service.html* or by calling the PDR at 1–800–397–4209 or 301–415–4737, by e-mail *pdr@nrc.gov* and are as follows:

(i) Paper-to-paper reproduction is $0.30 per page for standard size (up to and including 11″ x 14″ reduced). Pages 11″ x 17″ are $0.30 per page. Pages larger than 11″ x 17″, including engineering drawings, are $1.50 per square foot.

(ii) Pages larger than 11″ x 17″ are $1.50 per square foot.

(iii) Microfiche-to-paper reproduction is $0.30 per page. Aperture card blowback to paper is $3.00 per square foot.

(iv) Microfiche card duplication is $5.00 per card; CD–ROM duplication is $10.00 each.

(v) The charges for Electronic Full Text (EFT) (ADAMS documents) copying are as follows:

(A) Electronic Full Text (EFT) copying of ADAMS documents to paper (applies to images, OCR TIFF, and PDF text) is $0.30 per page.

(B) EFT copying of ADAMS documents to CD–ROM is $5.00 per CD plus $0.15 per page.

(C) CD–ROM-to-paper reproduction is $0.30 per page.

(vi) Priority rates (rush processing) are as follows:

(A) The priority rate offered for standard size paper-to-paper reproduction is $0.35, microfiche-to-paper reproduction is $0.40, EFT copying of ADAMS documents to paper and CD–ROM-to-paper production is $0.35 per page.

(B) The priority rate for aperture cards is $3.50 per square foot. The priority rate for copying EFT to CD–ROM is $6.00 per CD–ROM plus $0.20 per page.

(vii) Facsimile charges are $1.00 per page for local calls; $2.00 per page for U.S. long distance calls, and $6.00 per page for foreign long distance calls, plus the regular per page copying charge.

* * * * *

Dated at Rockville, Maryland, this 4th day of September 2006.

For the Nuclear Regulatory Commission.

Luis A. Reyes,

Executive Director for Operations.

[FR Doc. E6–15420 Filed 9–15–06; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM347; Special Conditions No. 25–331–SC]

Special Conditions: Boeing Model 777–200 Series Airplanes; Forward Lower Lobe Crew Rest Compartment (CRC)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Boeing Model 777–200 series airplanes. These airplanes, modified by Aerocon Engineering Company (AEC), will have a novel or unusual design feature associated with a forward lower lobe crew rest compartment (CRC). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* The effective date of these special conditions is September 8, 2006.

FOR FURTHER INFORMATION CONTACT: Jayson Claar, FAA, Airframe/Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2194; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On March 10, 2005, AEC applied for a supplemental type certificate (STC) to allow installation of a CRC in Boeing 777–200 series airplanes.

The CRC will be located under the passenger cabin floor in the forward cargo compartment of Boeing Model 777–200 series airplanes. It will be the size of three standard airfreight containers, combined, and will be removable from the cargo compartment. The CRC will be occupied in flight but not during taxi, takeoff, or landing. No more than ten crewmembers at a time will be permitted to occupy it. The CRC will have a smoke detection system, a hand held fire extinguishing system, and an oxygen system.

The CRC will be accessed from the main deck via a "stairhouse." The floor within the stairhouse has a hatch that leads to stairs which occupants use to descend into the CRC. This hatch locks automatically in the open position when fully opened. In addition, there will be an emergency hatch which opens directly into the main passenger cabin area. The CRC also has a maintenance access/ground loading door. This door is intended to be used to allow maintenance personnel and cargo handlers to enter the CRC from the cargo compartment when the airplane is not in flight.

Type Certification Basis

Under § 21.101, AEC must show that Boeing Model 777–200 series airplanes, as changed, continue to meet (1) the applicable provisions of the regulations incorporated by reference in Type Certificate No. T00001SE or (2) the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations incorporated by reference in Type Certificate No. T00001SE are as follows:

The certification basis for Boeing Model 777–200 series airplanes is 14 CFR part 25, as amended by Amendments 25–1 through 25–82, except for § 25.571(e)(1) which remains at Amendment 25–71, with exceptions. Refer to Type Certificate No. T00001SE, as applicable, for a complete description of the certification basis for this model, including certain special conditions that are not relevant to these special conditions.

If the Administrator finds the applicable airworthiness regulations (*i.e.*, part 25) do not contain adequate or appropriate safety standards for Boeing Model 777–200 series airplanes because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Besides the applicable airworthiness regulations and special conditions, Boeing Model 777–200 series airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in § 11.19, under § 11.38 and they become part of the type certification basis under § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

Novel or Unusual Design Features

While the installation of a CRC is not a new concept for large transport category airplanes, each CRC has unique features based on design, location, and use on the airplane. The CRC is novel in terms of part 25 in that it will be located below the passenger cabin floor in the forward cargo compartment of Boeing Model 777–200 series airplanes. Because of the novel or unusual features associated with the installation of a CRC, special conditions are considered necessary to provide a level of safety equal to that established by the airworthiness regulations incorporated by reference in the type certificates of these airplanes. These special conditions do not negate the need to address other applicable part 25 regulations.

Operational Evaluations and Approval

These special conditions specify requirements for design approvals (*i.e.*, type design changes and STCs) of CRCs administered by the FAA's Aircraft Certification Service. Before operational use of a CRC, the FAA's Flight Standards Service, Aircraft Evaluation Group (AEG), must evaluate and approve the "basic suitability" of the CRC for occupation by crewmembers. If an operator wishes to utilize a CRC as "sleeping quarters," the CRC must undergo an additional operational

evaluation and approval. The CRC would be evaluated for compliance to §§ 121.485(a) and 121.523(b), with Advisory Circular 121–31, Flight Crew Sleeping Quarters and Rest Facilities, providing one method of compliance to these operating regulations.

To obtain an operational evaluation, the supplemental type design holder must contact the AEG within the Flight Standards Service which has operational approval authority for the project. In this instance, it is the Seattle AEG. The supplemental type design holder must request a "basic suitability" evaluation or a "sleeping quarters" evaluation of the CRC. The supplemental type design holder may make these requests concurrently with the demonstration of compliance with these special conditions.

The results of these evaluations will be documented in the Boeing Model 777–200 Flight Standardization Board (FSB) Report Appendix. In discussions with their FAA Principal Operating Inspector (POI), individual operators may reference these standardized evaluations as the basis for an operational approval, in lieu of an on-site operational evaluation.

An operational reevaluation and approval will be required for any changes to the approved CRC configuration, if the changes affect procedures for emergency egress of crewmembers, other safety procedures for crewmembers occupying the CRC, or training related to these procedures. The applicant for any such change is responsible for notifying the Seattle AEG that a new CRC evaluation is required.

All instructions for continued airworthiness (ICAW), including service bulletins, must be submitted to the Seattle AEG for approval before the FAA issues its approval of the modification.

Discussion of Special Conditions No. 9 and 12

The following clarifies how Special Condition No. 9 should be understood relative to the requirements of § 25.1439(a):

Amendment 25–38 modified the requirements of § 25.1439(a) by adding, "In addition, protective breathing equipment must be installed in each isolated separate compartment in the airplane, including upper and lower lobe galleys, in which crewmember occupancy is permitted during flight for the maximum number of crewmembers expected to be in the area during any operation." The CRC is an isolated separate compartment, so § 25.1439(a) is applicable. However, the § 25.1439(a) PBE requirements for isolated separate compartments are not appropriate because the CRC is novel and unusual in terms of the number of occupants.

In 1976 when Amendment 25–38 was adopted, small galleys were the only isolated compartments that had been certificated. Two crewmembers were the maximum expected to occupy those galleys.

These special conditions address a CRC, which can accommodate up to ten crewmembers. This large number of occupants in an isolated compartment was not envisioned at the time Amendment 25–38 was adopted. It is not appropriate for all occupants to don PBE in the event of a fire because the first action should be to leave the confined space unless the occupant is fighting the fire. Taking the time to don the PBE would prolong the time for the emergency evacuation of the occupants and possibly interfere with efforts to extinguish the fire.

Regarding Special Condition No. 12; the FAA considers that during the 1-minute smoke detection time, penetration of a small quantity of smoke from this forward lower lobe CRC design into an occupied area on this airplane configuration would be acceptable based on the limitations placed in these special conditions. The FAA considers that the special conditions place sufficient restrictions in the quantity and type of material allowed in crew carry-on bags that the threat from a fire in this remote area would be equivalent to that experienced on the main cabin.

Discussion of Comments

Notice of proposed special conditions No. 25–06–06SC for the Boeing Model 777–200 series airplanes was published in the **Federal Register** on June 21, 2006 (71 FR 35567). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to Boeing Model 777–200 series airplanes as modified by the AEC to include a forward lower lobe CRC. Should AEC apply at a later date for a change to the STC to include another model listed on the same type certificate data sheet, incorporating the same or similar novel or unusual design feature, these special conditions would apply to that model as well.

Under standard practice, the effective date of final special conditions would be 30 days after the date or publication in the **Federal Register**; however, as the certification date for the Boeing Model 777–200 series airplanes is imminent, the FAA finds that good cause exists to make these special conditions effective upon issuance.

Conclusion

This action affects only certain novel or unusual design features on the Boeing Model 777–200 series airplanes. It is not a rule of general applicability, and it affects only the applicant which applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Boeing Model 777–200 series airplanes, modified by Aerocon Engineering Company.

1. Occupancy of the forward lower lobe crew rest compartment (CRC) is limited to the total number of installed bunks and seats in each compartment. There must be an approved seat or berth able to withstand the maximum flight loads when occupied for each occupant permitted in the CRC. The maximum occupancy is ten in the CRC.

(a) There must be appropriate placard(s) displayed in a conspicuous place at each entrance to the CRC to indicate:

(1) The maximum number of occupants allowed;

(2) That occupancy is restricted to crewmembers who are trained in the evacuation procedures for the CRC;

(3) That occupancy is prohibited during taxi, take-off and landing;

(4) That smoking is prohibited in the CRC;

(5) That hazardous quantities of flammable fluids, explosives, or other dangerous cargo are prohibited from the CRC.

(6) That stowage in the CRC must be limited to emergency equipment, airplane-supplied equipment (*e.g.*, bedding), and crew personal luggage; cargo or passenger baggage is not allowed.

(b) There must be at least one ashtray located conspicuously on or near the entry side of any entrance to the CRC.

(c) There must be a means to prevent passengers from entering the compartment in the event of an emergency or when no flight attendant is present.

(d) There must be a means for any door installed between the CRC and passenger cabin to be opened quickly from inside the compartment, even when crowding occurs at each side of the door.

(e) For all doors installed in the evacuation routes, there must be a means to preclude anyone from being trapped inside the compartment. If a locking mechanism is installed, it must be capable of being unlocked from the outside without the aid of special tools. The lock must not prevent opening from the inside of the compartment at any time.

2. There must be at least two emergency evacuation routes, each of which can be used by each occupant of the CRC to rapidly evacuate to the main cabin. The exit door/hatch for each route must be able to be closed for the main cabin after evacuation. In addition—

(a) The routes must be located with one at each end of the compartment, or with two having sufficient separation within the compartment and between the routes to minimize the possibility of an event (either inside or outside of the CRC) rendering both routes inoperative.

(b) The routes must be designed to minimize the possibility of blockage, which might result from fire, mechanical or structural failure, or persons standing on top of or against the escape route. If an evacuation route utilizes an area where normal movement of passengers occurs, it must be demonstrated that passengers would not impede egress to the main deck. If a hatch is installed in an evacuation route, the point at which the evacuation route terminates in the passenger cabin should not be located where normal movement by passengers or crew occurs (main aisle, cross aisle, passageway or galley complex). If such a location cannot be avoided, special consideration must be taken to ensure that the hatch or door can be opened when a person, the weight of a ninety-fifth percentile male, is standing on the hatch or door. The use of evacuation routes must not be dependent on any powered device. If there is low headroom at or near an evacuation route, provisions must be made to prevent or to protect occupants (of the CRC) from head injury.

(c) Emergency evacuation procedures, including the emergency evacuation of an incapacitated occupant from the CRC, must be established. All of these procedures must be transmitted to all operators for incorporation into their training programs and appropriate operational manuals.

(d) There must be a limitation in the Airplane Flight Manual or other suitable means requiring that crewmembers be trained in the use of evacuation routes.

3. There must be a means for the evacuation of an incapacitated person (representative of a 95th percentile male) from the CRC to the passenger cabin floor. The evacuation must be demonstrated for all evacuation routes. A flight attendant or other crewmember (a total of one assistant within the CRC) may provide assistance in the evacuation. Additional assistance may be provided by up to three persons in the main passenger compartment. For evacuation routes having stairways, the additional assistants may descend down to one half the elevation change from the main deck to the lower deck compartment, or to the first landing, whichever is higher.

4. The following signs and placards must be provided in the CRC:

(a) At least one exit sign, located near each exit, meeting the requirements of § 25.812(b)(1)(i) at Amendment 25–58, except that a sign with reduced background area of no less than 5.3 square inches (excluding the letters) may be utilized, provided that it is installed such that the material surrounding the exit sign is light in color (*e.g.*, white, cream, light beige). If the material surrounding the exit sign is not light in color, a sign with a minimum of a one-inch wide background border around the letters would also be acceptable;

(b) An appropriate placard located near each exit defining the location and the operating instructions for each evacuation route;

(c) Placards must be readable from a distance of 30 inches under emergency lighting conditions; and

(d) The exit handles and evacuation path operating instruction placards must be illuminated to at least 160 micro lamberts under emergency lighting conditions.

5. There must be a means in the event of failure of the aircraft's main power system, or of the normal CRC lighting system, for emergency illumination to be automatically provided for the CRC.

(a) This emergency illumination must be independent of the main lighting system.

(b) The sources of general cabin illumination may be common to both the emergency and the main lighting systems if the power supply to the emergency lighting system is independent of the power supply to the main lighting system.

(c) The illumination level must be sufficient for the occupants of the CRC to locate and transfer to the main passenger cabin floor by means of each evacuation route.

(d) The illumination level must be sufficient with the privacy curtains in the closed position for each occupant of the CRC to locate a deployed oxygen mask.

6. There must be means for two-way voice communications between crewmembers on the flightdeck and occupants of the CRC. There must also be public address (PA) system microphones at each flight attendant seat required to be near a floor level exit in the passenger cabin per § 25.785(h) at Amendment 25–51. The PA system must allow two-way voice communications between flight attendants and the occupants of the CRC, except that one microphone may serve more than one exit provided the proximity of the exits allows unassisted verbal communication between seated flight attendants.

7. There must be a means for manual activation of an aural emergency alarm system, audible during normal and emergency conditions, to enable crewmembers on the flightdeck and at each pair of required floor level emergency exits to alert occupants of the CRC of an emergency situation. Use of a public address or crew interphone system will be acceptable, provided an adequate means of differentiating between normal and emergency communications is incorporated. The system must be powered in flight for at least ten minutes after the shutdown or failure of all engines and auxiliary power units (APU) or the disconnection or failure of all power sources which are dependent on the continued operation of the engines and APUs.

8. There must be a means, readily detectable by seated or standing occupants of the CRC, which indicates when seat belts should be fastened. In the event there are no seats, at least one means must be provided to cover anticipated turbulence (*e.g.*, sufficient handholds). Seat belt type restraints must be provided for berths and must be compatible for the sleeping attitude during cruise conditions. There must be a placard on each berth requiring that seat belts must be fastened when occupied. If compliance with any of the other requirements of these special conditions is predicated on specific head location, there must be a placard identifying the head position.

9. In lieu of the requirements specified in § 25.1439(a) at Amendment 25–38 that pertain to isolated compartments and to provide a level of safety equivalent to that which is provided occupants of a small isolated

galley, the following equipment must be provided in the CRC:

(a) At least one approved hand-held fire extinguisher appropriate for the kinds of fires likely to occur;

(b) Two PBE devices approved to Technical Standard Order (TSO)–C116 or equivalent, suitable for fire fighting, or one PBE for each hand-held fire extinguisher, whichever is greater; and

(c) One flashlight.

Note: Additional PBEs and fire extinguishers in specific locations, (beyond the minimum numbers prescribed in Special Condition No. 9) may be required as a result of any egress analysis accomplished to satisfy Special Condition No. 2(a).

10. A smoke or fire detection system (or systems) must be provided that monitors each occupiable area within the CRC, including those areas partitioned by curtains. Flight tests must be conducted to show compliance with this requirement. Each system (or systems) must provide:

(a) A visual indication to the flightdeck within one minute after the start of a fire;

(b) An aural warning in the CRC; and

(c) A warning in the main passenger cabin. This warning must be readily detectable by a flight attendant, taking into consideration the positioning of flight attendants throughout the main passenger compartment during various phases of flight.

11. The CRC must be designed such that fires within the compartment can be controlled without a crewmember having to enter the compartment, or the design of the access provisions must allow crewmembers equipped for fire fighting to have unrestricted access to the compartment. The time for a crewmember on the main deck to react to the fire alarm, to don the fire fighting equipment, and to gain access must not exceed the time for the compartment to become smoke-filled, making it difficult to locate the fire source.

12. There must be a means provided to exclude hazardous quantities of smoke or extinguishing agent originating in the CRC from entering any other compartment occupied by crewmembers or passengers. This means must include the time periods during the evacuation of the CRC and, if applicable, when accessing the CRC to manually fight a fire. Smoke entering any other compartment occupied by crewmembers or passengers when the access to the CRC is opened, during an emergency evacuation, must dissipate within five minutes after the access to the CRC is closed. Hazardous quantities of smoke may not enter any other compartment occupied by crewmembers or passengers during subsequent access to manually fight a fire in the CRC (the amount of smoke entrained by a firefighter exiting the CRC through the access is not considered hazardous). During the 1-minute smoke detection time, penetration of a small quantity of smoke from the CRC into an occupied area is acceptable. Flight tests must be conducted to show compliance with this requirement.

If a built-in fire extinguishing system is used in lieu of manual fire fighting, then the fire extinguishing system must be designed so that no hazardous quantities of extinguishing agent will enter other compartments occupied by passengers or crew. The system must have adequate capacity to suppress any fire occurring in the CRC, considering the fire threat, volume of the compartment and the ventilation rate.

13. There must be a supplemental oxygen system equivalent to that provided for main deck passengers for each seat and berth in the CRC. The system must provide an aural and visual warning to warn the occupants of the CRC to don oxygen masks in the event of decompression. The warning must activate before the cabin pressure altitude exceeds 15,000 feet. The aural warning must sound continuously for a minimum of five minutes or until a reset push button in the CRC is depressed. Procedures for crew rest occupants to follow in the event of decompression must be established. These procedures must be transmitted to the operators for incorporation into their training programs and appropriate operational manuals.

14. The following requirements apply to CRCs that are divided into several sections by the installation of curtains or partitions:

(a) To warn sleeping occupants, there must be an aural alert that can be heard in each section of the CRC and that accompanies automatic presentation of supplemental oxygen masks. A visual indicator that occupants must don an oxygen mask is required in each section where seats or berths are not installed. A minimum of two supplemental oxygen masks is required for each seat or berth. There must also be a means by which the oxygen masks can be manually deployed from the flightdeck.

(b) A placard is required adjacent to each curtain that visually divides or separates, for privacy purposes, the CRC into small sections. The placard must require that the curtain remains open when the private section it creates is unoccupied.

(c) For each section of the CRC created by the installation of a curtain, the following requirements of these special conditions must be met both with the curtain open and with the curtain closed:

(1) Emergency illumination (Special Condition No. 5);

(2) Emergency alarm system (Special Condition No. 7);

(3) Seat belt fasten signal or return to seat signal as applicable (Special Condition No. 8); and

(4) The smoke or fire detection system (Special Condition No. 10).

(d) Crew rest compartments visually divided to the extent that evacuation could be affected must have exit signs that direct occupants to the primary stairway exit. The exit signs must be provided in each separate section of the CRC, and must meet the requirements of § 25.812(b)(1)(i) at Amendment 25–58. An exit sign with reduced background area as described in Special Condition No. 4(a) may be used to meet this requirement.

(e) For sections within a CRC that are created by the installation of a partition with a door separating the sections, the following requirements of these special conditions must be met both with the door open and with the door closed:

(1) There must be a secondary evacuation route from each section to the main deck, or alternatively, it must be shown that any door between the sections has been designed to preclude anyone from being trapped inside the compartment. Removal of an incapacitated occupant within this area must be considered. A secondary evacuation route from a small room designed for only one occupant for short time duration, such as a changing area or lavatory, is not required. However, removal of an incapacitated occupant within this area must be considered.

(2) Any door between the sections must be shown to be openable when crowded against, even when crowding occurs at each side of the door.

(3) There may be no more than one door between any seat or berth and the primary stairway exit.

(4) There must be exit signs in each section meeting the requirements of § 25.812(b)(1)(i) at Amendment 25–58 that direct occupants to the primary stairway exit. An exit sign with reduced background area as described in Special Condition No. 4(a) may be used to meet this requirement.

(5) Special Conditions No. 5 (emergency illumination), No. 7 (emergency alarm system), No. 8 (fasten seat belt signal or return to seat signal as applicable) and No. 10 (smoke or fire detection system) must be met both with the door open and with the door closed.

(6) Special Conditions No. 6 (two-way voice communication) and No. 9

(emergency fire fighting and protective equipment) must be met independently for each separate section except for lavatories or other small areas that are not intended to be occupied for extended periods of time.

15. Where a waste disposal receptacle is fitted, it must be equipped with a built-in fire extinguisher designed to discharge automatically upon occurrence of a fire in the receptacle.

16. Materials (including finishes or decorative surfaces applied to the materials) must comply with the flammability requirements of § 25.853 at Amendment 25–72. Mattresses must comply with the flammability requirements of § 25.853(b) and (c) at Amendment 25–72.

17. All lavatories within the CRC are required to meet the same requirements as those for a lavatory installed on the main deck except with regard to Special Condition No.10 for smoke detection.

18. When a CRC is installed or enclosed as a removable module in part of a cargo compartment or is located directly adjacent to a cargo compartment without an intervening cargo compartment wall, the following apply:

(a) Any wall of the module (container) forming part of the boundary of the reduced cargo compartment, subject to direct flame impingement from a fire in the cargo compartment and including any interface item between the module (container) and the airplane structure or systems, must meet the applicable requirements of § 25.855 at Amendment 25–72.

(b) Means must be provided so that the fire protection level of the cargo compartment meets the applicable requirements of § 25.855 at Amendment 25–72, § 25.857 at Amendment 25–60 and § 25.858 at Amendment 25–54 when the module (container) is not installed.

(c) Use of each emergency evacuation route must not require occupants of the CRC compartment to enter the cargo compartment in order to return to the passenger compartment.

(d) The aural warning in Special Condition No. 7 must sound in the CRC.

19. Means must be provided to prevent access into the Class C cargo compartment during all airplane flight operations and to ensure that the maintenance door is closed during all airplane flight operations.

20. All enclosed stowage compartments within the CRC that are not limited to stowage of emergency equipment or airplane-supplied equipment (*e.g.*, bedding) must meet the design criteria given in the table below. As indicated by the table below, this special condition does not address enclosed stowage compartments greater than 200 ft^3 in interior volume. The in-flight accessibility of very large enclosed stowage compartments and the subsequent impact on the crewmembers ability to effectively reach any part of the compartment with the contents of a hand fire extinguisher will require additional fire protection considerations similar to those required for inaccessible compartments such as Class C cargo compartments.

Fire protection features	Stowage compartment interior volumes		
	less than 25 ft^3	25 ft^3 to 57 ft^3	57 ft^3 to 200 ft^3
Materials of Construction [1]	Yes	Yes	Yes.
Detectors [2]	No	Yes	Yes.
Liner [3]	No	No	Yes.
Locating device [4]	No	Yes	Yes.

[1] *Material* The material used to construct each enclosed stowage compartment must at least be fire resistant and must meet the flammability standards established for interior components per the requirements of §25.853. For compartments less than 25 ft^3 in interior volume, the design must ensure the ability to contain a fire likely to occur within the compartment under normal use.

[2] *Detectors* Enclosed stowage compartments equal to or exceeding 25 ft^3 in interior volume must be provided with a smoke or fire detection system to ensure that a fire can be detected within a one-minute detection time. Flight tests must be conducted to show compliance with this requirement. Each system (or systems) must provide:

(a) A visual indication in the flightdeck within one minute after the start of a fire;

(b) An aural warning in the CRC; and

(c) A warning in the main passenger cabin. This warning must be readily detectable by a flight attendant, taking into consideration the positioning of flight attendants throughout the main passenger compartment during various phases of flight.

[3] *Liner* If it can be shown that the material used to construct the stowage compartment meets the flammability requirements of a liner for a Class B cargo compartment, then no liner would be required for enclosed stowage compartments equal to or greater than 25 ft^3 in interior volume but less than 57 ft^3 in interior volume. For all enclosed stowage compartments equal to or greater than 57 ft^3 in interior volume but less than or equal to 200 ft^3, a liner must be provided that meets the requirements of § 25.855 at Amendment 25–72 for a class B cargo compartment.

[4] *Location Detector* Crew rest areas which contain enclosed stowage compartments exceeding 25 ft^3 interior volume and which are located away from one central location such as the entry to the crew rest area or a common area within the crew rest area would require additional fire protection features and/or devices to assist the firefighter in determining the location of a fire.

Issued in Renton, Washington, on September 8, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–15380 Filed 9–15–06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM351; Special Conditions No. 25–325–SC]

Special Conditions: Gulfstream Aerospace Corporation Model G150 Airplanes; High-Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: The FAA issues these special conditions for Gulfstream Aerospace Corporation Model G150 airplanes modified by Gulfstream Aerospace Corporation, Dallas, Texas. These modified airplanes will have novel or unusual design features when compared with the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification consists of installing an electronic laser inertial reference system. The applicable airworthiness regulations do not contain adequate or

appropriate safety standards for protecting these systems from effects of high-intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is September 8, 2006. We must receive your comments on or before October 18, 2006.

ADDRESSES: You may mail or deliver comments on these special conditions in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM–113), Docket No. NM351, 1601 Lind Avenue SW., Renton, Washington 98057–3356. You must mark your comments Docket No. NM351.

FOR FURTHER INFORMATION CONTACT: Greg Dunn, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2799; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that notice and opportunity for prior public comment for these special conditions is impracticable because these procedures would significantly delay certification and delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. We therefore find that good cause exists for making these special conditions effective upon issuance. However, we invite interested persons to take part in this rulemaking by submitting written comments. The most helpful comments reference a specific portion of the special conditions, 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 about these special conditions. You may inspect the docket 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 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

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 these special conditions based on the comments we receive.

If you want the FAA to acknowledge receipt of your comments on these special conditions, 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 back to you.

Background

On June 9, 2006, Gulfstream Aerospace Corporation, Dallas, Texas, applied for a supplemental type certificate (STC) to modify Gulfstream G150 airplanes. The Gulfstream G150 is a low-wing, pressurized, transport category airplane with two fuselage-mounted jet engines. It can seat up to 19 passengers, with a crew of two pilots. The modification consists of installing an electronic laser inertial reference system. These systems have a potential to be vulnerable to high-intensity radiated fields (HIRF) external to the airplane.

Type Certification Basis

Under provisions of 14 CFR 21.101, Gulfstream Aerospace Corporation must show that the Gulfstream G150 airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A16NM or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The specific regulations are 14 CFR part 25, as amended by Amendments 25–1 through 25–108 with exceptions as indicated in the Type Certificate Data Sheet.

If the Administrator finds that the applicable airworthiness regulations (part 25, as amended) do not contain adequate or appropriate safety standards for the Gulfstream G150 airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the G150 airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in § 11.19, under § 11.38, and they become part of the type certification basis under the provisions of § 21.101.

Novel or Unusual Design Features

As noted earlier, the Gulfstream G150 airplanes modified by Gulfstream Aerospace Corporation will incorporate an electronic laser inertial reference system that will perform critical functions. This system may be vulnerable to high-intensity radiated fields external to the airplane. Current airworthiness standards of part 25 do not contain adequate or appropriate safety standards for protecting this equipment from adverse effects of HIRF. So this system is considered to be a novel or unusual design feature.

Discussion

As previously stated, there is no specific regulation that addresses protection for electrical and electronic systems from HIRF. Increased power levels from radio frequency transmitters and the growing use of sensitive avionics/electronics and electrical systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Gulfstream G150 airplanes modified by Gulfstream Aerospace Corporation. These special conditions require that new avionics/electronics and electrical systems that perform critical functions be designed and installed to preclude component damage and interruption of function because of HIRF.

High-Intensity Radiated Fields (HIRF)

High-power radio frequency transmitters for radio, radar, television, and satellite communications can adversely affect operation of airplane electric and electronic systems. Therefore, the immunity of critical avionics/electronics and electrical systems to HIRF must be established.

Based on surveys and an analysis of existing HIRF emitters, an adequate level of protection exists when airplane system immunity is demonstrated when exposed to the HIRF environments in either paragraph 1 or 2 below:

1. A minimum environment of 100 volts rms (root-mean-square) per meter electric field strength from 10 KHz to 18 GHz.

a. System elements and their associated wiring harnesses must be exposed to the environment without benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. An environment external to the airframe of the field strengths shown in the table below for the frequency ranges indicated. Immunity to both peak and average field strength components from the table must be demonstrated.

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

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The environment levels identified above are the result of an FAA review of existing studies on the subject of HIRF and of the work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

Applicability

These special conditions are applicable to Gulfstream G150 airplanes modified by Gulfstream Aerospace Corporation. Should Gulfstream Aerospace Corporation apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A16NM to incorporate the same or similar novel or unusual design feature, these special conditions would apply to that model as well under provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on Gulfstream G150 airplanes modified by Gulfstream Aerospace Corporation. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Therefore, under the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for the G150 airplanes modified by Gulfstream Aerospace Corporation.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies:

Critical Functions: Functions whose failure would contribute to or cause a failure condition that would prevent continued safe flight and landing of the airplane.

Issued in Renton, Washington, on September 8, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–15401 Filed 9–15–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30514 ; Amdt. No. 3185]

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 September 18, 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 September 18, 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 Ave, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the 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 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), 1 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, and Navigation (Air).

Issued in Washington, DC on September 8, 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, 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 Number	Subject
08/31/06	CO	CORTEZ	CORTEZ MUNI	6/7621	RNAV (GPS) Y RWY 21, ORIG
08/31/06	CO	CORTEZ	CORTEZ MUNI	6/7623	RNAV (GPS) Z RWY 21, ORIG
08/25/06	KS	WICHITA	BEECH FACTORY	6/7858	RNAV (GPS) RWY 36, ORIG–A
08/25/06	KS	WICHITA	BEECH FACTORY	6/7860	RNAV (GPS) RWY 18, ORIG
08/25/06	OK	ADA	ADA MUNI	6/7878	VOR/DME A, ORIG–D
08/25/06	OK	ADA	ADA MUNI	6/7879	VOR/DME RWY 17, AMDT 1C
08/25/06	OK	ADA	ADA MUNI	6/7880	GPS RWY 35, ORIG–B
08/25/06	OK	ADA	ADA MUNI	6/7882	GPS RWY 17, ORIG–A
08/28/06	ME	SANFORD	SANFORD REGIONAL	6/8038	ILS RWY 7, AMDT 3A
08/28/06	RI	BLOCK ISLAND	BLOCK ISLAND STATE	6/8064	RNAV (GPS) RWY 10, ORIG
08/28/06	NC	MORGANTON	FOOTHILLS REGIONAL	6/8076	LOC RWY 3, ORIG–C
08/28/06	PA	HARRISBURG	CAPITAL CITY	6/8077	ILS RWY 8, AMDT 10F
08/29/06	FL	PENSACOLA	PENSACOLA REGIONAL	6/8196	LOC/DME RWY 26, ORIG
08/29/06	FL	ST.PETERSBURG-CLEARWATER.	ST.PETERSBURG-CLEARWATER INTL	6/8201	ILS RWY 17L, AMDT 19C
08/29/06	FL	MIAMI	MIAMI INTL	6/8202	ILS OR LOC RWY 26L, AMDT 14C
08/29/06	FL	DAYTONA BEACH	DAYTONA BEACH INTL	6/8230	RNAV (GPS) RWY 7R, ORIG
08/29/06	FL	DAYTONA BEACH	DAYTONA BEACH INTL	6/8232	RADAR–1, AMDT 8
08/29/06	FL	DAYTONA BEACH	DAYTONA BEACH INTL	6/8233	RNAV (GPS) RWY 34, AMDT 1
08/30/06	IL	CARMI	CARMI MUNI	6/8315	NDB RWY 36, AMDT 1
08/30/06	IL	CARMI	CARMI MUNI	6/8316	GPS RWY 36, ORIG
08/30/06	IN	FORT WAYNE	FORT WAYNE INTERNATIONAL	6/8324	ILS OR LOC RWY 32, AMDT 28
08/30/06	AK	GUSTAVUS	GUSTAVUS	6/8328	VOR/DME RWY 29, AMDT 1
08/30/06	AK	RUSSIAN MISSION	RUSSIAN MISSION	6/8384	RNAV (GPS) RWY 35, ORIG
08/30/06	AK	RUSSIAN MISSION	RUSSIAN MISSION	6/8386	RNAV (GPS) RWY 17, ORIG
08/31/06	GU	AGANA	GUAM INTL	6/8410	THIS NOTAM REPLACES FDC 6/6548 PUBLISHED IN TL06–20. VOR/DME OR TACAN RWY 6L, ORIG–A
09/01/06	MA	HYANNIS	BARNSTABLE MUNI-BOARDMAN/POLANDO FIELD.	6/8551	ILS OR LOC RWY 24, AMDT 17
08/31/06	MI	LUDINGTON	MASON COUNTY	6/8593	NDB RWY 25, ORIG
08/31/06	MI	LUDINGTON	MASON COUNTY	6/8595	GPS RWY 25, ORIG
09/06/06	AL	MOBILE	MOBILE DOWNTOWN	6/9133	ILS OR LOC RWY 32, AMDT 1A
09/06/06	FL	FERNANDINA BEACH	FERNANDINA BEACH MUNI	6/9134	RNAV (GPS) RWY 13, ORIG
09/06/06	NY	BUFFALO	NIAGARA INTL	6/9136	RNAV (GPS) RWY 14, ORIG–A
06/13/06	NE	NORTH PLATTE	NORTH PLATTE RGNL AIRPORT LEE BIRD FIELD.	6/9612	ILS RWY 30, AMDT 5C

[FR Doc. E6–15252 Filed 9–15–06; 8:45 am]
BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB 108]

Staff Accounting Bulletin No. 108

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: The interpretations in this Staff Accounting Bulletin express the staff's views regarding the process of quantifying financial statement misstatements. The staff is aware of diversity in practice. For example, certain registrants do not consider the effects of prior year errors on current year financial statements, thereby allowing improper assets or liabilities to remain unadjusted. While these errors may not be material if considered only in relation to the balance sheet, correcting the errors could be material to the current year income statement. Certain registrants have proposed to the staff that allowing these errors to remain on the balance sheet as assets or liabilities in perpetuity is an appropriate application of generally accepted accounting principles. The staff believes that approach is not in the best interest of the users of financial statements. The interpretations in this Staff Accounting Bulletin are being issued to address diversity in practice in quantifying financial statement misstatements and the potential under current practice for the build up of improper amounts on the balance sheet.

DATES: September 13, 2006.

FOR FURTHER INFORMATION CONTACT: Mark S. Mahar, Office of the Chief Accountant (202) 551–5300, Todd E. Hardiman, Division of Corporation Finance (202) 551–3400, or Toai P. Cheng (202) 551–6918, Division of Investment Management, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in staff accounting bulletins are not rules or interpretations of the Commission, nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance, the Division of Investment Management and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Dated: September 13, 2006.

Nancy M. Morris,

Secretary.

PART 211—[AMENDED]

■ Accordingly, Part 211 of Title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 108 to the table found in Subpart B.

Staff Accounting Bulletin No. 108

The staff hereby adds Section N to Topic 1, *Financial Statements,* of the Staff Accounting Bulletin Series. Section N provides guidance on the consideration of the effects of prior year misstatements in quantifying current year misstatements for the purpose of a materiality assessment.

Note: The text of SAB 108 will not appear in the Code of Federal Regulations.

Topic 1: Financial Statements

* * * * *

N. Considering the Effects of Prior Year Misstatements When Quantifying Misstatements in Current Year Financial Statements

Facts: During the course of preparing annual financial statements, a registrant is evaluating the materiality of an improper expense accrual (*e.g.*, overstated liability) in the amount of $100, which has built up over 5 years, at $20 per year.[1] The registrant previously evaluated the misstatement as being immaterial to each of the prior year financial statements (*i.e.*, years 1–4). For the purpose of evaluating materiality in the current year (*i.e.*, year 5), the registrant quantifies the error as a $20 overstatement of expenses.

Question 1: Has the registrant appropriately quantified the amount of this error for the purpose of evaluating materiality for the current year?

Interpretive Response: No. In this example, the registrant has only quantified the effects of the identified unadjusted error that arose in the current year income statement. The staff believes a registrant's materiality evaluation of an identified unadjusted error should quantify the effects of the identified unadjusted error on each financial statement and related financial statement disclosure.

Topic 1M notes that a materiality evaluation must be based on all relevant quantitative and qualitative factors.[2] This analysis generally begins with quantifying potential misstatements to be evaluated. There has been diversity in practice with respect to this initial step of a materiality analysis.

The diversity in approaches for quantifying the amount of misstatements primarily stems from the effects of misstatements that were not corrected at the end of the prior year ("prior year misstatements"). These prior year misstatements should be considered in quantifying misstatements in current year financial statements.

The techniques most commonly used in practice to accumulate and quantify misstatements are generally referred to as the "rollover" and "iron curtain" approaches.

The rollover approach, which is the approach used by the registrant in this example, quantifies a misstatement based on the amount of the error originating in the current year income statement. Thus, this approach ignores the effects of correcting the portion of the current year balance sheet misstatement that originated in prior years (*i.e.*, it ignores the "carryover effects" of prior year misstatements).

The iron curtain approach quantifies a misstatement based on the effects of correcting the misstatement existing in the balance sheet at the end of the current year, irrespective of the misstatement's year(s) of origination. Had the registrant in this fact pattern applied the iron curtain approach, the misstatement would have been quantified as a $100 misstatement based on the end of year balance sheet misstatement. Thus, the adjustment needed to correct the financial statements for the end of year error would be to reduce the liability by $100 with a corresponding decrease in current year expense.

As demonstrated in this example, the primary weakness of the rollover approach is that it can result in the accumulation of significant misstatements on the balance sheet that are deemed immaterial in part because the amount that originates in each year is quantitatively small. The staff is aware of situations in which a registrant, relying on the rollover approach, has allowed an erroneous item to accumulate on the balance sheet to the point where eliminating the improper asset or liability would itself result in a material error in the income statement if adjusted in the current year. Such registrants have sometimes concluded that the improper asset or liability should remain on the balance sheet into perpetuity.

In contrast, the primary weakness of the iron curtain approach is that it does not consider the correction of prior year misstatements in the current year (*i.e.*, the reversal of the carryover effects) to be errors. Therefore, in this example, if the misstatement was corrected during the current year such that no error existed in the balance sheet at the end of the current year, the reversal of the $80 prior year misstatement would not be considered an error in the current year financial statements under the iron curtain approach. Implicitly, the iron curtain approach assumes that because the prior year financial statements were not materially misstated, correcting any immaterial errors that existed in those statements in the current year is the "correct" accounting, and is therefore not considered an error in the current year. Thus, utilization of the iron curtain approach can result in a misstatement in the current year income statement not being evaluated as an error at all.

The staff does not believe the exclusive reliance on either the rollover or iron curtain approach appropriately quantifies all misstatements that could be material to users of financial statements.

In describing the concept of materiality, FASB Concepts Statement No. 2, *Qualitative Characteristics of Accounting Information*, indicates that materiality determinations are based on whether "it is probable that the judgment of a reasonable person relying upon the report would have been changed or influenced *by the inclusion or correction of the item*" (emphasis added).[3] The staff believes registrants must quantify the impact of correcting all misstatements, including both the carryover and reversing effects of prior year misstatements, on the current year financial statements. The staff believes that this can be accomplished by quantifying an error under both the rollover and iron curtain approaches as described above and by evaluating the error measured under each approach. Thus, a registrant's financial statements would require adjustment when either approach results in quantifying a misstatement that is material, after considering all relevant quantitative and qualitative factors.

As a reminder, a change from an accounting principle that is not generally accepted to one that is generally accepted is a correction of an error.[4]

The staff believes that the registrant should quantify the current year misstatement in this example using both the iron curtain approach (*i.e.*, $100) and the rollover approach (*i.e.*, $20). Therefore, if the $100 misstatement is considered material to the financial statements, after all of the relevant quantitative and qualitative factors are

[1] For purposes of these facts, assume the registrant properly determined that the overstatement of the liability resulted from an error rather than a change in accounting estimate. See FASB Statement 154, *Accounting Changes and Error Corrections*, paragraph 2, for the distinction between an error and a change in accounting estimate.

[2] Topic 1N addresses certain of these quantitative issues, but does not alter the analysis required by Topic 1M.

[3] Concepts Statement 2, paragraph 132. See also Concepts Statement 2, Glossary of Terms—Materiality.

[4] Statement 154, paragraph 2h.

considered, the registrant's financial statements would need to be adjusted.

It is possible that correcting an error in the current year could materially misstate the current year's income statement. For example, correcting the $100 misstatement in the current year will:

- Correct the $20 error originating in the current year;
- Correct the $80 balance sheet carryover error that originated in Years 1 through 4; but also
- Misstate the current year income statement by $80.

If the $80 understatement of current year expense is material to the current year, after all of the relevant quantitative and qualitative factors are considered, the prior year financial statements should be corrected, even though such revision previously was and continues to be immaterial to the prior year financial statements. Correcting prior year financial statements for immaterial errors would not require previously filed reports to be amended. Such correction may be made the next time the registrant files the prior year financial statements.

The following example further illustrates the staff's views on quantifying misstatements, including the consideration of the effects of prior year misstatements:

Facts: During the course of preparing annual financial statements, a registrant is evaluating the materiality of a sales cut-off error in which $50 of revenue from the following year was recorded in the current year, thereby overstating accounts receivable by $50 at the end of the current year. In addition, a similar sales cut-off error existed at the end of the prior year in which $110 of revenue from the current year was recorded in the prior year. As a result of the combination of the current year and prior year cut-off errors, revenues in the current year are understated by $60 ($110 understatement of revenues at the beginning of the current year partially offset by a $50 overstatement of revenues at the end of the current year). The prior year error was evaluated in the prior year as being immaterial to those financial statements.

Question 2: How should the registrant quantify the misstatement in the current year financial statements?

Interpretive Response: The staff believes the registrant should quantify the current year misstatement in this example using both the iron curtain approach (*i.e.*, $50) and the rollover approach (*i.e.*, $60). Therefore, assuming a $60 misstatement is considered material to the financial statements, after all relevant quantitative and qualitative factors are considered, the registrant's financial statements would need to be adjusted.

Further, in this example, recording an adjustment in the current year could alter the amount of the error affecting the current year financial statements. For instance:

- If only the $60 understatement of revenues were to be corrected in the current year, then the overstatement of current year end accounts receivable would increase to $110; or,
- If only the $50 overstatement of accounts receivable were to be corrected in the current year, then the understatement of current year revenues would increase to $110.

If the misstatement that exists after recording the adjustment in the current year financial statements is material (considering all relevant quantitative and qualitative factors), the prior year financial statements should be corrected, even though such revision previously was and continues to be immaterial to the prior year financial statements. Correcting prior year financial statements for immaterial errors would not require previously filed reports to be amended. Such correction may be made the next time the registrant files the prior year financial statements.

If the cut-off error that existed in the prior year was not discovered until the current year, a separate analysis of the financial statements of the prior year (and any other prior year in which previously undiscovered errors existed) would need to be performed to determine whether such prior year financial statements were materially misstated. If that analysis indicates that the prior year financial statements are materially misstated, they would need to be restated in accordance with Statement 154.[5]

Facts: When preparing its financial statements for years ending on or before November 15, 2006, a registrant quantified errors by using either the iron curtain approach or the rollover approach, but not both. Based on consideration of the guidance in this Staff Accounting Bulletin, the registrant concludes that errors existing in previously issued financial statements are material.

Question 3: Will the staff expect the registrant to restate prior period financial statements when first applying this guidance?

Interpretive Response: The staff will not object if a registrant[6] does not restate financial statements for fiscal years ending on or before November 15, 2006, if management properly applied its previous approach, either iron curtain or rollover, so long as all relevant qualitative factors were considered.

To provide full disclosure, registrants electing not to restate prior periods should reflect the effects of initially applying the guidance in Topic 1N in their annual financial statements covering the first fiscal year ending after November 15, 2006. The cumulative effect of the initial application should be reported in the carrying amounts of assets and liabilities as of the beginning of that fiscal year, and the offsetting adjustment should be made to the opening balance of retained earnings for that year. Registrants should disclose the nature and amount of each individual error being corrected in the cumulative adjustment. The disclosure should also include when and how each error being corrected arose and the fact that the errors had previously been considered immaterial.

Early application of the guidance in Topic 1N is encouraged in any report for an interim period of the first fiscal year ending after November 15, 2006, filed after the publication of this Staff Accounting Bulletin. In the event that the cumulative effect of application of the guidance in Topic 1N is first reported in an interim period other than the first interim period of the first fiscal year ending after November 15, 2006, previously filed interim reports need not be amended. However, comparative information presented in reports for interim periods of the first year subsequent to initial application should be adjusted to reflect the cumulative effect adjustment as of the beginning of the year of initial application. In addition, the disclosures of selected quarterly information required by Item 302 of Regulation S–K should reflect the adjusted results.

[FR Doc. E6–15457 Filed 9–15–06; 8:45 am]
BILLING CODE 8010–01–P

[5] Statement 154, paragraph 25.

[6] If a registrant's initial registration statement is not effective on or before November 15, 2006, and the registrant's prior year(s) financial statements are materially misstated based on consideration of the guidance in this Staff Accounting Bulletin, the prior year financial statements should be restated in accordance with Statement 154, paragraph 25. If a registrant's initial registration statement is effective on or before November 15, 2006, the guidance in the interpretive response to Question 3 is applicable.

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

[CO–031–FOR]

Colorado Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We are approving an amendment to the Colorado abandoned mine land reclamation (AMLR) plan (hereinafter referred to as the "Colorado plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act).

DATES: *Effective Date:* September 18, 2006.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telephone: 303.844.1400 x1424. E-mail address: *jfulton@osmre.gov*.

SUPPLEMENTARY INFORMATION:

I. Background on the Colorado Plan
II. Submission of the Proposed Amendment
III. Office of Surface Mining Reclamation and Enforcement's (OSM) Findings
IV. Summary and Disposition of Comments
V. OSM's Decision
VI. Procedural Determinations

I. Background on the Colorado Plan

The Abandoned Mine Land Reclamation Program was established by Title IV of the Act in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Indian tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit to the Secretary of the Interior for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mines. On June 11, 1982, the Secretary of the Interior approved the Colorado plan. You can find general background information on the Colorado plan, including the Secretary's findings and the disposition of comments, in the June 11, 1982, **Federal Register** (47 FR 25332). You can also find later actions concerning Colorado's plan and plan amendments at 30 CFR 906.20 and 906.25

II. Submission of the Proposed Amendment

By letter dated October 29, 1996, Colorado sent to us a proposed amendment to its plan (administrative record number CO–AML–24) under SMCRA. Colorado sent the amendment in response to a September 26, 1994, letter (administrative record number CO–AML–19) that we sent to Colorado in accordance with 30 CFR 884.15(b), and at its own initiative.

We announced receipt of the proposed amendment in the November 19, 1996, **Federal Register** (61 FR 58800), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record number CO–AML–26). Because no one requested a public hearing or meeting, none was held. The public comment period ended on December 19, 1996. We received comments from one industry group, four Federal agencies and two citizen or academic groups.

During our review of the amendment, we identified a concern relating to the provisions of Colorado's plan provisions at Section V.B.2. concerning the determination of eligibility for proposed sites. We notified Colorado of our concern by letter dated June 7, 1999 (administrative record number CO–AML–35). Colorado responded by a memo dated June 15, 2005, by submitting a revised amendment (administrative record number CO–AML–36). Colorado also took this opportunity to submit additional revisions at its own initiative.

We announced receipt of the revised amendment in the September 13, 2005, **Federal Register** (70 FR 54490). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy (Administrative Record No. CO–AML–37). We did not hold a public hearing or meeting because no one requested one. The public comment period ended on October 17, 2005. We did not receive any comments.

III. Office of Surface Mining Reclamation and Enforcement's (OSM) Findings

Following are the findings we made concerning the amendment. OSM's standard for comparison of State AMLR amendments with SMCRA and the Federal regulations is found in Directive STP–1, Appendix 11. This policy provides that "in accordance with 30 CFR 884.14(a), the proposed plan must meet all applicable requirements of the Federal statute and rules. That is, a State's statutes, rules, policy statements, procedures, and similar materials must compare, all together, with applicable requirements of the Federal statute and rules, to ensure that the State's plan, as a whole, meets all Federal requirements." We are approving the amendment.

A. Minor Revisions to Colorado's Plan Provisions

Colorado proposed numerous minor wording, editorial, punctuation, grammatical, and recodification changes throughout its plan provisions. Because the changes to these previously approved plan provisions are minor, we find that they meet the requirements of the Federal regulations and the Act.

B. Revisions to Colorado's Plan Provisions That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations and Statute

Colorado proposed revisions to the following plan provisions; the revisions contain language that is the same as, or similar to, the corresponding sections of the Federal regulations.

Section I intro; 30 CFR 884.13(c)(1); goals and objectives.

Section I B intro; 30 CFR 884.13; additional reclamation activities.

Section I B 1; 30 CFR 884.13(e); inactive mine inventory.

Section I B 3; 30 CFR 884.13(f); fish & wildlife habitat.

Section I B 5; 30 CFR 884.13(c)(7); public involvement.

Section I B 6; SMCRA 407(e); reclamation on public lands.

Section I B 7; 30 CFR 873.12, 876.12; future reclamation set-aside.

Section I B 8; 30 CFR 874.12(d)(2); interim program mines and insolvent sureties.

Section I B 9; 30 CFR 887.1; mine subsidence protection program.

Section II intro; 30 CFR 884.13(c)(2); ranking and selection of projects.

Section II B & C; 30 CFR 874.13, 884.13(c)(2); project and design selection criteria.

Section III A & B; 30 CFR 884.14(c)(3); coordination of reclamation work.

Section III C, D, & E; SMCRA 414; coordination with local governments.

Section IV; 30 CFR Part 879; acquisition, management, and disposition of lands & waters.

Section V, intro; 30 CFR Part 882; reclamation on private land.

Section V A; 30 CFR 886.15; grant applications.

Section V B 1; 30 CFR 884.13(c)(5) & Part 882; project feasibility studies.

Section V B 2; 30 CFR 874.12(c) & Chapter 4–01–30, Federal Assistance

Manual; determination of project eligibility.

Section V B 3; 30 CFR Part 887; consent for reclamation activities.

Section V B 6; 30 CFR 884.13(f); environmental assessments.

Section V C; 30 CFR 884.13(c)(5); project implementation.

Section V D; 30 CFR 886.23, 886.24; project evaluation.

Section VI intro; 30 CFR 884.13(c)(7); public participation.

Section VI A & B; 30 CFR 884.13(c)(7) & (d)(1); public participation.

Section VI C deleted (A–95 process); 30 CFR 884.14(c)(3); coordination of reclamation work.

Section VII B; 30 CFR 884.13(d)(2); personnel policies.

Section VII A; 30 CFR 886.22, 886.24; administrative procedures.

Section VII C, intro, 1, 2; 30 CFR 884.13(d)(3); procurement and purchasing.

Section VII C 3; 30 CFR 874.16 & 875.20; contractors eligible for permits.

Section VIII; 30 CFR 884.13(d); organization and management.

C. Revisions to Colorado's Plan Provisions That Are Not the Same as the Corresponding Provisions of the Federal Regulations and Statute

C.1. Section 1 A 6; 30 CFR 875.12(e); Reclamation Priorities for Non-coal Reclamation

Colorado proposed to add a new subsection, providing for reclamation of resources affected by non-coal mining activities. The subsection provides that "the Division may carry out these objectives only after all reclamation goals with respect to inactive [abandoned] coal mined lands have been met, except for non-coal projects relating to the protection of health and safety." We note that "protection of health and safety" encompasses Priority 1 and Priority 2 sites.

The Federal requirement at 30 CFR 875.12(e) allows such non-coal reclamation only if needed to protect against "extreme danger" of adverse effects; that is, it is limited to Priority 1 sites.

Thus it initially appears that Colorado's proposal would allow non-coal reclamation for Priority 2 sites, while the Federal program allows it only for Priority 1 sites. However, we note that a different section of Colorado's proposal, II B 1, specifies that "non-coal hazards must be in the 'extreme hazard' (P1) category." Therefore we find that Colorado's proposal compares with applicable requirements of the Act and Federal rules as a whole, and meets all Federal requirements. We are approving it.

C.2. Sections V B 4 and 5; 30 CFR 882.12 & 882.13; Appraisals and Liens

Colorado proposed at subsection 4 that "a determination of fair market value of the land as adversely affected by past mining will be made before and following reclamation work. This finding will be based on an appraisal or letter of opinion from the [program] realty specialist." Further, Colorado proposed at subsection 5 that for each reclamation project which may significantly increase the fair market value, Colorado will make a written finding on how the proposed project will specifically benefit public health, safety, or environmental values of the greater community or area.

The Federal regulations at 30 CFR 882.12(a) require that appraisals as described in subsection 4 be obtained from independent appraisers. However, it is clear from 30 CFR 882.12 and 882.13 that such appraisals are meant to serve as the basis for filing possible liens against the reclaimed property if its value significantly increases. And, 30 CFR 882.13(a) states that the filing of liens is discretionary.

The Colorado plan as revised indicates only one use for such appraisals, that proposed at subsection 5 (to document the benefits to the greater community); as revised, the Colorado plan makes no provision for the filing of liens. In other words, Colorado has revised its plan so that no liens will be filed. As noted above, 30 CFR 882.13(a) provides that the filing of liens is discretionary. Since no liens will be filed, the determination of property value need not be obtained from an independent appraiser. For these reasons, we find that Colorado's proposed revisions are in agreement with the applicable requirements of the Federal statute and rules as a whole, and meet all Federal requirements. We are approving them.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment and the revised amendment. We received no comments on the revision, but did receive comments on the initial amendment from one industry group and two citizen or academic groups.

The Colorado School of Mines and the Citizens Coal Council responded that they had no comments.

The Colorado Mining Association expressed concern that, because of the large numbers of non-coal AML sites with water pollution problems, much of the 10% set-aside funds might be drained by water treatment at such sites.

As discussed above at Finding C.1., the proposed plan at subsection I.A.6. would allow for reclamation of non-coal AML sites; but such work is limited at subsection II.B.1. to extreme hazards to public health and safety. Further, under II.C. 1 & 3, hazard abatement does not include restoration of environmental hazards. We also note that under the set-aside provision of I.B.7., funds set-aside for the acid mine drainage fund will be used to treat only waters affected by coal mining.

These subjects may need to be addressed again if Colorado should in the future certify completion of all coal-mining-related AML problems. For the current situation, we find that Colorado's revised plan alleviates the concerns expressed.

Federal Agency Comments

Under 30 CFR 884.14(a)(2) and 884.15(a), we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Colorado plan.

We received replies but no comments from four Federal agencies. The Mine Safety and Health Administration, the U.S. Forest Service, the U.S. Environmental Protection Agency, and the Bureau of Land Management replied that they had no comments.

OSM's Decision

Based on the above findings, we approve Colorado's October 29, 1996 amendment, as revised on June 15, 2005.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 906, which codify decisions concerning the Colorado plan. We find that good cause exists under 5 U.S.C. 553(d)(3) to make this final rule effective immediately. Section 405(d) of SMCRA requires that the State have a program that is in compliance with the procedures, guidelines, and requirements established under the Act. Making this regulation effectively immediately will expedite that process. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget

(OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowable by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State AMLR plans and revisions thereof because each plan is drafted and promulgated by a specific State, not by OSM. Decisions on proposed State AMLR plans and revisions thereof submitted by a State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR Part 884.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally recognized Indian Tribes and have determined that the rule does not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes. The rule does not involve or affect Indian Tribes in any way.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) Considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior 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.*). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

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

a. Does not have an annual effect on the economy of $100 million.

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.

This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose any unfunded mandates on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 906

Abandoned mine reclamation programs, Intergovernmental relations, Surface mining, Underground mining.

Dated: August 18, 2006.

Allen D. Klein,

Director, Western Region.

■ For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 906—COLORADO ABANDONED MINE LAND RECLAMATION PROGRAMS

■ 1. The authority citation for part 906 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 906.25 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 906.25 Approval of Colorado abandoned mine land reclamation plan amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* * *	*	* * *
October 29, 1996 and June 15, 2005	September 18, 2006	Colorado Inactive Mine Reclamation Plan, Chapter VI.

[FR Doc. E6–15442 Filed 9–15–06; 8:45 am]
BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–250–FOR]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We are approving an amendment, with one exception, to the Kentucky regulatory program (the "Kentucky program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Kentucky submitted three separate items with revisions pertaining to prepayment of civil penalties, easements of necessity for reclamation on bankruptcy sites, and various statutes to eliminate outdated language.

DATES: *Effective Date:* September 18, 2006.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Telephone: (859) 260–8400. Telefax number: (859) 260–8410.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program
II. Submission of the Proposed Amendment
III. OSM's Findings
IV. Summary and Disposition of Comments
V. OSM's Decision
VI. Procedural Determinations

I. Background on the Kentucky Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Kentucky program on May 18, 1982. You can find background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and conditions of approval in the May 18, 1982, **Federal Register** (47 FR 21434). You can also find later actions concerning Kentucky's program and program amendments at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16 and 917.17.

II. Submission of the Proposed Amendment

By letter dated March 28, 2006, Kentucky sent us a proposed amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative ([KY–250–FOR], Administrative Record No. KY–1642). The full text of the program amendment is available for you to read at the location listed above under **ADDRESSES**.

III. OSM's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. Any revisions that we do not specifically discuss below concern nonsubstantive wording or editorial changes.

The first change was mandated by the Supreme Court of Kentucky (Court) in the case of *Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet* v. *Kentec Coal Co., Inc.*, No. 2003–SC–000622–DG. The Court issued an opinion on September 22, 2005, in which it found that the provisions of 405 KAR [Kentucky Administrative Regulations] 7:092 that required a corporate permittee to prepay an assessed civil penalty to get a due process hearing on the penalty amount was an unconstitutional violation of equal protection provisions of the State and Federal constitutions. The court also held that the assessment of the penalty against Kentec without prepayment and without consideration of the permittee's inability to pay was a violation of Section 2 of the Kentucky Constitution and an unreasonable and arbitrary exercise of the Kentucky Environmental and Public Protection Cabinet's (Cabinet) authority.

The Department for Natural Resources' Division of Mine Reclamation and Enforcement, in response to this ruling, has altered the provisions on its notices of assessment of civil penalties to comply with the ruling. The Division uses the following statement of appeal rights on the assessment notices:

> Should you decide not to negotiate, you have three (3) options remaining to resolve the proposed assessment. You may (1) choose not to contest the amount of the proposed assessment or the violation in which case a final Order [order] of the Secretary will be entered.
>
> **Note:** If an administrative hearing as to the fact of the violation was properly requested under 405 KAR 7:092, the final order will only determine the amount of the penalty and *not* the fact of the violation; (2) request an assessment conference to contest the proposed assessment; **Note:** The Kentucky Bar Association has determined that the appearance of individual who is not a licensed attorney, on behalf of a third person, corporation or another entity, at a penalty assessment conference constitutes the unauthorized practice of law. Corporations or other entities must be represented by counsel at penalty assessment conferences. Individuals may represent themselves; or (3) request an administrative hearing instead of an assessment conference. See 405 KAR 7:092, Section 6. Prepayment of the proposed assessment is no longer required. [emphasis added]

The Office of Administrative Hearings has also altered language on the Penalty Assessment Conference Officer's Report that advises permittees of their rights to an administrative hearing. That language reads as follows:

> Any person issued a proposed penalty assessment may request an administrative hearing to contest the Conference Officer's recommended penalty or the fact of the violation or both by filing with the Office of Administrative Hearings, 35–36 Fountain Place, Frankfort, Kentucky 40601, a petition under Section 6 of 405 KAR 7:092. The Cabinet may also request under Section 5 of 405 KAR 7:092 an administrative hearing to contest the Conference Officer's recommended penalty. [Permittee] should take notice that given the decision by the Supreme Court of Kentucky in Environmental and Public Protection Cabinet v. Kentec, 2005 WL 2316191, ___S.W. 3d___, (2005), the provisions of 405 KAR 7:092, Section 6 (2)(b) requiring prepayment of the proposed penalty ARE NO LONGER IN EFFECT and [Permittee] DOES NOT need to prepay the recommended penalty amount in the event it decides to request a Formal Administrative Hearing.

If a request for an administrative hearing is not filed with the Office of Administrative Hearings within thirty (30) days of mailing of this Report and Recommendation, the Secretary shall enter an order providing: (a) That [Permittee] has waived all rights to an administrative hearing on the amount of the proposed assessment; (b) that the fact of violation is deemed admitted; and (c) that the penalty assessment contained in this Report and Recommendation is deemed accepted and is due and payable to the Cabinet within thirty (30) days after the entry of the final order. If a petition requesting a hearing as to the fact of the violation has been timely filed pursuant to Section 7 of 405 KAR 7:092, the finding set forth in clause (b) of the preceding sentence shall be omitted from the Secretary's order and the penalty assessment contained in this Report and Recommendation shall be due and payable within thirty (30) days of the mailing of the final order affirming the fact of a violation. [emphasis added]

This is the second time the Supreme Court of Kentucky has ruled that prepayment requirements used by the cabinet for due process hearings regarding surface mining violations are unconstitutional under the Kentucky Constitution. The ruling in *Franklin* v. *Natural Resources and Environmental Protection Cabinet*, 799 S.W.2d 1 (Ky. 1990) held that a similar prepayment requirement that applied to all persons violated the equal protection clauses of the State and Federal constitutions. Kentucky undertook a major revamp of its hearing procedures in response to that ruling and put the current hearings process in place. That process, insofar as the prepayment requirement is concerned, has now been found unconstitutional.

The Supreme Court of Kentucky ruling notwithstanding, section 518(c) of SMCRA and the Federal regulations require prepayment of a proposed penalty if a hearing is requested. The Federal regulations at 30 CFR 845.19(a) clearly state:

The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty or, if a conference has been held, the reassessed or confirmed penalty to the Office of Hearings and Appeals (to be held in escrow * * *) within 30 days from receipt of the proposed assessment or reassessment or 30 days from the date of service of the conference officer's action, whichever is later.

Because Kentucky is waiving prepayment of the penalty specifically required by the Federal regulations, the Director finds that Kentucky's proposed revision is less stringent than section 518(c) of SMCRA and less effective than the Federal regulations at 30 CFR 845.19(a) and therefore cannot be approved.

The second proposed change is Senate Bill 219, which creates an easement of necessity to conduct reclamation operations by entities who have assumed the reclamation obligations of a bankrupt permittee and where the rights of entry held by the permittee have been terminated. The terms only apply to those areas where only reclamation is being performed. It does not apply to areas where coal removal is planned by a successor to the permittee. The legislation calls for payment of a sum certain to rights holders and allows the parties to take any disputes about the sufficiency of the payment to court for an adjudication of an appropriate amount.

There is no Federal counterpart to these provisions. Because they provide a method for ensuring reclamation that is in addition to the methods provided for in the Federal rule, the revisions Kentucky proposes in this amendment are approved in accordance with Section 505(b) of SMCRA.

The third proposed change is Senate Bill 136 which deletes certain language from Chapter 350 of the Kentucky Revised Statutes (KRS), the chapter containing the Kentucky surface mining laws. This bill eliminates language in: KRS 350.060(12) relating to the two-acre exemption and KRS 350.060(16) pertaining to permit renewal applications that were not timely filed; KRS 350.075(3) requiring the submission of regulations before August 1, 1986; KRS 350.090(1) relating to the exceptions for permit applications or renewals submitted in compliance with KRS 350.060(2) (**note:** we believe that the correct citation should be KRS 350.060(12)); KRS 350.093(9) dealing with bond coverage exceptions for third party actions; and KRS 350.445(3)(g) pertaining to roads above highwalls that "support coal mining activities." Section KRS 350.285 relating to removal of coal on private lands is deleted in its entirety. Each of these amendments to statutes eliminates language from the chapter that is outdated, was disapproved by OSM in previous years, or was a counterpart to a repealed provision of SMCRA. The OSM actions to which Kentucky is responding are listed below.

At section 201 of SMCRA, OSM repealed the two-acre exemption on May 7, 1987. On May 10, 2000, OSM disapproved Kentucky's proposal at KRS 350.060(16) to issue a notice of noncompliance, instead of an Imminent Harm Cessation Order, to a person who has not yet filed a renewal application when the permit has expired (65 FR 29949). Then, on September 6, 2000, OSM set aside these provisions (65 FR 53909). On February 12, 1990, OSM disapproved Kentucky's proposal at KRS 350.093(6)(c) relieving a permittee of bond liability for actions of third parties beyond the permittee's control (55 FR 4866). Then, on June 5, 1990, OSM set aside these provisions (55 FR 22903). On November 20, 2002, OSM disapproved Kentucky's proposal at 350.285 that removal of coal on private land, incidentally and as a necessary requirement of facility construction or related excavation or landscaping, not require the landowner to obtain a surface mining permit if the coal is 5,000 tons or less, the coal is donated to a charitable organization, or if the landowner notifies Kentucky at the time the coal is first encountered (67 FR 70007). On January 16, 2003, OSM disapproved the retention of roads above highwalls "to support coal mining activities." (68 FR 2196).

Because Kentucky's revisions at KRS 350.060(12) and (16), KRS 350.090(1), KRS 350.093(9), KRS 350.285, and KRS 350.445(3)(g) either eliminate provisions disapproved by OSM, or, in the case of the "two acre exemption," eliminate a provision that had a repealed Federal counterpart, we find that the revisions do not render the Kentucky program less stringent than the provisions of SMCRA or less effective than the Federal regulations.

The following revision was made to remove outdated language. Kentucky deleted the requirement at KRS 350.075(3) to submit proposed regulations pertaining to special remining permits to OSM on or before August 1, 1986. While there is no corresponding Federal provision, we are approving the revision because it is not inconsistent with the requirements of SMCRA and the Federal regulations.

We announced receipt of the proposed amendment in the May 3, 2006, **Federal Register** (69 FR 55373), and in the same document invited public comment and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on June 2, 2006. We received five comments.

IV. Summary and Disposition of Comments

Public Comments

We solicited public comments on May 3, 2006, and provided an opportunity for a public hearing on the amendment. We received three public comments. Because no one requested an opportunity to speak, a hearing was not held.

The Coal Operators and Associates (COA) supports the three major revisions proposed by Kentucky in this submission. Regarding the changes to the assessment notices and reports that Kentucky made in response to the Kentucky Supreme Court ruling regarding prepayment of civil penalties, the COA suggested that OSM approve the changes or if OSM finds this provision to be less effective than SMCRA, it file an appeal to the U.S. Circuit Court of Appeals. Regarding the provisions of Senate Bill 219 concerning an easement of necessity to conduct reclamation and Senate Bill 136 concerning the removal of outdated or previously disapproved language, the COA recommended approval, but also stated that it believes the former Secretary erred in disapproving several of the provisions that Kentucky has herein proposed to delete. However, the COA conceded that its opposition to the disapprovals is a moot issue "with the exception of our continued belief in the right of a state to be given latitude under the program to determine how best to handle specific situations that do not conflict with the overriding tenets of SMCRA itself." For the reasons discussed in section III above, we are approving the provisions of Senate Bills 219 and 136. However, because Kentucky's waiver of the prepayment of civil penalties is clearly less effective than the Federal regulations, it is not approvable by OSM, even though the Kentucky Supreme Court has ruled it unconstitutional. OSM's mandate, as presented in 30 CFR 732.15(a), is to ensure that a State's laws and regulations are in accordance with the provisions of SMCRA and consistent with the requirements of the Code of Federal Regulations.

The Lexington Coal Company (LCC) commented on the provisions of Senate Bill 219 which creates an easement of necessity to conduct reclamation operations in the cases of bankrupt permittees. The LCC supports the provisions because "the law balances land owner rights with the public benefits of mine reclamation." We agree with the commenter and as discussed in section III above, are approving the easement provisions.

The Kentucky Resources Council (KRC) responded and had no comment on the provisions of Senate Bills 219 and 136. Pertaining to the prepayment of civil penalties, the KRC recommended that OSM address "whether and how other mechanisms, including partial federalization of the penalty portion of the state program, can be used to provide the same deterrent effect on frivolous appeals as was intended by the prepayment requirement." In response, we note that we must consider all possible options in order to address the problem created by the decision in *Commonwealth of Kentucky* v. *Kentec, supra.*

Federal Agency Comments

According to 30 CFR 732.17(h)(11)(i), on May 3, 2006, we solicited comments from various Federal agencies with an actual or potential interest in the March 28, 2006, Kentucky program amendment (Administrative Record No. KY–1644). We received one response from the U.S. Department of the Interior, Bureau of Land Management, who concurred with the revisions.

State Agency Comments

According to 30 CFR 732.17(h)(4), on May 3, 2006, we solicited comments from the Kentucky State Historic Preservation Office (Administrative Record No. KY–1644) on the March 28, 2006, program amendment. Kentucky's State Historic Preservation Office responded stating the amendment has no bearing on the treatment of archaeological or historic sites.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). Because the provisions of this amendment do not relate to air or water quality standards, we did not request EPA's concurrence.

V. OSM's Decision

Based on the above finding, we are approving, with an exception, the amendment as submitted by Kentucky on March 28, 2006.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 917 which codify decisions concerning the Kentucky program. We find that good cause exists under 5 U.S.C. 553(d)(3) to make this final rule effective immediately. Section 503(a) of SMCRA requires that Kentucky's program demonstrate that it has the capability of carrying out the provisions of the Act and meeting its purposes. Making this regulation effective immediately will expedite that process. SMCRA requires consistency of State and Federal standards.

Effect of OSM's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any change of an approved State program be submitted to OSM for review as a program amendment. The Federal regulations at 30 CFR 732.17(g) prohibit any changes to approved State programs that are not approved by OSM. In the oversight of the Kentucky program, we will recognize only the statutes, regulations, and other materials we have approved, together with any consistent implementing policies, directives, and other materials. We will require Kentucky to enforce only approved provisions.

VI. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments because each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining

operations." Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally recognized Indian tribes and have determined that the rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. The basis for this determination is our decision on a State regulatory program and does not involve a Federal regulation involving Indian lands.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior 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.*). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (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. This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 10, 2006.

Hugh V. Weaver,

Acting Regional Director, Appalachian Region.

■ For the reasons set out in the preamble, 30 CFR part 917 is amended as set forth below:

PART 917—KENTUCKY

■ 1. The authority citation for part 917 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 917.12 is amended by adding paragraph (f) to read as follows:

§ 917.12 State regulatory program and proposed program amendment provisions not approved.

* * * * *

(f) the changes to Kentucky's Notice of Assessment of Civil Penalties and Penalty Assessment Conference Officer's Report that specify that prepayment of a proposed assessment or penalty is no longer required are not approved.

■ 3. Section 917.15 is amended in the table by adding a new entry in chronological order by the "Date of final publication" to read as follows:

§ 917.15 Approval of Kentucky regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* *	* * *	* *
March 28, 2006	September 18, 2006	Easements of necessity, deletion of outdated language in KRS Chapter 350

[FR Doc. E6–15443 Filed 9–15–06; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–146–FOR]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: We are removing six required amendments to the Pennsylvania regulatory program (the "Pennsylvania program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). These required amendments pertain to civil penalties, non-augmentative normal husbandry practices, affected area, access roads, and permit renewal applications. We are removing these required amendments because these changes are no longer necessary for the Pennsylvania program to be consistent with the corresponding Federal regulations.

DATES: *Effective Date:* September 18, 2006.

FOR FURTHER INFORMATION CONTACT: George Rieger, Director, Pittsburgh Field Division, Telephone: (717) 782–4036, e-mail: *grieger@osmre.gov*.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program
II. The Proposed Rule
III. OSM's Findings
IV. Summary and Disposition of Comments
V. OSM's Decision
VI. Procedural Determinations

I. Background on the Pennsylvania Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Pennsylvania program on July 30, 1982. You can find background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and conditions of approval in the July 30, 1982, **Federal Register** (47 FR 33050). You can also find later actions concerning Pennsylvania's program and program amendments at 30 CFR 938.11, 938.12, 938.13, 938.15 and 938.16.

II. The Proposed Rule

In this rulemaking, we are removing the required amendments codified in the Federal regulations at 30 CFR 938.16(r), (eee), (ggg), (kkk), (lll) and (qqq). We required these amendments in the May 31, 1991 final rule (56 FR 24687). By letters dated February 7, 2006 (Administrative Record No. PA 803.37), and February 28, 2006 (Administrative Record No. PA 803.36), the Pennsylvania Department of Environmental Protection (PADEP) sent OSM its explanation and rationale of why it believes the Pennsylvania program is no less effective than the Federal requirements and that the required amendments codified at 30 CFR 938.16(eee), (ggg), (qqq) and (ttt) should be removed. Our review of PADEP's explanation and rationale results in our removing three of the four required amendments. We are not removing the required amendment at 30 CFR 938.16(ttt) as discussed below under "OSM Findings".

We are also removing required amendments codified at 30 CFR 938.16(r), (kkk), and (lll). The removal of these three required amendments is a result of our review of the required amendments and the reason they were required. We have determined that they are no longer necessary for the Pennsylvania program to be consistent with the corresponding Federal regulations.

We announced receipt of the State's letters and our proposal to remove these amendments in the May 23, 2006, **Federal Register** (71 FR 29597–29604). In the same notice, we opened the public comment period and provided an opportunity for a public hearing or meeting on the proposal to remove the required amendments. The public comment period ended on June 22, 2006. We did not hold a public hearing on the rulemaking because one was not requested. We received written comments from two Federal agencies and one environmental group.

III. OSM's Findings

Following are the findings we made concerning removal of the required program amendments under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are removing six required amendments codified in the Federal regulations at 30 CFR 938.16(r), (eee), (ggg), (kkk), (lll), (qqq).

30 CFR 938.16(r). Civil Penalties

Required Amendment: We required Pennsylvania to amend Chapter 86.193(h) or otherwise amend its program to be no less effective than 30 CFR 846.12(a) by clarifying that an individual civil penalty (ICP) is not a substitute for mandatory civil penalties, and also to clarify when the assessment of an individual civil penalty would be appropriate. (See 56 FR 24696, May 31, 1991).

Our analysis of this required amendment was presented in the May 23, 2006, proposed rule notice (71 FR 29598). The first part of the required amendment was resolved by an amendment PADEP submitted on January 23, 1996 (PA 838.00–Part 1), in which it deleted the portion of 25 Pa. Code 86.195(h) that stated that "The Department may, when appropriate, assess a penalty against corporate officers, directors or agents as an alternative to, or in combination with, other penalty actions." OSM approved this deletion in a final rule issued on November 7, 1997 (62 FR 60169–60177), but did not remove the first portion of this required amendment. We are, therefore, taking the opportunity to remove the first portion in this rulemaking.

The second part of the requirement stated that Pennsylvania must clarify when the assessment of an ICP would be appropriate. While subsection (h) does not contain this clarification, subsection (a) does. Specifically, 25 Pa. Code 86.195(a) provides for the assessment of ICPs against corporate officers who either participate in or intentionally allow violations to occur. We have previously determined that Pennsylvania's culpability standard for ICPs is actually broader than the standard contained in 30 CFR 846.12(a), since the State provision does not require "knowing" or "willful" participation. We further recognized that the term "participates" is defined to be consistent with the Federal terms "authorized, ordered or carried out." See 25 Pa. Code 86.1 ("Participates" means "to take part in an action or to instruct another person or entity to conduct or not to conduct an activity."). Therefore, we approved the culpability standard in subsection 86.195(a). 58 FR 18149 and 18153, April 8, 1993. (In two other respects, we found subsections 86.195(a) and (b) to be inconsistent with Federal requirements, and imposed a required amendment at 30 CFR 938.16(eee). 58 FR at 18160. The

disposition of that required amendment is discussed in the next finding.). We note that subsection 86.195(a) was promulgated after the imposition of 30 CFR 938.16(r), was approved in part in 1993, and is being approved in this rulemaking. This subsection sufficiently sets forth the circumstances that will result in the assessment of an ICP; therefore, we find that the second portion of the required amendment at 30 CFR 938.16(r) is satisfied, and it will be removed.

30 CFR 938.16(eee). Civil Penalties

Required Amendment: We required Pennsylvania to submit a proposed amendment to 25 Pa. Code 86.195(a) and (b) to specify that ICPs may be assessed against corporate directors or agents of the corporate permittee and to include provisions for the assessment of an ICP for a failure or refusal to comply with any orders issued by the Secretary. (See 58 FR 18149 and 18160, April 8, 1993).

For a discussion of PADEP's explanation and rationale for requesting removal of this required amendment, see the May 23, 2006, proposed rule notice (71 FR 29598). Pennsylvania has explained, by letter dated February 7, 2006 (Administrative Record No. PA 803.37), that Section 18.4 of the Pennsylvania Surface Mining Conservation and Reclamation Act (PASMCRA) states that "the Department may assess a civil penalty upon a person or municipality * * *" 52 P.S. (Pennsylvania Statute) 1396.18d. PASMCRA provides that the term "person", with respect to "any clause prescribing or imposing a penalty shall not exclude members of an association and the directors, officers or agents of a corporation." 52 P.S. 1396.3. Given this information, we can now find that the Pennsylvania program authorizes the issuance of ICPs, which are "penalties", to corporate directors and agents, as well as corporate officers. Therefore, the first portion of the required amendment at 30 CFR 938.16(eee) is unnecessary, and it will be removed.

OSM imposed the second element of the required amendment because it believed that the State lacked the authority to issue ICPs for a "failure or refusal to comply with an order issued by the Secretary under the Act (such as an order to revise a permit)." (58 FR 18153). However, Pennsylvania has informed us, by letter dated February 7, 2006 (Administrative Record No. PA 803.37), that the term "violation", contained in subsection 86.195(a), includes an individual's failure to comply with an order to modify a permit. In support of its contention, the State cited 25 Pa. Code 86.213, which authorizes the PADEP to issue orders to modify, suspend or revoke permits. Failure to comply with a permit-based order, according to PADEP, constitutes a "violation", as that term is commonly understood. See, *e.g.*, Black's Law Dictionary 1564 (7th ed. 1999) ("violation" is defined as "an infraction or breach of the law" or, the "act of breaking or dishonoring the law.") (Emphasis added) For these reasons, Pennsylvania contends that 25 Pa. Code 86.195(a) provides for the issuance of ICPs for failure to comply with any order issued by the PADEP, including orders with respect to permits. Our analysis of PADEP's explanation and rationale concludes that the Pennsylvania program includes the necessary authority to assess ICPs and provides for the assessment of ICPs for failure to comply with any orders issued by the Secretary. We find that the second portion of the required amendment at 30 CFR 938.16(eee) is unnecessary, and it will be removed.

30 CFR 983.16(ggg). Non-augmentative Normal Husbandry Practices

Required Amendment: We required Pennsylvania to submit a proposed amendment to 25 Pa. Code 86.151(d) to define the point at which seeding, fertilization, irrigation, or rill and gully repairs cease to be augmentative and may be considered non-augmentative normal husbandry practices. Moreover, Pennsylvania was required to submit a proposed amendment to require that such practices be evaluated and approved in accordance with the State program amendment process and 30 CFR 732.17 (58 FR 18160).

For a full discussion of PADEP's explanation and rationale for requesting removal of this required amendment, see the May 23, 2006, proposed rule notice (71 FR 29600). Pennsylvania has explained, by letter dated February 28, 2006 (Administrative Record No. PA 803.36), that its regulations define the point at which practices cease to be selective husbandry and become subject to liability extension in a manner that is consistent with the Federal regulations at 30 CFR 816/817.116(c)(4). Specifically, Pennsylvania cited other portions of 25 Pa. Code 86.151(d), which declare that normal husbandry practices, such as "pest and vermin control, pruning, repair of rills and gullies or reseeding or transplanting or both", will not require restarting the revegetation responsibility period so long as they "constitute normal conservation practices within the region for other land with similar uses." We note that the quoted language is consistent with, and therefore no less effective than, its Federal counterparts at 30 CFR 816/817.116(c)(4) ("Approved practices shall be normal husbandry practices within the region for unmined lands having land uses similar to the approved postmining land use of the disturbed area, including such practices as disease, pest, and vermin control; and any pruning, reseeding, and transplanting specifically necessitated by such actions"). Finally, we note that our 1993 disapproval of the word "augmented", in the last sentence of subsection 86.151(d), remains in place. We disapproved this word because its presence created the inference that there could be instances when "augmented" seeding would not necessitate restarting of the revegetation liability period. See 58 FR 18154. However, we neglected to codify the disapproval on April 8, 1993, and are therefore taking the opportunity to correct this oversight. The information provided by Pennsylvania, coupled with the disapproval of the word "augmented", persuade us that the State program adequately defines the point at which seeding, fertilization, irrigation, or rill and gully repairs cease to be augmentative and may be considered non-augmentative normal husbandry practices. Therefore, we find that the first portion of the required amendment at 30 CFR 938.16(ggg) is unnecessary, and it will be removed.

With respect to the second portion of the required amendment, Pennsylvania informed us, by letter dated February 28, 2006 (Administrative Record No. PA 803.36), that it has not approved any alternative selective husbandry practices beyond those already approved in 25 Pa. Code 86.151(d). If such additional "non-augmentative normal husbandry practices" are proposed, Pennsylvania will submit them to OSM in accordance with the State program amendment process before these practices are approved in Pennsylvania. Based upon this assurance, we find that the second portion of 30 CFR 938.16(ggg) has been satisfied and will be removed. However, we will continue to monitor the Pennsylvania program through Federal oversight and may in the future take action if we find that the State is not implementing its program in accordance with this finding.

30 CFR 938.16(kkk). Affected Area

Required Amendment: We codified a required amendment at 30 CFR 938.16(kkk) requiring PADEP to submit a proposed amendment to 25 Pa. Code 88.1 requiring that the definition of affected area include all roads that receive substantial use and are

substantially impacted by the mining activity (58 FR 18160). After further review, OSM has determined that the required program amendment at 30 CFR 938.16(kkk) was mistakenly imposed, because the Pennsylvania program includes a "road rule" consistent with OSM's 1988 regulation. A full explanation of our rationale can be reviewed in the May 23, 2006 proposed rule notice (71 FR 29600–29601).

Specifically, Pennsylvania's anthracite mining regulations define "road" to include "access and haul roads constructed, used, reconstructed, improved or maintained for use in coal exploration or surface coal mining activities." 25 Pa. Code 88.1. This portion is substantively identical to its Federal counterpart at 30 CFR 701.5. The Federal definition of "road", promulgated in 1988, contains no reference to the "affected area", since OSM concluded that its new "road" definition was "clear on its own terms as to which roads are included." (See 53 FR 45190 and 45192, November 8, 1988). OSM also determined that the definition of "affected area", as partially suspended, "no longer provides additional guidance as to which roads are included in the definition of 'surface coal mining operations.'" (See 53 FR 45193). In other words, as of December 8, 1988 (the effective date of the final rule promulgated on November 8, 1988), a "road" meeting the criteria of the definition at 30 CFR 701.5 would be regulated as a surface coal mining operation, without regard to the suspended portion of the "affected area" definition. Moreover, the definition of "road" is broad enough to be capable of including some public roads. In fact, OSM expressly declined to exclude public roads from the definition, because "[j]urisdiction under the Act and applicability of the performance standards are best determined on a case-by-case basis by the regulatory authority." See 53 FR 45193. Indeed, the 1988 "road" definition focuses on the use of the road by the mining operation, rather than use by the public, thereby alleviating the concern that resulted in the partial invalidation of the "public roads" exclusion within the definition of "affected area" in 1985. (See In Re: Permanent Surface Mining Regulation Litigation, 620 F. Supp. 1519, 1581–2 (D.D.C. 1985). Since Pennsylvania's regulations contain a substantively identical counterpart to the Federal definition of "road", an amendment to the State's "affected area" definition is unnecessary and should not have been required in 1993. Therefore, the required amendment at 30 CFR 938.16(kkk) will be removed.

30 CFR 938.16(lll). Access Roads

Required Amendment: We required that Pennsylvania submit a proposed amendment to Section 88.1 to require that the definition of access road include all roads that are improved or maintained for minimal and infrequent use and that the area of the road is comprised of the entire area within the right-of-way, including roadbeds, shoulders, parking and side areas, approaches, structures, and ditches. (58 FR 18160) After further review, OSM has determined that the required program amendment at 30 CFR 938.16(lll) was mistakenly imposed since the Pennsylvania program contains a definition consistent with OSM's regulation. For a full explanation of our review of the Pennsylvania program which led to our determination that this amendment is satisfied without any further action by Pennsylvania, please review the May 23, 2006, proposed rule notice (71 FR 29601).

Specifically, Pennsylvania's anthracite mining regulations define "road" to include "access and haul roads constructed, used, reconstructed, improved or maintained for use in coal exploration or surface coal mining activities." 25 Pa. Code 88.1. Moreover, Pennsylvania defines "access road" to include roads "located * * * for minimal or infrequent use." Id. Finally, the Pennsylvania definition of "road" contains the following language required by 30 CFR 938.16(lll): "A road consists of the entire area within the right-of-way, including the roadbed shoulders, parking and side areas, approaches, structures, [and] ditches." Id. Read together, Pennsylvania's definitions of "access road" and "road" satisfy the required amendment. Indeed, OSM would not have imposed the requirement in 1993 if it had first examined these two definitions. Therefore, we will remove this required amendment.

30 CFR 938.16(qqq). Permit Renewals

Required Amendment: We required Pennsylvania to submit a proposed amendment to § 86.55(j), or otherwise amend its program, to require that any applications for permit renewal be submitted at least 120 days before the permit expiration date. (62 FR 60169 and 60171, November 7, 1997.)

For a full discussion of PADEP's explanation and rationale for requesting removal of this required amendment, see the May 23, 2006, proposed rule notice (71 FR 29601). Pennsylvania explained to us, by letter dated February 7, 2006 (Administrative Record No. PA 803.37), that its program provides sufficient safeguards to assure that renewals filed under § 86.55(j) are required to meet the public notice and participation requirements, and that coal mining will not continue after the permit expiration date. Nevertheless, § 86.55(j) appears to allow permittees to submit renewal applications within 120 days of permit expiration. This provision is silent, however, with respect to the consequences that flow from an untimely filing. In 1997, we concluded that this allowance rendered the Pennsylvania program less stringent, per se, than subsection 506(d)(3) of SMCRA and less effective, per se, than the Federal regulations at 30 CFR 774.15(b). Both Federal provisions require that renewal applications be filed at least 120 days prior to permit expiration. Since our 1997 decision, we have had the opportunity to reexamine our position. In a May 10, 2000, rulemaking, we partially disapproved a Kentucky statute that would have allowed coal mining operations to continue on an expired permit, so long as the permittee had submitted a renewal application, even where that application was not filed in a timely fashion. 65 FR 29949 and 29953. In response to a commenter who asserted that the filing of an untimely renewal application (*i.e.*, an application filed within 120 days of expiration) violates subsection 506(d)(3) of SMCRA, we stated that:

> (W)e agree with the commenter that the untimely filing of a renewal application can constitute a violation of Section 506(d)(3) * * * We do not agree, however, that allowing the filing of a late renewal application violates Section 506(d)(3). Instead, we believe this provision is sufficiently flexible to allow consideration of untimely application, so long as the permit renewal procedures, which include public participation, are properly followed.

65 FR 29951 (Emphasis in original)

We believe this rationale applies with equal force here. Pennsylvania's program already contains an advance filing requirement at 25 Pa. Code 86.55(c). Failure to comply with this provision can constitute a violation, just as failure to comply with the 120 day filing requirement can constitute a violation of SMCRA under a Federal program. Moreover, this requirement is more stringent than the Federal one since it requires renewal applications to be filed at least 180 days prior to expiration. Therefore, we conclude that it is unnecessary for Pennsylvania to incorporate a 120 day advance filing requirement. Neither the Federal nor the

State provision expressly bars the renewal of a permit if the application was not timely filed. We find that subsection 86.55(j) is not inconsistent with subsection 506(d)(3) of SMCRA or with 30 CFR 774.15(b). Finally, Pennsylvania's program requires that all renewal applications be subject to the public notice and participation requirements of 25 Pa. Code 86.31. See 25 Pa. Code 86.55(d).

For the above-stated reasons, we find that the required amendment at 30 CFR 938.16(qqq) is no longer necessary and the Pennsylvania program is consistent with SMCRA and the Federal regulations, and it will be removed.

30 CFR 938.16(ttt). Noncoal Waste In Refuse Piles

Required Amendment: OSM required Pennsylvania to submit a proposed amendment to 25 Pa. Code 88.321 and 90.133, or otherwise amend its program, to require that no noncoal waste be deposited in a coal refuse pile or impounding structure. (See 62 FR 60177). PADEP requested the removal of 30 CFR 938.16(ttt), by letter dated February 7, 2006 (Administrative Record No. PA 803.37), on the fact that the Pennsylvania program does not allow for noncoal waste to be deposited in a coal refuse pile or impounding structure.

First, as we noted in the proposed rule for this rulemaking, the requirement to amend Section 88.321 was improperly imposed, because anthracite mining performance standards, including 25 Pa. Code 88.321, are exempt from the obligation to comply with SMCRA's performance standards, by virtue of section 529 of SMCRA. See 71 FR 29602. Therefore, we are removing that portion of the required amendment codified at 30 CFR 938.16(ttt).

With respect to the requirement to amend 25 Pa. Code 90.133, PADEP explains in their letter of February 7, 2006, that protections are provided throughout the Pennsylvania program prohibiting noncoal materials from being deposited on a coal refuse site or impounding structure. For a full explanation of Pennsylvania's explanation and rationale for requesting removal of this required amendment, see the May 23, 2006, proposed rule notice (71 FR 29602).

In our November 7, 1997, final rule, we were concerned that § 90.133 appears to prohibit placement of the listed materials, and other materials with low ignition points, in refuse piles or impoundment structures. The Federal regulation at 30 CFR 816.89(c), on the other hand, expressly prohibits the placement of any noncoal mine waste in these two areas. See 62 FR 60274.

PADEP contends that the reference to listed materials, and others with low ignition points, does not imply that other noncoal waste are acceptable for disposal at coal refuse sites. Rather, PADEP asserts that the inclusion of this language was "meant to emphasize the need to restrict the presence of combustible materials that could cause the coal refuse to ignite." (Id). Furthermore, PADEP asserts that § 90.133 does require that all noncoal wastes be disposed of in accordance with the State's Solid Waste Management Act. That statute, found at 35 P.S. 6018.101 *et seq.*, however, does not expressly prohibit noncoal wastes from being placed in coal refuse piles or impounding structures.

Based on the above-stated analysis, OSM has reviewed this proposed amendment and determined that the Pennsylvania program does not include any express prohibitions against placement of any noncoal waste materials in a coal refuse pile or impoundment similar to those found at 30 CFR 816.89(c). Because of this we cannot remove the required amendment at 30 CFR 938.16(ttt) at this time.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment in a **Federal Register** Notice dated May 23, 2006 (71 FR 29597–29604).

We received specific comments from the Citizens for Pennsylvania's Future (Pennfuture) stating that OSM ignored its duty, which they assert was in existence until a regulatory change effective October 20, 2005, to initiate action under 30 CFR part 733 (part 733) after Pennsylvania failed to submit amendments, or at least descriptions thereof, within 60 days of the promulgation of the requirements to submit program amendments to address deficiencies. In support of its contention, Pennfuture cited 30 CFR 732.17(f)(2), State program amendments, which states that: "If the State regulatory authority does not submit the proposed amendment or description and the timetable for enactment within 60 days from the receipt of the notice, or does not subsequently comply with the submitted timetable, or if the amendment is not approved under this section, the Director shall begin proceedings under 30 CFR part 733 to either enforce that part of the State program affected or withdraw approval, in whole or in part, of the State program and implement a Federal program."

In response, we note that the issue of whether OSM should have initiated part 733 proceedings against Pennsylvania for its failure to timely comply with the requirements at 30 CFR 938.16(r), (eee), (ggg), (kkk), (lll), (qqq), and (ttt) is simply not germane to this rulemaking. Rather, the questions presented to OSM are whether the various rationales put forth by OSM, or the PADEP, to support removal of these requirements are sufficient to justify findings that the Pennsylvania program is consistent with SMCRA and the Federal regulations in the areas addressed by the required amendments intent and language. We make determinations to remove these required amendments where we find that the answer to this question is yes. This finding makes the issue of whether part 733 action should have been taken moot. Where we find that the rationales are not sufficient to justify findings that the Pennsylvania program is consistent with SMCRA and the Federal regulations, we will act in accordance with 30 CFR 732.17, which now allows us some discretion as to whether to initiate action under part 733. Under either outcome, the former provision at 30 CFR 732.17(f)(2) would be inapplicable.

Pennfuture also stated that neither Pennsylvania's rationale for removal of some of the requirements, or OSM's rationale supplied on its own initiative to justify the removal of the remaining requirements, were submitted in a timely manner. In support of this argument, Pennfuture cited section 526(a)(1) of SMCRA, 30 U.S.C. 1276(a)(1), which requires that any petition for review of an OSM rulemaking decision with respect to a State program must be filed within 60 days, unless "the petition is based solely on grounds arising after the sixtieth day." Pennfuture contends that OSM is violating this provision because the rationale provided herein by OSM and the PADEP existed, in each instance, at the time OSM imposed the required amendments. Thus, Pennfuture argues, section 526(a)(1) bars both OSM and the PADEP from reconsideration of the rationale that led to the imposition of those required amendments. It asserts that to allow the State "a second bite at the apple" would ignore the doctrine of administrative finality and create a slippery slope. According to Pennfuture, OSM would then be obligated to entertain a request by any party for the "rescission of, or the addition of conditions to, OSM's approval of program amendments, even where those requests are not based solely on grounds

that arose after the 60-day deadline for filing a petition for review expired."

We disagree with Pennfuture's interpretation because its argument fails to recognize the distinction between the judicial review opportunity mandated by SMCRA and OSM's discretion to reconsider its previously held position. Section 526(a)(1) prescribes the conditions that must be met in order for an entity to obtain judicial review of a State program amendment decision. If the party meets the criteria of this section, judicial review is mandatory; i.e., OSM has no discretion to prevent review of its decision in this instance. It simply does not follow, however, that this statutory mandate also prevents OSM from electing to reconsider a decision, and its underlying rationale, even where that reconsideration is based on information or argument that existed when the original decision is made.

It is a long established precedent that an agency may reverse its position, so long as it provides sufficient rationale for the change. See, e.g., *Pennsylvania Dept. of Public Welfare* v. *United States*, 781 F.2d 334, 339 (3rd Cir. 1986) ("An agency may change course, as long as it supplies a reasoned explanation for the shift; the same 'arbitrary and capricious' standard is applied on review of the new action."). We believe that sufficient rationale is set forth in this rulemaking to justify our removal of each of the subject required amendments.

We agree with Pennfuture that our action today may encourage parties to demand rescission of, or additional conditions placed upon, previous State program amendment approvals. Nevertheless, persons have always been free to ask OSM to reconsider a decision. Where OSM receives such a request it will review the information and arguments in support thereof then exercise its discretion to grant or deny it. Such discretion must be employed reasonably, of course, just as it was in each of the instant matters.

Pennfuture argues that Pennsylvania's clarification of the approved program required by 30 CFR 938.16(r) must be incorporated into the State's approved program, perhaps in the form of a technical guidance document or written policy explaining how the State assesses ICPs. We disagree, because Pennsylvania's clarifications, and our rationale for removing the required amendment, are based on statutory and regulatory provisions contained in the State's approved program.

Pennfuture also asserts that OSM is wrong to state that the required amendment at 938.16(kkk) was rendered moot by the earlier promulgation of OSM's "road rule" in 1988. A matter is generally rendered moot, Pennfuture contends, by subsequent, rather than previous, events. Thus, the 1993 required amendment cannot have been mooted by the 1988 rulemaking.

In response, we agree that we could have selected a more appropriate adjective to describe the vitality, or lack thereof, imbued within 30 CFR 938.16(kkk), pertaining to the anthracite regulatory definition of "affected area." Instead, we might have said that this required amendment was mistakenly imposed, since the Pennsylvania program contains a "road rule" consistent with OSM's 1988 regulation. Indeed, we have set forth this precise rationale in the finding, contained herein, that the required amendment can be removed.

Pennfuture contends that OSM correctly imposed the required amendment at 30 CFR 938.16(lll) because Pennsylvania made a deliberate choice to define "access road" differently in its anthracite regulations, since the program also contains "access road" definitions for surface mining and coal refuse disposal operations. Thus, Pennfuture argues, Pennsylvania intended that its anthracite definition of "access road" be different in scope than its counterpart definition for other types of mining. Finally, Pennfuture states that there is no indication that the definition of "road" in § 88.1, which we now rely upon to support removal of the required amendment, differed in any respect when the required amendment was imposed in 1993. At most, the definition of "road" creates an ambiguity about the scope of "access roads" so OSM acted reasonably in 1993 to remove that ambiguity.

In response, we note that had we taken the definition of "road" into account in 1993, we would not have imposed the required amendment. That definition, which has no counterpart in Chapter 87 (surface mining) or in Chapter 90 (coal refuse disposal), explicitly includes "access roads", and expressly includes all roads that are "improved or maintained" for use in coal exploration or surface coal mining activities. Thus, we believe there is no ambiguity with respect to the scope of regulated access roads in Pennsylvania, and have consequently determined that the required amendment at 30 CFR 938.16(lll) is unnecessary.

Pennfuture also contends that OSM cannot rely on the rationale from the May 10, 2000, Kentucky program rulemaking (65 FR 29949) to justify removal of the required amendment at 30 CFR 938.16(qqq). We disagree, for the reasons set forth in our finding above. Both Kentucky's and Pennsylvania's programs contain advance filing requirements for permit renewal applications. In Kentucky, we concluded that failure to adhere to its requirement did not bar the issuance of permit renewals. Because we reach the same conclusion today with respect to Pennsylvania, we further conclude that the required amendment creates a superfluous, and therefore unnecessary, obligation.

Finally, Pennfuture asserts that the technical guidance document referred to in the proposed rule as a rationale to remove 30 CFR 938.16(qqq), must be made part of the approved program. We disagree with this perspective. Although the document is not part of the Pennsylvania program, it is an extension of how the program is implemented. Moreover, our finding above does not rely upon the technical guidance document, but on the regulation itself.

Federal Agency Comments

Under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies (Administrative Record No. PA 803.40). The Mine Safety and Health Administration (MSHA), District 1 and 2 responded (Administrative Record Nos. PA 803.42 and PA 803.41) with no specific comments to the removal of these required amendments.

Environmental Protection Agency (EPA) Comments

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from EPA (Administrative Record No. PA 802.31). The EPA, Region III, responded that they had determined that OSM's removal of the required amendments would not be inconsistent with the Clean Water Act (Administrative Record No. PA 803.44).

V. OSM's Decision

Based on the above findings, we are removing the required amendments at 30 CFR 938.16 (r), (eee), (ggg), (kkk), (lll), and (qqq). We are also codifying a disapproval of the word "augmented", which is contained in the last sentence of 25 Pa. Code 86.151(d).

To implement this decision, we are amending the Federal regulations at 30 CFR 938.12, 938.15 and 938.16 which codify decisions concerning the Pennsylvania program. We find that good cause exists under 5 U.S.C. 553(d)(3) to make this final rule effective immediately. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the

provisions of the Act and meeting its purposes. Making this regulation effective immediately will expedite that process. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by Section 3 of Executive Order 12988 and has determined that this rule meets the applicable standards of Subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments because each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and Section 503(a)(7) requires that State programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Government

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Pennsylvania does not regulate any Native Tribal lands.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior 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.*). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (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. This determination is based upon the fact that the Pennsylvania submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the Pennsylvania submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 11, 2006.

Hugh Vann Weaver,

Acting Regional Director, Appalachian Regional Office.

■ For the reasons set out in the preamble, 30 CFR part 938 is amended as set forth below:

PART 938—PENNSYLVANIA

■ 1. The authority citation for part 938 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 938.12 is amended by adding new paragraph (d) to read as follows:

§ 938.12 State statutory, regulatory and proposed program amendment provisions not approved.

* * * * *

(d) We are not approving the word "augmented" in the last sentence of subsection 86.151(d) that we found to be less effective on April 8, 1993 (58 FR 18154).

§ 938.16 [Amended]

■ 3. Section 938.16 is amended by removing and reserving paragraphs (r), (eee), (ggg), (kkk), (lll), and (qqq).

[FR Doc. E6–15445 Filed 9–15–06; 8:45 am]
BILLING CODE 4310–05–P

Proposed Rules

Federal Register
Vol. 71, No. 180
Monday, September 18, 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.

GOVERNMENT ACCOUNTABILITY OFFICE

4 CFR Part 81

Public Availability of Government Accountability Office Records

AGENCY: Government Accountability Office.

ACTION: Proposed rule; request for comments.

SUMMARY: These proposed revisions would clarify and broaden the existing exemption regarding the disclosure of congressional correspondence and create a new exemption to allow for the withholding of records of interviews created by GAO in connection with its work. Specifically, the proposed revision to the congressional correspondence exemption would enable GAO to release or withhold congressional correspondence without prior congressional authorization. The proposed new exemption would enhance the open, frank, and honest exchange of information from other agencies, nonfederal organizations, and individuals to GAO during the course of a GAO audit, evaluation, or investigation.

DATES: Comments must be received on or before November 2, 2006.

ADDRESSES: Comments on these proposed revisions may be mailed or hand-delivered to: Government Accountability Office, Office of the General Counsel, Attn: Legal Services, Room 7838, 441 G Street, NW., Washington, DC 20548. Comments may also be e-mailed to *bielecj@gao.gov* or faxed to 202–512–8501.

FOR FURTHER INFORMATION CONTACT: John A. Bielec, Deputy Assistant General Counsel; telephone 202–512–2846; e-mail *bielecj@gao.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

GAO is not subject to the Administrative Procedures Act and accordingly is not required by law to seek comments before issuing a final rule. However, GAO has decided to invite interested persons to participate in this rulemaking by submitting written comments regarding the proposed revisions. Application of the Administrative Procedures Act to GAO is not to be inferred from this invitation for comments.

GAO will consider all comments received on or before the closing date for comments. GAO may change the proposed revisions based on the comments received.

Background

While GAO is not subject to the Freedom of Information Act (5 U.S.C. 552), GAO's disclosure policy follows the spirit of the act consistent with its duties, functions, and responsibilities to the Congress. 4 CFR 81.1. Application of the Freedom of Information Act to GAO is not to be inferred from the provisions of these regulations. Id.

Under § 81.6(a), GAO is not required to obtain congressional authorization before releasing or withholding congressional contact memoranda. The proposed revision to § 81.6(a) would clarify that GAO is also not required to obtain congressional authorization prior to the release or withholding of congressional correspondence from its records. This proposed revision would thereby ensure consistency in the handling of records that contain information regarding the communications between GAO and congressional members.

GAO also is proposing an amendment to § 81.6 that would enable it to protect from disclosure records of interviews created in connection with its audits, evaluations or investigations. In order to carry out its audit, evaluation and investigation functions, GAO frequently needs to interview employees of other agencies and nonfederal organizations. The success of GAO's work requires that employees of these agencies and organizations provide open, frank, and honest opinions during these interviews. Since the terrorist attack on September 11, 2001, employees from certain agencies and organizations have expressed concern and reluctance to share sensitive information with GAO without some assurance that the information will not be disclosed to the public. Of particular concern is that through the audit process and agency-provided access to their employees and officials, a record is being created that would not necessarily otherwise exist that may be unprotected from public disclosure. To enhance the cooperation from other agencies and nonfederal organizations with GAO during the interview process, GAO proposes to add a new exemption to § 81.6. The exemption will provide GAO with the discretion to withhold records of interviews created in connection with its audits, evaluations, and investigations of programs, activities, and funding of government agencies.

List of Subjects in 4 CFR Part 81

Administrative practice and procedure, Archives and records, Freedom of information.

For the reasons set forth in the preamble, GAO proposes to amend 4 CFR part 81 as follows:

PART 81—PUBLIC AVAILABILITY OF GOVERNMENT ACCOUNTABILITY OFFICE RECORDS

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

Authority: 31 U.S.C. 711.

2. In § 81.6, revise paragraph (a) and add a new paragraph (n) to read as follows:

§ 81.6 Records which may be exempt from disclosure.

* * * * *

(a) Records relating to work performed in response to a congressional request (unless authorized by the congressional requester), congressional correspondence, and congressional contact memoranda.

* * * * *

(n) Records of interviews created by GAO in connection with an audit, evaluation, or investigation of a program, activity, or funding of a government agency.

Dated: September 11, 2006.

Gary L. Kepplinger,

General Counsel, Government Accountability Office.

[FR Doc. E6–15474 Filed 9–15–06; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–105248–04]

RIN 1545–BE09

Elimination of Country-by-Country Reporting to Shareholders of Foreign Taxes Paid by Regulated Investment Companies

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations that would generally eliminate country-by-country reporting by a regulated investment company (RIC) to its shareholders of foreign source income that the RIC takes into account and foreign taxes that it pays. RICs will continue to report this information directly to the IRS. The regulations will affect certain RICs that pay foreign taxes and the shareholders of those RICs.

DATES: Written or electronic comments and requests for a public hearing must be received by December 18, 2006.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–105248–04), Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be sent electronically via the IRS Internet site at: *http://www.irs.gov/regs* or Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–105248–04).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Susan Thompson Baker, (202) 622–3930; concerning submissions of comments and requests for a public hearing, Kelly Banks, (202) 622–7180 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, SE:W:CAR:MP:T:T:SP, Washington, DC 20224. Comments on the collection of information should be received by November 17, 2006. Comments are specifically requested concerning:

The accuracy of the estimated burden associated with the proposed collection of information (see below);

Whether the proposed collection of information is necessary for the proper performance of the functions of the Internal Revenue Service, including whether the information will have practical utility;

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of service to provide information.

The collection of information in this proposed regulation is in § 1.853–4(c) and (d). A RIC is required to notify the IRS of amounts of income received from sources within foreign countries and possessions of the United States and taxes paid to each such foreign country or possession in order that the IRS may monitor shareholder compliance with the foreign tax credit provisions. The collection of information is required if a RIC elects to pass through the benefits of the foreign tax credit to its shareholders.

Estimated total annual reporting burden: 80 hours.

Estimated average annual burden hours per respondent: 2.

Estimated annual frequency of responses: 1.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document contains proposed amendments to 26 CFR part 1 under section 853 of the Internal Revenue Code (Code). Section 853 provides a foreign tax credit or deduction to shareholders of a RIC that makes an election under, and that meets the requirements set forth in, that section.

A RIC more than 50 percent of the value of whose total assets at the close of a taxable year consists of stock or securities in foreign corporations may make an election under section 853 (a "foreign tax passthrough election"). If the RIC makes this election for that taxable year, it forgoes a deduction or credit for certain taxes paid to foreign countries and possessions of the United States (collectively, "foreign taxes") (but the amount of the foreign taxes is allowed as an addition to the RIC's deduction for dividends paid for the year). Instead, the RIC passes through to its shareholders a credit or deduction for the foreign taxes it has paid during its taxable year. If the RIC makes this election, each shareholder includes the shareholder's proportionate share of these foreign taxes in gross income and treats this proportionate share as paid by the shareholder. Each shareholder of an electing RIC further treats as gross income from sources within foreign countries and possessions of the United States the sum of the shareholder's proportionate share of these taxes and the portion of any dividend paid by the RIC that represents income derived from sources within foreign countries and possessions of the United States. Each shareholder may then deduct or claim a credit for the payment of a proportionate share of these taxes.

A RIC electing this treatment must provide information to its shareholders and to the IRS. First, under section 853(c) of the Code, the RIC must designate, in a written notice mailed to shareholders not later than 60 days after the close of its taxable year, each shareholder's proportionate share of foreign taxes paid by the RIC and each shareholder's proportionate share of the RIC's gross income derived from sources within any foreign country or possession of the United States. Section 1.853–3(a) of the current Income tax regulations (the regulations) requires that this notice designate the shareholder's portion of foreign taxes paid to each such foreign country or possession of the United States and the portion of the dividend that represents income derived from sources within each foreign country or possession of the United States.

Second, under § 1.853–4(a) of the regulations, the RIC must file with Form 1099–DIV, "Dividends and Distributions", and Form 1096, "Annual Summary and Transmittal of U.S. Information Returns", a statement as part of its income tax return (Form 1120–RIC or its successor) that sets forth the total amount of income received

from sources within foreign countries and possessions of the United States; the total amount of foreign taxes paid; the date, form, and contents of the notice to its shareholders; and the proportionate share of this income received and these taxes paid during the taxable year attributable to one share of its stock. The RIC must also file as part of its return for the taxable year a Form 1118, "Foreign Tax Credit—Corporations", that has been modified so that it is a statement in support of the RIC's foreign tax passthrough election.

The requirement of § 1.853–3(a) of the regulations that an electing RIC provide country-by-country information to its shareholders on foreign-source income received and foreign taxes paid was originally adopted at a time when many shareholders generally needed the information to apply a per-country limitation on the foreign tax credit. Because of changes to the foreign tax credit provisions, shareholders generally no longer need country-by-country information on the amounts of foreign-source income and foreign taxes paid.

The Treasury Department and the IRS have received comments suggesting that the section 853 regulations should be amended to eliminate per-country reporting to shareholders and that Form 1116, "Foreign Tax Credit—Individual, Estate or Trust", should be modified to indicate that distributions from RICs are exempt from per-country shareholder reporting. According to these comments, eliminating the reporting of this information not only would reduce the time and expense required of RICs to compile and disseminate this tax information but also would reduce the confusion that their shareholders experience upon receipt of the extensive tables used to report this per-country information.

Even though the section 904 foreign tax credit limitation has been applied on a separate category of income basis, instead of on a per-country basis, since 1976, the Treasury Department and the IRS have continued to require the reporting of per-country information by RICs. This per-country information remains relevant to the IRS's monitoring compliance with the section 901 rules that disallow credits for refundable and noncompulsory payments and for taxes paid to certain countries. See § 1.901–2(e)(2) and (5), providing that credit is not allowed for amounts that are in excess of final liability under foreign law for tax, and section 901(j), denying credit for tax paid to countries described in section 901(j)(2)(A) and subjecting income from sources in those countries to separate foreign tax credit limitations.

Although per-country information with respect to foreign income and foreign taxes is needed for the IRS to monitor compliance, the Treasury Department and the IRS believe that taxpayer burden can be reduced by continuing to require this information to be supplied with the RIC's tax return but generally not requiring it to be reported to the RIC's shareholders as well. Accordingly, the proposed regulations would revise §§ 1.853–3 and 1.853–4 to require that a RIC provide aggregate per-country information on a statement filed with its tax return and would require that only summary foreign income and foreign tax amounts be reported to its shareholders. Once this proposed rule becomes final, the instructions to Forms 1116 and 1118 will be modified to permit summary reporting at the shareholder level similar to the summary reporting currently permitted with respect to "section 863(b) income" on Forms 1116 and 1118.

Explanation of Provisions

Proposed amendments to § 1.853–1 of the regulations would update the regulations to reflect statutory amendments providing that the foreign tax passthrough election is not applicable to taxes for which the RIC would not be allowed a credit by reason of section 901(j) (denying credit for taxes paid to certain countries, including those with which the United States does not have diplomatic relations), section 901(k) and (l) (denying credit for withholding taxes paid on certain income where certain holding period requirements are not met), or any similar provision.

The proposed amendments would change in two ways the regulations that set forth requirements for a RIC seeking to make and to notify shareholders of a foreign tax passthrough election:

First, references in § 1.853–3(a) and (b) of the regulations to required statements to shareholders of dollar amounts of taxes paid to specific countries, and to dollar amounts of income considered as received from specific countries, would be changed to require that a RIC (or a shareholder of record of the RIC who is a nominee acting as a custodian of a unit investment trust) state only the total amount of the shareholder's proportionate share of creditable foreign taxes paid, income from sources within countries described in section 901(j), if any, and income derived from sources within other foreign countries or possessions of the United States.

Second, proposed amendments to § 1.853–3(b) extend various deadlines to reflect statutory changes since the regulations were issued. Thus the number of days following the close of its taxable year by which a RIC must notify its shareholders in writing of the making of a foreign tax passthrough election would be increased to 60. References to the number of days following the close of the taxable year by which a nominee acting as a custodian of a unit investment trust must notify holders of interests in the unit investment trust would be increased to 70. Similarly, references to the number of days following the close of a RIC's taxable year by which a statement that holders of interests in unit investment trusts have been directly notified by the RIC (or a statement that the RIC has failed or is unable to notify these holders of interests) must be filed with the IRS and transmitted to a nominee would be increased to 60.

Section 1.853–4 of the regulations would be modified to create more flexibility in the references to specific forms. The current regulations require a RIC to file statements with Form 1099 and Form 1096 and to file, as a part of its return for the taxable year, a Form 1118, modified so that it becomes a statement in support of the election made by a RIC to pass through taxes paid to a foreign country or a possession of the United States. The first of these requirements, the requirement to file statements with Forms 1099 and 1096, is proposed to be eliminated. The proposed regulations would retain the general requirement that a RIC must file as part of its return a statement that elects the application of section 853 for the taxable year.

Section 1.853–4(a) of the regulations would also require that a RIC agree to provide certain information on foreign-source income received and foreign taxes paid. The information required to be provided is set forth in § 1.853–4(c). Section 1.853–4(d) would provide that this required information is to be provided on or with a modified Form 1118 but would add that it may instead be provided in such other form or manner as may be prescribed by the Commissioner. This change would facilitate future changes in administrative practice if, for example, forms are renumbered or become obsolete.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure

Act (5 U.S.C. chapter 5) does not apply to these regulations, and, because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this regulation has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and 8 copies) or electronic comments that are submitted timely to the IRS. The IRS and the Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

The Treasury Department and the IRS invite suggestions regarding any provisions that should be added to the proposed regulations if the reporting of per-country information to shareholders is to be eliminated for calendar year 2006. In addition, the Treasury Department and the IRS invite comments both on the date by which final regulations should be published in order for a change in reporting practice to be practical for 2006 and on any effective date concerns regarding the reporting of per-country information to the IRS.

Drafting Information

The principal author of this regulation is Susan Thompson Baker of the Office of Associate Chief Counsel (Financial Institutions and Products).

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding entries in numerical order to read in part as follows:

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

Section 1.853–1 also issued under 26 U.S.C. 901(j).

Section 1.853–2 also issued under 26 U.S.C. 901(j).

Section 1.853–3 also issued under 26 U.S.C. 901(j).

Section 1.853–4 also issued under 26 U.S.C. 901(j) and 26 U.S.C. 6011. * * *

Par. 2. Section 1.853–1 is amended by adding a sentence at the end of paragraph (a) to read as follows:

§ 1.853–1 Foreign tax credit allowed to shareholders.

(a) *In general.* * * * In addition, the election is not applicable to any tax with respect to which the regulated investment company is not allowed a credit by reason of any provision of the Internal Revenue Code other than section 853(b)(1), including, but not limited to, section 901(j), section 901(k), or section 901(l).

* * * * *

Par. 3. Section 1.853–2 is amended by revising paragraph (d) to read as follows:

§ 1.853–2 Effect of election.

* * * * *

(d) *Example.* This section is illustrated by the following example:

Example. (i) *Facts.* X Corporation, a regulated investment company with 250,000 shares of common stock outstanding, has total assets, at the close of the taxable year, of $10 million ($4 million invested in domestic corporations, $3.5 million in Foreign Country A corporations, and $2.5 million in Foreign Country B corporations). X Corporation received dividend income of $800,000 from the following sources: $300,000 from domestic corporations, $250,000 from Country A corporations, and $250,000 from Country B corporations. All dividends from Country A corporations and from Country B corporations were properly characterized as income from sources without the United States. The dividends from Country A corporations were subject to a 10 percent withholding tax ($25,000) and the dividends from Country B corporations were subject to a 20 percent withholding tax ($50,000). X Corporation's only expenses for the taxable year were $80,000 of operation and management expenses related to both its U.S. and foreign investments. In this case, Corporation X properly apportioned the $80,000 expense based on the relative amounts of its U.S. and foreign source gross income. Thus, $50,000 in expense was apportioned to foreign source income ($80,000 × $500,000/$800,000, total expense times the fraction of foreign dividend income over total dividend income) and $30,000 in expense was apportioned to U.S. source income ($80,000 × $300,000/$800,000, total expense times the fraction of U.S. source dividend income over total dividend income). During the taxable year, X Corporation distributes to its shareholders the entire $645,000 income that is available for distribution ($800,000, less $80,000 in expenses, less $75,000 in foreign taxes withheld).

(ii) *Section 853 election.* X Corporation meets the requirements of section 851 to be considered a RIC for the taxable year and the requirements of section 852(a) for part 1 of subchapter M to apply for the taxable year. X Corporation notifies each shareholder by mail, within the time prescribed by section 853(c), that by reason of the election the shareholders are to treat as foreign taxes paid $0.30 per share of stock ($75,000 of foreign taxes paid, divided by the 250,000 shares of stock outstanding). The shareholders must report as income $2.88 per share ($2.58 of dividends actually received plus the $0.30 representing foreign taxes paid). Of the $2.88 per share, $1.80 per share ($450,000 of foreign source taxable income divided by 250,000 shares) is to be considered as received from foreign sources. The $1.80 consists of $0.30, the foreign taxes treated as paid by the shareholder and $1.50, the portion of the dividends received by the shareholder from the RIC that represents income of the RIC treated as derived from foreign sources ($500,000 of foreign source income, less $50,000 of expense apportioned to foreign source income, less $75,000 of foreign tax withheld, which is $375,000, divided by 250,000 shares).

Par. 4. Section 1. 853–3 is amended by:

1. Revising paragraph (a).
2. Removing the number "55th" and adding the number "70th" in its place in the first sentence of paragraph (b).
3. Revising the second sentence of paragraph (b).
4. Removing the number "45" and adding the number "60" in its place in each place in which it appears in the fifth sentence of paragraph (b).

The revisions read as follows:

§ 1.853–3 Notice to shareholders.

(a) *General rule.* If a regulated investment company makes an election under section 853(a), in the manner provided in § 1.853–4, the regulated investment company is required under section 853(c) to furnish its shareholders with a written notice mailed not later than 60 days after the close of its taxable year. The notice must designate the shareholder's portion of creditable foreign taxes paid to foreign countries or possessions of the United States and the portion of the dividend that represents income derived from sources within each country that is attributable to a period during which section 901(j) applies to such country, if any, and the portion of the dividend that represents income derived from other foreign countries and possessions of the United States. For purposes of section 853(b)(2) and paragraph (b) of § 1.853–2, the amount that a shareholder may treat as the shareholder's proportionate share of foreign taxes paid

and the amount to be included as gross income derived from any foreign country that is attributable to a period during which section 901(j) applies to such country or gross income from sources within other foreign countries or possessions of the United States shall not exceed the amount so designated by the regulated investment company in such written notice. If, however, the amount designated by the regulated investment company in the notice exceeds the shareholder's proper proportionate share of foreign taxes or gross income from sources within foreign countries or possessions of the United States, the shareholder is limited to the amount correctly ascertained.

(b) *Shareholder of record custodian of certain unit investment trusts.* * * * The notice shall designate the holder's proportionate share of the amounts of creditable foreign taxes paid to foreign countries or possessions of the United States and the holder's proportionate share of the dividend that represents income derived from sources within each country that is attributable to a period during which section 901(j) applies to such country, if any, and the holder's proportionate share of the dividend that represents income derived from other foreign countries or possessions of the United States shown on the notice received by the nominee identified as such. * * *

* * * * *

Par. 5. Section 1.853–4 is amended by:

1. Revising paragraphs (a) and (b).
2. Adding paragraphs (c) and (d).

The revisions and additions read as follows:

§ 1.853–4 Manner of making election.

(a) *General rule.* To make an election under section 853 for a taxable year, a regulated investment company must file a statement of election as part of its Federal income tax return for the taxable year. The statement of election must state that the regulated investment company elects the application of section 853 for the taxable year and agrees to provide the information required by paragraph (c) of this section.

(b) *Irrevocability of the election.* The election shall be made with respect to all foreign taxes described in paragraph (c)(2) of this section, and must be made not later than the time prescribed for filing the return (including extensions). This election, if made, shall be irrevocable with respect to the dividend (or portion) and the foreign taxes paid with respect thereto, to which the election applies.

(c) *Required information.* A regulated investment company making an election under section 853 must provide the following information:

(1) The total amount of taxable income received in the taxable year from sources within foreign countries and possessions of the United States and the amount of taxable income received in the taxable year from sources within each such foreign country or possession.

(2) The total amount of income, war profits, or excess profits taxes (described in section 901(b)(1)) to which the election applies that were paid in the taxable year to such foreign countries or possessions and the amount of such taxes paid to each such foreign country or possession.

(3) The amount of income, war profits, or excess profits taxes paid during the taxable year to which the election does not apply by reason of any provision of the Internal Revenue Code other than section 853(b), including, but not limited to, section 901(j), section 901(k), or section 901(l).

(4) The date, form, and contents of the notice to its shareholders.

(5) The proportionate share of creditable foreign taxes paid to each such foreign country or possession during the taxable year and foreign income received from sources within each such foreign country or possession during the taxable year attributable to one share of stock of the regulated investment company.

(d) *Time and manner of providing information.* The information specified in paragraph (c) of this section must be provided at the time and in the manner prescribed by the Commissioner and, unless otherwise prescribed, must be provided on or with a modified Form 1118 filed as part of the RIC's timely filed Federal income tax return for the taxable year.

* * * * *

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 06–7731 Filed 9–15–06; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[WV–111–FOR]

West Virginia Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, OSM, are announcing the receipt of a proposed amendment to the West Virginia Abandoned Mine Land Reclamation (AMLR) Plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The proposed amendment makes numerous revisions throughout the State's AMLR Plan. The amendment is intended to update and improve the effectiveness of the West Virginia AMLR Plan.

This document gives the times and locations that the West Virginia AMLR Plan and proposed amendment is available for your inspection, the comment period during which you may submit written comments, and the procedures that will be followed for the public hearing, if one is requested.

DATES: We will accept written comments on the proposed State AMLR Plan until 4 p.m. on October 18, 2006. If requested, we will hold a public hearing on the proposed State AMLR Plan amendment at 1 p.m. on October 13, 2006. We will accept requests to speak at a hearing until 4 p.m. on October 3, 2006.

ADDRESSES: You may submit comments, identified by Docket No. WV–111–FOR, by any of the following methods:

- *E-mail: chfo@osmre.gov.* Include WV–111–FOR in the subject line of the message;
- *Mail/Hand Delivery:* Mr. Roger W. Calhoun, Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 1027 Virginia Street, East, Charleston, West Virginia 25301; or
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the

"Public Comment Procedures" heading in the **SUPPLEMENTARY INFORMATION** section of this document. You may also request to speak at a public hearing by any of the methods listed above or by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Docket: You may review copies of the West Virginia AMLR Plan, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may also receive one free copy of this amendment to the AMLR Plan by contacting OSM's Charleston Field Office listed below.

Mr. Roger W. Calhoun, Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 1027 Virginia Street, East, Charleston, West Virginia 25301, Telephone: (304) 347–7158. E-mail: *chfo@osmre.gov.*

West Virginia Department of Environmental Protection, 601 57th Street, SE, Charleston, WV 25304, Telephone: (304) 926–0485.

In addition, you may review a copy of the AMLR Plan amendment during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 604 Cheat Road, Suite 150, Morgantown, West Virginia 26508, Telephone: (304) 291–4004. (By Appointment Only)

Office of Surface Mining Reclamation and Enforcement, Beckley Area Office, 313 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255–5265.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Charleston Field Office, Telephone: (304) 347–7158. E-mail: *chfo@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Abandoned Mine Land Reclamation Program
II. Description of the Proposed AMLR Plan Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Abandoned Mine Land Reclamation Program

The West Virginia AMLR Program was established by Title IV of SMCRA (30 U.S.C. 1201 *et seq.*) in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Indian Tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit to the Secretary of the Interior for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mined lands. The West Virginia AMLR Plan was approved by OSM effective February 23, 1981. You can find additional information about the West Virginia AMLR Plan at 30 CFR 948.20, 948.25, and 948.26.

II. Description of the Proposed AMLR Plan Amendment

By letter dated June 27, 2006 (Administrative Record Number WV–1469), the West Virginia Department of Environmental Protection (WVDEP), Office of Abandoned Mine Lands and Reclamation submitted an amendment to its AMLR Plan under SMCRA (30 U.S.C. 1201 *et seq.*). The amendment consists of numerous changes throughout the AMLR Plan, some of which concern the AML Enhancement Rule. In its submittal of the amendment, the WVDEP stated that the revision incorporates the AML Enhancement Rule at 30 CFR Parts 707 and 874, as published by OSM in the **Federal Register** on Friday, February 12, 1999 (64 FR 7470–7483).

In its submittal letter, the State noted that the amendment also contains minor organizational and operational changes. Minor changes, such as organizational changes, re-numbering of sections, updating the name of departments or agencies, deletion of historical narrative, and the correction of typographical and grammatical errors, are non-substantive changes that do not affect the basis of the original approval of the West Virginia AMLR Plan. Therefore, these minor changes are hereby approved, and we will not identify such non-substantive changes in this notice.

West Virginia proposes the following amendments to the State's AMLR Plan:

Introduction

Part B, State Reclamation Plan

This part contains additions and deletions of historical information about the West Virginia AMLR Plan. This section also states that the amendment will update the organization of the Office of Abandoned Mine Lands and Reclamation and establish the Abandoned Mine Lands and Reclamation Enhancement Rule.

Section II. Purposes of the State Reclamation Program

Language is deleted and added to clarify that projects are selected on the basis of the priorities identified at W. Va. Code 22–2–4.

Section III. Criteria for Ranking and Identifying Projects To Be Funded

A. Identification of problems. The State has deleted language concerning examples of data provided by contributors to the Abandoned Mine Land Inventory System (AMLIS).

B. Prioritization of problems. Language is added to clarify that projects are selected on the basis of the priorities identified at W. Va. Code 22–2–4.

B.4: This paragraph is deleted and formerly identified as priority 4 projects, research and demonstration projects.

Factors Considered for Reclamation Project Evaluation

Item 1. The State has deleted related language concerning research projects.

Item 6.(e). The existing language is deleted concerning waiving any requirement that a reclamation contractor obtain a reclamation permit to extract or remove coal if the waiver will facilitate removal of coal and the mining is incidental to the project. In its place, the following language has been added:

(e) Abandoned Mine Lands and Reclamation Enhancement Rule, as used in this part, the following definitions have the specific meaning;

Definitions: Extraction of coal as an incidental part means the extraction of coal which is necessary to enable the construction to be accomplished. For this purpose of this part, only that coal extraction from within the right-of-way. In the case of a road, railroad, utility line or other such road construction, or within the boundaries of the area directly affected by other types of government-financed construction, may be considered incidental to that construction and shall be subject to the requirements of Chapter 22, Article 3, Section 26, Paragraph b, of the Code of West Virginia, legislative rules and this plan. Extraction of coal outside the right-of-way or boundary of the area directly affected by the construction shall be subject to the requirements of Chapter 22, Article 3 of the Code of West Virginia, and the rules promulgated thereunder.

Government financing agency means a Federal, State, county, municipal, or local unit of government, or a department, bureau, agency or office of the unit which, directly or through another unit of government, finances construction.

Government-financed construction means construction funded at 50 percent or more by funds appropriated from a government financing agency's budget or obtained from

general revenue bonds. Government financing at less than 50 percent may qualify if the construction is undertaken as an approved AML reclamation project under Chapter 22, Article 2 of the Code of West Virginia. Construction funded through government financing agency guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent, or in-kind payments does not qualify as government-financed construction.

(i) The Abandoned Mine Land Program (AML) shall work in consultation with the Title V regulatory authority to administer these provisions.

(I) To qualify as a Federal, State, county, Municipal, or other local government-financed highway or other construction project, the construction must be funded at fifty percent (50%) or more by the relevant government agency. Funding at less than fifty percent (50%) may qualify if the construction is undertaken as an approved AML Reclamation contract.

(II) For reclamation projects receiving less than fifty percent (50%) government funding because of planned coal extraction, AML may qualify if the construction is undertaken as an approved Reclamation project under Title IV of SMCRA. AML shall consult with [the] Title V regulatory authority to make the following determinations.

WVDEP must determine the following:

(A) The likelihood of the coal being mined under a surface mining permit. This determination must take into account available information such as:

(a) Coal reserves from existing mine maps or other sources;

(b) Existing environmental conditions;

(c) All prior mining activity on or adjacent to the site;

(d) Current and historic coal production in the area; and

(e) Any known or anticipated interest in mining the site.

(B) The likelihood that nearby or adjacent mining activities might create new environmental problems or adversely affect existing environmental problems at the site.

(C) The likelihood that reclamation activities at the site might adversely affect nearby or adjacent mining activities.

III. If OAML&R [Office of Abandoned Mine Lands and Reclamation] and DMR (Division of Mining and Reclamation) decide to proceed with the reclamation project, then they must concur in the following determinations:

(A) The determination of the limits on any coal refuse, coal waste, or other coal deposits which can be extracted under the exemption contained in CSR 38–2–3.31.

(B) The delineation of the boundaries of the Abandoned Mine Lands Project.

IV. Documentation.

(A) The following documentation must be included in the AML&R case file:

(a) The determinations made under sections e.i.II. and e.i.III.

(b) The information taken into account in making the determinations; and

(c) The names of the parties making determinations.

V. Special requirements.

(A) For each project, OAML&R must do the following;

(a) Characterize the site in terms of mine drainage, active slides and slide-prone areas, erosion and sedimentation, vegetation, toxic materials, and hydrologic balance;

(b) Ensure that the reclamation project is conducted in accordance with the provision of 30 CFR Subchapter R and CSR 59–1 *et seq.*

(c) Develop specific site reclamation requirements, including performance bond in accordance with West Virginia Code 22–3–26(b); and

(d) Require the contractor conducting the reclamation to provide prior to the time reclamation begins applicable documents that clearly authorize the extraction of coal and payment of royalties.

VI. Limitation.

If the reclamation contractor extracts coal beyond the limits of the incidental coal specified in paragraph e.i.III.A. of this section, the contractor must obtain a permit under CSR 38–2 *et seq.* for mining such coal.

Item 6.(g). The existing language concerning the recovery of coal from refuse piles, impoundments, or abandoned mine workings containing coal is deleted.

Item 8. This item concerns the probability of post-reclamation management, maintenance and control of the area consistent with the reclamation completed. Language is deleted concerning requesting information from field offices "well in advance of submitting a Construction Grant to OSMRE." A sentence concerning public meetings is deleted. Finally, a sentence is deleted concerning submittal of site selections and information to OSM after the intensive investigation process.

Section IV. Coordination of Reclamation Work Among Abandoned Mine Land Programs

Under the paragraph concerning the Rural Abandoned Mine Land Program (RAMP), new paragraph three is added to read as follows:

3. The Office of Surface Mining has the responsibility for funding the Appalachian Clean Streams Initiative (ACSI), Watershed Cooperative Agreement (WCA) program, and the Federal Reclamation Program.

The ACSI began as a broad based program to eliminate acid mine drainage from abandoned coal mines. The mission of the ASCI is to facilitate and coordinate citizen groups, university researchers, the coal industry, corporations, the environmental community, and local, state, and Federal government agencies that are involved in cleaning up streams polluted by acid mine drainage.

The WCA program, as part of the ACSI, funds are available to award cooperative agreements to not-for-profit organizations, especially small watershed groups, that undertake local acid mine drainage reclamation projects. The maximum award amount for each cooperative agreement will normally be $100,000.

Section VI. Reclamation on Private Land

Subsection H. Under contractor responsibilities, four items are deleted at the end of this subsection concerning waste sites that are used in conjunction with an abandoned mine land project.

Section VIII. Public Participation and Agency Review

(1) State Plan Revision.

Paragraph (a), concerning public participation, has been revised with several additions and deletions in the statement of public notice that was published in West Virginia regarding the current amendment. The language being revised related to an amendment to the AMLR Plan dating to 1987.

The State also amended a paragraph concerning conducting a public meeting prior to submitting a grant application. References to grant applications are deleted and other language added relating to non-emergency construction projects. As amended, the paragraph provides as follows:

Prior to submission(s) of a non-emergency construction project to the OSM for the issuance of an Authorization to Proceed (ATP), the WVDEP will conduct at least one public meeting in Charleston, West Virginia to describe the project submittal's contents. Additional public meetings may be conducted in other appropriate locations for specific sites in the non-emergency construction project in the following cases:

In other areas, references to grants have been deleted, a reference to a grant has been changed to "non-emergency construction project," and the words "environmental assessment" have been deleted in two places. Finally, at item (1) under the sentence "the Environmental Assessments may be reviewed by the following agencies," a reference to the "Office of Culture and History" is deleted and replaced by "State Historic Preservation Office."

IX. Administrative Framework

A. Organizational (State Level)

In the second sentence, the description of the Office of Abandoned Mine Lands and Reclamation (OAML&R) has been changed from "eight" to "six" groups. Additionally, the following changes to the descriptions of the OAML&R have been made: "Grants/Administration" is now "Administration;" "Design" is now "Project Design;" "In-House Design" is deleted; "Construction" is changed to "Project Construction;" and "Special Reclamation Program and Stream Restoration" has been deleted. The word "Morgantown" has been deleted as a regional AML&R staff office. The following sentence is deleted:

Staff from each group is located in each regional office, as stated above and is accountable to the Engineer on day-by-day operations, with general guidance from the Nitro Headquarters.

Item 1. Under the sentence "the program is served by the following groups," at Item 1., the heading "Grant/Administration" is changed to "Administration." Language is added to the end of the last sentence, and an additional sentence is added to read as follows:

They track expenditures as they relate to administrative and construction functions responsible for management of grants, budgets and financial administration of OAML&R. The Stream Restoration [Group] performing all program water monitoring functions.

Item 3. The heading of this item is changed from "Planning Emergency Section" to "Planning Group." In the first sentence, the word "selecting" is deleted and is replaced by the word "identifying." The sentence that states "[a]nd preparing the construction grant application for submission to OSMRE" is deleted. Reference to "Construction Grant" is deleted. The words "in compliance with the National Environmental Policy Act (NEPA)" are added following the words "Environmental Assessment." Finally, the following existing last two sentences of Item 3 are deleted:

This group is also responsible for administering and conducting the Emergency Program. Please see the Emergency Program Amendment, which is attached to this document for a more detailed explanation of this component's function.

Item 4. Under Emergency Group, the second sentence, relating to an earlier Plan amendment, is deleted.

Item 5. Under Project Construction Group, the third sentence is deleted. The deleted sentence stated as follows: "This group also may recommend Change Orders to the Director."

Item 6. Under Project Design Group, this item is amended by deleting the words "projects" and "reclamation of" in the first sentence. The second sentence is amended by deleting language concerning "open end" contracts and adding language concerning design consultants. As amended, Item 6 provides as follows:

6. Project Design Group—This group approves all consultant plans and specifications involving abandoned mine land projects and oversees the Office In-House design whose function of this component is to survey and design smaller abandoned mine land and bond forfeiture reclamation projects. They also evaluate and select design consultants [to] perform all necessary preparation of plans and specifications for projects. This group also administers exploratory drilling, aerial mapping and surveying contracts. The plans and specifications are used by contractors to bid on jobs.

Items 7 and 8. These items have been deleted and provided as follows:

7. Special Reclamation—The function of this component is to oversee reclamation of bond forfeiture projects. This includes bidding and inspections of reclamation projects which are paid for with bonds from forfeited permits.

8. Stream Restoration—This group is involved with the treatment of acid mine drainage.

B. Personnel Policies

In the fourth paragraph, the address has been updated that identifies where copies of laws and regulations are available for public inspection as follows:

Copies of these laws and regulations are available for public inspection in the offices of the WVDEP, 601 57th Street SE., Charleston, West Virginia 25304.

The paragraph concerning performing a function or duty under Title IV of SMCRA has been amended as follows:

All OAML&R personnel who perform a function or duty under Title IV of SMCRA, will complete and sign the standard "conflict of interest" form provided by OSM in accordance with West Virginia Code § 22–3–31(a).

C. Purchasing and Procurement

The existing language concerning the procedures concerning design consultant services is deleted and replaced with the following language:

a. Projects greater than $250,000

(1) Requesting program office develops the Expression of Interest (EOI) purpose, project, and scope of work, evaluation criteria, and questionnaire for evaluation.

(2) The OAML&R must select a committee of three to five members to review the EOIs. All members must have training on the process prior to participating on the committee. They must select a chairperson for the committee.

(3) This list of committee members is forwarded to Administrative services [Services] for review and approval.

(4) Administrative Services forwards the package to the Purchasing Division for processing.

(5) [The] Purchasing Division reviews the package to determine accuracy and compliance of rules and law.

(6) If information is in compliance with WV Code 5G–1, the Purchasing Division places a Class II ad in the newspaper and publishes the EOI in the Purchasing Bulletin.

(7) The agency receives a copy of the EOI with the opening time and date established.

(8) On the EOI opening date, the Purchasing Division opens the EOIs and forwards the agency copies for review, along with a list of the firms submitting.

(9) A meeting should be set for committee members to develop a short list (minimum of three firms). This short list will be developed by a consensus decision of the committee. Both information provided in the EOI and personal knowledge of a firm by a committee member or members can be used in developing the short list. Scores are not used to develop the short list.

(10) After developing the short list, the committee shall score each short listed firm based on the evaluation criteria described in the EOI. Each firm begins with a score of 100 points and points are deducted based on the Consultant Qualification Evaluation. When points are deducted, the reason for the deductions must be provided. Reasons for deductions must be consistent from one firm to another for each EOI. Partial point deductions are not allowed. Points may be deducted for not having enough staff to perform the job[,] but the description of that deduction can not specify any particular project (*i.e.*, DEP 11200). Points may not be deducted for using sub-consultants.

(11) The points for qualifications and work experience should total 80 points. The remaining 20 points shall be used for oral interviews. The 20 points for oral interview will give the agency some flexibility (*i.e.*, firms approach to the job, their creativeness). However, the point deductions must remain consistent. If five points are deducted for not meeting a prior project plan from one firm, then each firm that did not meet a prior project plan must have five points deducted.

(12) A letter is prepared for the signature of all committee members to the Purchasing Division with the top three firms ranked in order by score.

(13) The consensus evaluation, signed letter, and the Certification of Non-Conflict of Interest form is forwarded to Administrative Services for review. After the review and approval by the agency procurement officer, this package is submitted to the Purchasing Division for review and approval.

(14) Once the evaluation is approved by the assigned Buyer, the Purchasing Divisions [Division's] Best Value Evaluation Committee convenes to review the request to ensure scores are fair and equitable.

(15) After the Purchasing Divisions [Division's] approval, the agency is notified to start negotiations with the top firm.

(16) A purchase order is prepared by the assigned Purchasing Division buyer. The bid file is prepared for the approval and signature process within the Purchasing Division.

(17) The bid file is forwarded to the Attorney Generals [General's] Office (AG) for review and approval as to form. Once approved by the AG, the bid file is returned to the Purchasing Division. The purchase order is issued and placed in the U.S. Mail.

(18) After receipt of the purchase order, the vendor can proceed with the project.

b. Projects less than $250,000,

(1) The program office in charge of the project for which design services are needed selects a minimum of three firms which they know have design knowledge of the particular types of work associated with the particular project.

(2) After receipt of the questionnaire of qualifications, the program office rates those

firms on their qualifications. The same qualification as shown for the EOI is used to score each firm. The highest qualified firm is then contacted in the form of a work directive which sets up an on-site meeting to show the project and request a cost proposal.

(3) Costs are negotiated with that firm and if they reach an agreement, the appropriate paperwork is forwarded to administrative [Administrative] Services for review. If the cost negotiations are not successful with the first firm, you proceed with the next firm and follow that order until a cost is successfully negotiated.

(4) A purchase order is prepared by the assigned Purchasing Division Buyer. The bid file is prepared for the approval and signature process within the Purchasing Division.

(5) The bid file is forwarded to the Attorney Generals [General's] (AG) Office for review and approval as to form. Once approved by the AG, the bid file is returned to the Purchasing Division. The purchase order is encumbered and placed in the U.S. Mail.

c. Definitions.

Agency—DEP—Department of Environmental Protection.

Agreement—A document used to acquire services from a firm for a preset fee covering a specific period of time. Terms & conditions are outlined in this form. The WV–48 Agreement form is used for delegated purchases and, on certain occasions, for services over $10,000 in the absence of any other formal written contract. The WV–48 must be completed, signed, and forwarded with other appropriate paperwork to the DEP Purchasing Office.

Best Value Purchasing—Purchasing methods used in awarding a contract based on evaluating and comparing all established quality criteria where cost is not the sole determining factor in the award.

Expression of Interest (EOI)—A best value purchasing tool used only in the selection of architects and engineers, which permits the state to award a contract to the most qualified firm at fair market value determined to be in the state's best interest.

FIMS—Financial Information Management System used by State agencies for recording financial information and encumbrances.

No-Debt Affidavit—A form required to be completed by all firms prior to the award of a contract. In accordance with 5A–3–10A of the West Virginia Code, no contract or renewal of any contract may be awarded to any vendor who is a debtor to the State of West Virginia in an aggregate amount of $5,000 or more. This form must be submitted with the purchase order recommendation.

Program Office—Any of the offices within DEP (Division of Mining and Reclamation, Division of Land Restoration, Division of Water and Waste Management, Division of Air Quality, Office of Explosives & Blasting, Office of Abandoned Mine Lands, Office of Oil & Gas, Office of Legal Services, Office of Information Technology, Environmental Enforcement, Office of Environmental Remediation, and Administration/Executive Office.

Purchase Order—A document issued by the Purchasing Division (WV–16) used to execute a purchase transaction with a vendor. It serves as notice to a vendor that an award has been made.

Specifications—A detailed description of a commodity or service to be included in a solicitation or bid or an awarded contract.

Team—Team Effort for Acquisition Management

Existing paragraph (d) concerning "Construction Contracts" has been deleted in its entirety.

D. Accounting System

Item 2. The words "permanent posting charge number" and "posting charge" have been deleted and replaced by the words "project number."

Item 3. The words "as close as possible" have been deleted and replaced with the words "within specified limits."

Item 4. In the first sentence, the word "when" is inserted between the word "and" and the phrase "this office receives." Also, the words "posting charge" are deleted and replaced by the word "project," and the words "line item number" are deleted and replaced by the words "object code."

Emergency Reclamation Program

A. Designated Agency by Governor To Receive Grants To Administer Emergency Programs

The second sentence is amended by adding a phrase to clarify that WVDEP was "formerly the West Virginia Department of Energy."

B. Legal Opinion From State Attorney General Regarding Emergency Program Administration

In the second sentence, the citation "WV Code Section 22–3" is deleted, and in the third sentence, the citation "Chapter 22–3–4(b)(1)(A)" is changed to "Chapter 22–2–4(b)(1)(A)." In the language that follows the corrected citation to Chapter 22–2–4(b)(1)(A), at (b)(A), the reference to Title "38" is deleted and "59" is added in its place.

C. Policies and Procedures Regarding the Emergency Reclamation Program

Item 6. Existing Item 6 concerns a public meeting for a previous amendment to the AMLR Plan and is being deleted.

D. Administrative and Managerial Structure

Item 2. The following language is being deleted at the beginning of Item 2:

Six of the positions assigned to the Emergency Group of the Abandoned Mine Lands and Reclamation Section consist of technical personnel. These positions include 5 inspectors and 2 engineers.

The last sentence at the end of the existing second paragraph is being deleted. That sentence stated that "[t]hese are all newly created positions."

The last two sentences in the existing third paragraph (the second sentence contains a reference to page 75) are being deleted. In their place, a new sentence is added which states that "[t]his procedures (*sic*) is in compliance to [with] the Department of Administration, Division of Purchasing."

Item 3. Under (c) Immediate Follow-up, at (ii), language is being deleted concerning an engineer, realty specialist, and is replaced by the phrase "appropriate personnel." Also, the last sentence is being deleted which provides that "[t]his visit will be coordinated with the Federal Office of Surface Mining Reclamation and Enforcement." As amended, subparagraph (ii) reads as follows:

(ii) Appropriate personnel will be dispatched to the site as soon as possible if a valid emergency situation exists.

At paragraph (iv), "color slides" is being revised to "photos."

At paragraph (vi), the word "appropriate" is being added between the words "conduct" and "appraisals." The words "if indicated" are deleted at the end of the sentence.

At paragraph (ix), the last sentence is deleted that reads: "[t]he details of these procedures are in the Emergency Purchases Section."

(d) Inspections

At paragraph (ii), the words "their immediate supervisors, who will turn them into the Nitro" are being deleted. In their place, the words "Charleston-Kanawha City Headquarters" are added.

F. Emergency Purchases

Item 6. This item is being deleted. The deleted language reads as follows:

6. In addition to the above stated procedure, at the time of this writing an open end or bilateral contract for construction services is being assembled which may be utilized for emergency services.

The following page shows the technical evaluation sheet used to assist in selecting consultants. The factors may be revised in the future to reflect different needs.

G. Emergency Reclamation Activities

Language is being deleted that relates to the number of emergency projects completed as of 1987.

Water Supply

In the first sentence, the word "construction" is deleted between the phrase "to the State in its" and the word "grant." Also, the words "any year" are deleted from

between the word "grant" and the phrase "for the purpose of replacing."

Target Areas For AML assistance

Item (3). In the second paragraph, the words "and submitted to the Federal Office of Surface Mining for funding approval" are deleted from the end of the first sentence. As revised, the sentence reads as follows: "After a pool of eligible projects is determined, potential projects are selected."

Revision to State Reclamation Plan Reflecting Amendments to Title IV of the SMCRA

A. Expanded Eligibility Criteria. Item (2). In the second paragraph, the citation "45 FR 14810–14819 March 6, 1980" is being deleted and replaced by the following citation: "66 FR 31250–31258, June 11, 2001."

B. Acid Mine Drainage Treatment and Abatement Program. Language is being amended concerning coordination between the State and the Natural Resources Conservation Service (NRCS). The State has deleted references to the Rural Abandoned Mine Program and to the U.S. Bureau of Mines. As amended, the language is as follows:

After consultation with the NRCS, the State may reclaim certain areas that are severely impacted by acid mine drainage. (This coordination will continue the already present cooperative effort between the State and the NRCS).

III. Public Comment Procedures

Under the provisions of 30 CFR 884.15(a), we are requesting your comments on whether West Virginia's AMLR Plan amendment satisfies the applicable State reclamation plan approval criteria of 30 CFR 884.14.

The proposed amendments to the West Virginia AMLR Plan can be approved if:

1. The public has been given adequate notice and opportunity to comment and the administrative record does not reflect major unresolved controversies;
2. Views of other Federal agencies have been solicited and considered;
3. The State has the legal authority, policies, and administrative structure to carry out the State AMLR Plan;
4. The State AMLR Plan meets all the requirements of the Federal AMLR program provisions;
5. The State has an approved regulatory program; and
6. The State AMLR Plan is in compliance with all applicable State and Federal laws and regulations.

If we approve the proposed amendments, they will immediately become part of the West Virginia AMLR Plan.

Written Comments

Send your written or electronic comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We may not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (see **DATES**). We will make every attempt to log all comments into the administrative record, but comments delivered to an address other than the Charleston Field Office may not be logged in.

Electronic Comments

Please submit Internet comments as an ASCII or Word file avoiding the use of special characters and any form of encryption. Please also include "*Attn*: SATS No. WV–111–FOR, and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Charleston Field Office at (304) 347–7158.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. (local time), on October 3, 2006. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the proposed AMLR plan amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rule is exempt from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State or Tribal abandoned mine land reclamation plans and plan amendments because each program is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and plan amendments submitted by a State or Tribe are based solely on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR part 884 of the Federal regulations.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of abandoned mine land reclamation programs. One of the purposes of SMCRA is to "establish a nationwide program to protect society

and the environment from the adverse effects of surface coal mining operations." Section 405(d) of SMCRA requires State abandoned mine land reclamation programs to be in compliance with the procedures, guidelines, and requirements established under SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. The basis for this determination is that our decision is on a State abandoned mine land reclamation plan and does not involve a Federal regulation involving Indian lands.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because agency decisions on proposed State and Tribal abandoned mine land reclamation plans are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the [*33277] Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior 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.*). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (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. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 18, 2006.

Michael K. Robinson,

Acting Regional Director, Appalachian Region.

[FR Doc. E6–15444 Filed 9–15–06; 8:45 am]

BILLING CODE 4310–05–P

Notices

Federal Register
Vol. 71, No. 180
Monday, September 18, 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

Forest Service

Grand Mesa, Uncompahgre and Gunnison National Forests; CO; Deer Creek Shaft and E Seam Methane Drainage Wells Project EIS

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Mountain Coal Company, LLC proposes the construction of one (1) ventilation shaft and one (1) emergency escape shaft (combined location) and the installation of up to 160 methane drainage wells located on up to 120 pads with up to 19 miles of associated access roads to vent explosive methane gas from their underground coal mine.

DATES: Comments concerning the scope of the analysis must be received 45 days after publication in the **Federal Register**. The draft environmental impact statement is expected December, 2006 and the final environmental impact statement is expected February, 2007.

ADDRESSES: Send or hand deliver written comments to: Grand Mesa, Uncompahgre and Gunnision National Forests, Attn: Deer Creek Shaft and E Seam MDW Project, 2250 HWY 50, Delta, Colorado 81416. E-mail comments to: *nmortenson@fs.fed.us*, (Subject: Deer Creek Shaft and E Seam MDW).

FOR FURTHER INFORMATION CONTACT: Niccole Mortenson, Engineering and Minerals NEPA Project Specialist, 970–874–6616 or write/e-mail the address above.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The Forest Service has identified the need to authorize MCC reasonable surface use and access on forest lands for compliance with methane gas Mine Safety and Health Administration requirements in the West Elk underground coal mine; thereby allowing safe and efficient recovery of previously leased (Lease C–1362) Federal coal reserves.

Proposed Action

Existing Federal coal leases are currently being mined by Mountain Coal Company, LLC (MCC) from their West Elk Mine. MCC presently operates a longwall system of underground mining at the West Elk Mine, which is permitted with the Colorado Division of Reclamation, Mining and Safety for a production rate of 8.2 million tons of coal per year. The West Elk Mine was opened in 1981 and presently produces coal from several existing Federal coal leases. The coal mined at the West Elk Mine, as well as from other mines in the North Fork Valley, is a high BTU, low sulfur coal. It is considered a "clean coal" (compliance coal). Its use in industry helps meet standards of the Clean Air Act. As such, there is a demand for coal from the West Elk Mine and other mines in the North Fork Valley by electric power generation industries.

Mining operations have encountered explosive methane gas. In order to continue operations, the methane must be vented to reduce the explosion hazard. A similar project for this same issue was analyzed in 2002 in the *Coal Methane Drainage Project Panels 16–24 Mountain Coal Company-West Elk Mine Environmental Assessment.* Implementation of that project has resulted in field data which will assist in future analysis.

The proposed Deer Creek Shaft is located in the NE¼ Section 32, Township 13 South, Range 90 West, 6th Principal Meridian, in Gunnison County, Colorado (approximately 1800 feet southeast of Minnesota Reservoir) and would serve ventilation and emergency escape functions for mine safety. The access and pad location for this shaft have been approved under a previous NEPA decision (2006) for geotechnical work and have already been constructed.

The proposed methane drainage well development is located Sections 27–29 and 32–34, Township 13 South, Range 90 West and Sections 1–5 and 8–10, Township 14 South, Range 90 West, 6th Principal Meridian, in Gunnison County, Colorado (approximately 7–10 miles east and northeast of Paonia, Colorado). These lands partially overlay Federal Coal Lease C–1362. Portions of this proposed activity overlay unleased Federal lands that are on the leasing schedule for early 2007. While there is no guarantee that MCC will receive leases on these lands, the company wishes to include these lands as precautionary measure for reasonably forseeable developments.

The proposed action consists of the construction of one (1) ventilation shaft and one (1) emergency escape shaft (combined location) and the installation of up to 160 methane drainage wells located on up to 120 pads with up to 19 miles of associated access roads. For the purposes of analysis, the maximum development will be considered.

Deer Creek Shaft Project Proposal Includes:

- Using raisebore, blindbore, or conventional sink construction methods to construct the ventilation shaft to create a 20–28 foot diameter air shaft by 400 feet deep.
- Using raisebore or blindbore methods to construct a 4 foot diameter 400 foot deep emergency escapeway. Constructing enclosure (20 foot x 30 foot steel-sided shed) for emergency escapeway and electrical generation equipment for emergency escape hoist.
- Shaft and escapeway will use previously approved and constructed pad and access road southeast of Minnesota Creek.
- Performing Operations and Maintenance.
- Performing interim reclamation on pad and light-use road once shaft and emergency structures are constructed.
- Sealing airshaft and escapeway and performing final reclamations when no longer needed at end of life of mine (mine life estimated at 13–15 years).

E Seam Methane Drainage Wells (MDW) Project Proposal Includes:

- Drilling and casing of up to 160 MDWs located on up to 120 pads. Estimated total pad disturbance is 75 acres over 12 years.
- Constructing/reconstructing roads between existing roads and new drill pads, estimated length up to 19 miles. Estimated access disturbance is 46 acres over 12 years.
- Installing passive and/or active degassing equipment.
- Operating and Maintaining wells for ventilation of mine.

• Interim reclaiming of mud pits, seeding and mulching outslopes and cut-slopes.

• Plugging drill holes and performing final reclamation on roads and pads when drill holes are no longer performing their intended purpose (estimated life of each MDW is 3 years; construction and reclamation would span 12 years).

Possible Alternatives

No Action.

Proposed Action-Conventional Shaft Construction.

Alternative 1—Raisebore/Blindbore Shaft Construction.

Cooperating Agencies

Department of Interior, Bureau of Land Management, Uncompahgre Field Office.

Responsible Official

Charles S. Richmond, Forest Supervisor, Grand Mesa, Uncompahgre and Gunnison National Forests, 2250 HWY 50, Delta, Colorado 81416.

Nature of Decision To Be Made

The Forest Supervisor must decide:

• Whether or not to permit the surface occupancy for the shaft, access roads and methane drainage wells in part or in entirety.

• Select the proposed action or an alternative method for the shaft and escapeway construction.

• Prescribe terms and/or conditions with respect to the use and protection of non-mineral interests.

Scoping Process

• Publish in *Delta County Independent, Grand Junction Daily Sentinel* and **Federal Register**.

• Send scoping letters to required agencies, Tribes and interested party list.

• Conduct public field trips (if warranted by scoping responses).

• Respond to comments in DEIS.

Preliminary Issues

• Socioeconomic benefits of mining.

• Wildlife.

• Topographic surface, land stability, soils and geologic hazards.

• Vegetation.

• Cultural resources.

• Existing land uses, including recreation, roadless character.

• Existing roads/facilities.

• Visual resources.

• Livestock management.

• Air quality.

• Cumulative impacts.

Permits or Licenses Required

A special use permit will be issued by the Forest Service to the proponent if an action alternative is approved for surface use.

All mine works are approved by Colorado Division of Reclamation, Mining and Safety.

Comment Requested

This notice of intent initiates the scoping process which guides the development of the EIS. Comments are being sought with regard to the design or implementation of this project. Comments which pertain to the use of or leasing of vented methane are outside the scope and authority of this document and will be treated as such.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A draft EIS will be prepared for comment. The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EIS documents must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: September 11, 2006.

Charles S. Richmond,

Forest Supervisor.

[FR Doc. E6–15473 Filed 9–15–06; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Meeting; Southwest Oregon Provincial Advisory Committee

SUMMARY: The Southwest Oregon Provincial Advisory Committee will meet on Tuesday, October 10, 2006, and Wednesday, October 11, 2006, to discuss topics including biomass utilization in Southwest Oregon, incentives for encouraging biomass utilization, and local examples of biomass utilization. The meeting will be held at the Umpqua National Forest Supervisor's office, at 2900 NW. Stewart Parkway in Roseburg, Oregon. The meeting will begin at 10:30 a.m. on October 10th with a fieldtrip and end at approximately 5 p.m. On Wednesday, the meeting will begin at 8 a.m. and end at 3:30 p.m. Written comments may be submitted prior to the meeting and delivered to the Designated Federal Official Jay Carlson at the Roseburg Bureau of Land Management, 777 Garden Valley Boulevard, Roseburg, OR 97470.

FOR FURTHER INFORMATION CONTACT: Umpqua National Forest Public Affairs Officer Cheryl Walters at (541) 957–3270, e-mail: *crwalters@fs.fed.us*, or write Umpqua National Forest, 2900 NW. Stewart Parkway, Roseburg, OR 97470.

Dated: September 12, 2006.

Clifford J. Dils,

Forest Supervisor, Umpqua National Forest.

[FR Doc. 06–7712 Filed 9–15–06; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the North Carolina Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 3 p.m. on Tuesday, September 26, 2006, at the office of Womble, Carlyle, Sandridge, and Rice, 150 Fayetteville Street, Suite 2100, Raleigh, North Carolina, has a new meeting location. The meeting will convene at the Magnolia I Room of the Sheraton Raleigh Hotel, 421 S. Salisbury Street, Raleigh, North Carolina. This notice originally published in the **Federal Register** August 8, 2006, Volume 71, Number 153, Pages 44995 and 44996. This is change of location only. The purpose of the meeting is an orientation of Committee members, a discussion of the Committee's report on Title I funding, a briefing on the Committee's school desegregation project, and a discussion of a project for 2007.

Persons desiring additional information, or planning a presentation to the Committee, should contact Peter Minarik, Ph.D., Regional Director, Southern Regional Office, U.S. Commission on Civil Rights at (404) 562–7000. Hearing impaired individuals may obtain additional information by calling TDD 202–376–8116, and hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, September 13, 2006.

Ivy L. Davis,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. E6–15488 Filed 9–15–06; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of Professional Associations

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is giving notice of a meeting of the Census Advisory Committee of Professional Associations. The Committee will address policy, research, and technical issues related to 2010 Decennial Census programs, including the American Community Survey (ACS). The Committee will also discuss several economic initiatives, demographic program topics, as well as issues pertaining to 2010 communications. Last-minute changes to the agenda are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: October 26–27, 2006. On October 26, the meeting will begin at approximately 9 a.m. and adjourn at approximately 5 p.m. On October 27, the meeting will begin at approximately 9 a.m. and adjourn at approximately 12:15 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau, 4700 Silver Hill Road, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 3627, Federal Building 3, Washington, DC 20233. Her telephone number is 301–763–2070, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The Census Advisory Committee of Professional Associations is composed of 36 members, appointed by the presidents of the American Economic Association, the American Statistical Association, and the Population Association of America, and the Chairperson of the Board of the American Marketing Association. The Committee addresses Census Bureau programs and activities related to each respective Association's area of expertise. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10(a)(b)).

The meeting is open to the public, and a brief period is set aside for public comment and questions. Persons with extensive questions or statements must submit them in writing at least three days before the meeting to the Committee Liaison Officer named above. Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Committee Liaison Officer.

Dated: September 11, 2006.

Charles Louis Kincannon,

Director, Bureau of the Census.

[FR Doc. E6–15456 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1477]

Expansion of Foreign–Trade Zone 9, Honolulu, Hawaii

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

WHEREAS, the State of Hawaii, grantee of Foreign–Trade Zone 9, submitted an application to the Board for authority to expand FTZ 9 to include a site in Kailua–Kona, Hawaii, adjacent to the Kona Customs and Border Protection port of entry (FTZ Docket 5–2006, filed 2/15/2006);

WHEREAS, notice inviting public comment has been given in the **Federal Register** (71 FR 9518, 2/24/2006); and,

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

NOW, THEREFORE, the Board hereby orders:

The application to expand FTZ 9 is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28, and further subject to the Board's standard 2,000–acre activation limit.

Signed at Washington, DC, this 6th day of September 2006.

David M. Spooner,

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

Attest:

Andrew McGilvray,

Acting Executive Secretary.

[FR Doc. E6–15477 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 39–2006]

Foreign–Trade Zone 29 – Louisville, Kentucky, Application for Subzone Status, NACCO Materials Handling Group, Inc., Plant (Forklift Trucks), Berea, Kentucky

An application has been submitted to the Foreign–Trade Zones Board (the Board) by the Louisville and Jefferson County Riverport Authority, grantee of FTZ 29, requesting special–purpose subzone status for the forklift truck manufacturing facility of NACCO Materials Handling Group, Inc. (NMHG), located in Berea, Kentucky. The application was submitted pursuant to the provisions of the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on September 8, 2006.

The NMHG plant (52 acres/508,000 sq. ft.) is located at 2200 Menelaus Road, in Berea (Madison County), Kentucky, about 40 miles south of Lexington. The facility (1,000 employees) is used to produce forklift trucks (Class IV and Class V) powered by gasoline, propane, or diesel engines, and forklift truck components. The manufacturing process at the facility involves machining, cutting, sawing, shearing, milling, welding, bending, and assembly of up to 25,000 units annually. Components purchased from abroad (representing up to 20% of finished forklift truck value) used in manufacturing include: engines, parts of engines, control panels, control centers, switchgear assemblies, distribution boards, printed circuits, torque converters, parts of transmissions, gears, bearing housings, parts of forklift trucks, electric motors, hydraulic pumps, crankshafts, camshafts, transmission shafts, relays, flywheels, pulleys, tubes/pipes, ignition parts, harnesses, catalytic converters, filters, heat exchangers, hydraulic cylinders and related fluid power components, parts of valves and check appliances, fuel injection pumps, electromagnetic couplings/clutches/brakes, wire, electric conductors/converters, steering components, caps/lids, parts of pumps/compressors, starters, bearings, floor coverings, electrical connectors and related assemblies, wiring harnesses, fasteners, couplings/u–joints, chains, gaskets, generators, carbon brushes, transformers, rotors, stators, power supplies, converters, spark plugs, ignition coils and distributors, starter motors, relays, switches, horns, capacitors, resistors, fuses, controllers, circuit breakers and protectors, conductors, lamps/lighting equipment, wheel hubs, and parts of seats (duty rate range: free – 9.0%).

FTZ procedures would exempt NMHG from Customs duty payments on the foreign components used in export production. On its domestic sales and exports to NAFTA markets, the company would be able to choose the duty rate that applies to forklift trucks and forklift truck components (duty free) for the foreign–sourced inputs noted above. The forklift truck duty rate would apply to the foreign inputs if the finished forklift truck components are shipped via zone–to-zone transfer to U.S. forklift truck assembly plants with subzone status. Duties would be deferred or reduced on foreign production equipment admitted to the proposed subzone until such time as it becomes operational. The application indicates that subzone status would help improve the facility's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is November 17, 2006. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to December 4, 2006.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations: U.S. Department of Commerce Export Assistance Center, 1600 World Trade Center, 333 W. Vine Street, Lexington, Kentucky 40507; and, Office of the Executive Secretary, Foreign–Trade Zones Board, Room 1115, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, District of Columbia 20230–0002; Tel: (202) 482–2862.

Dated: September 8, 2006.

Pierre V. Duy,

Acting Executive Secretary.

[FR Doc. E6–15479 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1478]

Grant of Authority for Subzone Status, Pfizer Inc (Pharmaceutical Products), Kalamazoo, Michigan

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

WHEREAS, the Foreign–Trade Zones Act provides for "* * * the establishment * * * of foreign–trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign–Trade Zones Board to grant to qualified corporations the privilege of establishing foreign–trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

WHEREAS, the Board's regulations (15 CFR Part 400) provide for the establishment of special–purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

WHEREAS, the City of Battle Creek, grantee of Foreign–Trade Zone 43, has made application to the Board for authority to establish a special–purpose subzone at the pharmaceutical products manufacturing and warehousing facilities of Pfizer Inc, located in Kalamazoo, Michigan (FTZ Docket 1–2006, filed 1/3/06);

WHEREAS, notice inviting public comment was given in the **Federal Register** (71 FR 2018, 1/12/06); and,

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

NOW, THEREFORE, the Board hereby grants authority for subzone status for activity related to pharmaceutical products manufacturing at the facilities of Pfizer Inc, located in Kalamazoo, Michigan (Subzone 43E), as described in the application and **Federal Register** notice, and subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 7th day of September 2006.

David M. Spooner,

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

Attest:

Andrew McGilvray,

Acting Executive Secretary.

[FR Doc. E6–15480 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 38–2006]

Foreign–Trade Zone 214 – Lenoir County, North Carolina, Application for Subzone Status, NACCO Materials Handling Group, Inc., Plant (Forklift Trucks), Greenville, North Carolina

An application has been submitted to the Foreign–Trade Zones Board (the Board) by the North Carolina Global TransPark Authority, grantee of FTZ 214, requesting special–purpose subzone status for the forklift truck manufacturing facility of NACCO Materials Handling Group, Inc. (NMHG), located in Greenville, North Carolina. The application was submitted pursuant to the provisions of the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on September 8, 2006.

The NMHG plant (83 acres/500,000 sq. ft.) is located at 5200 Greenville Boulevard, N.E., in Greenville (Pitt County), North Carolina. The facility (1,300 employees) is used to produce forklift trucks (Class I, II, and III) powered by electric motors. The manufacturing process at the facility involves machining, cutting, sawing, shearing, milling, welding, bending, and assembly of up to 28,000 units annually. Components purchased from abroad (up to 30% of finished forklift truck value) used in manufacturing include: engines, parts of engines, control panels, control centers, switchgear assemblies, distribution boards, printed circuits, torque converters, parts of transmissions, gears, bearing housings, electric motors, hydraulic pumps, crankshafts, camshafts, transmission shafts, parts of forklift trucks, relays, flywheels, pulleys, tubes/pipes, ignition parts, harnesses, catalytic converters, filters, heat exchangers, hydraulic cylinders and related fluid power components, parts of valves and check appliances, fuel injection pumps, electromagnetic couplings/clutches/brakes, wire, electric conductors/converters, steering components, caps/lids, parts of pumps/compressors, starters, bearings, floor coverings, electrical connectors and related assemblies, wiring harnesses, fasteners, couplings/u–joints, chains, gaskets, generators, carbon brushes, transformers, rotors, stators, power supplies, converters, spark plugs, ignition coils and distributors, starter motors, relays, switches, horns, capacitors, resistors, fuses, controllers, circuit breakers and protectors, conductors, lamps/lighting equipment, wheel hubs, and parts of seats (duty rate range: free – 9.0%).

FTZ procedures would exempt NMHG from Customs duty payments on the foreign components used in export production. On its domestic sales and exports to NAFTA markets, the company would be able to choose the duty rate that applies to forklift trucks (duty free) for the foreign–sourced inputs noted above. Duties would be deferred or reduced on foreign production equipment admitted to the proposed subzone until such time as it becomes operational. The application indicates that subzone status would help improve the facility's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is November 17, 2006;. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to December 4, 2006.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations: U.S. Department of Commerce Export Assistance Center, Suite 110, 10900 World Trade Boulevard, Raleigh, North Carolina 27617; and, Office of the Executive Secretary, Foreign–Trade Zones Board, Room 1115, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, District of Columbia 20230–0002; Tel: (202) 482–2862.

Dated: September 8, 2006.

Pierre V. Duy,

Acting Executive Secretary.

[FR Doc. E6–15481 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

License Exception TMP: Special Requirements

ACTION: Extension of a currently approved collection: Request for Comments.

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

DATES: Written comments must be submitted on or before November 17, 2006.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Larry Hall, BIS ICB Liaison, Department of Commerce, Room 6622, 14th & Constitution Avenue, NW., Washington, DC, 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

License Exception TMP of the Export Administration Regulations (15 CFR 740.8) authorizes temporary (not more than one year) exports and reexports of some commodities and software in some situations in which a license otherwise would be required. Information not covered by any other approved collection is obtained from the public in two situations covered by this collection. The first situation is when the exporter or reexporter wishes to keep the commodities or software abroad for more than one year. In such instances, the exporter or reexporter must submit an application for an extension (up to six months) or to convert the transaction to a permanent export or reexport. The second situation occurs when members of the news media wish to use TMP as authorization to take items that otherwise would require a license to destinations in Country Groups D:1 or E:2 or Sudan (See 15 CFR part 740, Supp. No. 1 for

the constituents of each country group). In this situation, the exporter or reexporter must submit a copy of the packing list or similar information to BIS before the export or reexport.

II. Method of Collection

The information will be submitted in paper form.

III. Data

OMB Number: 0694–0029.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 3.

Estimated Time per Response: 20 minutes per response.

Estimated Total Annual Burden Hours: 1 hour.

Estimated Total Annual Cost: No start-up capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. In addition, the public is encouraged to provide suggestions on how to reduce and/or consolidate the current frequency of reporting.

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

Dated: September 13, 2006.

Madeleine Clayton

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–15466 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Short Supply Regulations, Unprocessed Western Red Cedar

ACTION: Extension of a currently approved collection: Request for Comments.

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

DATES: Written comments must be submitted on or before November 17, 2006.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Larry Hall, BIS ICB Liaison, Department of Commerce, Room 6622, 14th & Constitution Avenue, NW., Washington, DC, 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

The information is collected as supporting documentation for license applications to export western red cedar logs. This information is needed to enforce the Export Administration Act's prohibition against the export of such logs from state or Federal lands.

II. Method of Collection

Submitted on forms or electronically.

III. Data

OMB Number: 0694–0025.

Form Number: BIS–748P.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 35.

Estimated Time Per Response: 30 to 105 minutes per response.

Estimated Total Annual Burden Hours: 35 hours.

Estimated Total Annual Cost: No start-up capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. In addition, the public is encouraged to provide suggestions on how to reduce and/or consolidate the current frequency of reporting.

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

Dated: September 13, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–15467 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Request For Special Priorities Assistance

ACTION: Extension of a currently approved collection: Request for Comments.

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

DATES: Written comments must be submitted on or before November 17, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW.,

Washington DC 20230, (or via the internet at *DHynek@doc.gov*.).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Larry Hall, BIS ICB Liaison, Department of Commerce, Room 6622, 14th & Constitution Avenue, NW., Washington, DC, 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

The information collected from defense contractors and suppliers on form BIS–999 is required for the enforcement and administration of Special Priorities Assistance under the Defense Production Act, the Selective Service Act and the Defense Priorities and Allocation System (DPAS) regulation.

II. Method of Collection

Submitted on forms or electronically.

III. Data

OMB Number: 0694–0057.

Form Number: BIS–999.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 1,200.

Estimated Time Per Response: 30 minutes per response.

Estimated Total Annual Burden Hours: 600 hours.

Estimated Total Annual Cost: No start-up capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. In addition, the public is encouraged to provide suggestions on how to reduce and/or consolidate the current frequency of reporting.

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

Dated: September 13, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–15468 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–817]

Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Oil Country Tubular Goods from Mexico

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On May 12, 2006, the U.S. Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping order covering certain oil country tubular goods from Mexico. *See Certain Oil Country Tubular Goods from Mexico; Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission*, 71 FR 27676 (May 12, 2006) (*"Preliminary Results"*). The review covers producers Hylsa, S.A. de C.V. ("Hylsa") and Tubos de Acero de Mexico, S.A. ("Tamsa"). The period of review ("POR") is August 1, 2004, through July 31, 2005. We invited parties to comment on our *Preliminary Results*. Based on our analysis of comments received, we made one change in the margin calculation, but the margin remained unchanged from the preliminary results. The final results are listed below in the "Final Results of Review" section.

EFFECTIVE DATE: September 18, 2006.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey or David Kurt Kraus, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0193 or (202) 482–7871, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 12, 2006, we published in the **Federal Register** the preliminary results of this antidumping review. *See Preliminary Results*. In response to our *Preliminary Results*, on June 12, 2006, we received case briefs from Hylsa and U.S. Steel ("petitioner"). On June 12, 2006, both Hylsa and petitioner requested a public hearing. On June 15, 2006, both Hylsa and petitioner withdrew their requests for a hearing. Both parties submitted rebuttal briefs on June 19, 2006.

Partial Rescission

In our preliminary results, we announced our preliminary decision to rescind the review with respect to Tamsa because Tamsa had no entries of oil country tubular goods from Mexico during the POR. *See Preliminary Results*. We have received no new information contradicting the decision. Therefore, we are rescinding the administrative review with respect to Tamsa.

Scope of the Order

The merchandise covered by this order is oil country tubular goods (OCTG), hollow steel products of circular cross-section, including oil well casing and tubing of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non–API specifications, whether finished or unfinished (including green tubes and limited–service OCTG products). The scope of this order does not cover casing or tubing pipe containing 10.5 percent or more of chromium, or drill pipe. The OCTG subject to this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.30.10, 7304.29.30.20, 7304.29.30.30, 7304.29.30.40, 7304.29.30.50, 7304.29.30.60, 7304.29.30.80, 7304.29.40.10, 7304.29.40.20, 7304.29.40.30, 7304.29.40.40, 7304.29.40.50, 7304.29.40.60, 7304.29.40.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.60.15, 7304.29.60.30, 7304.29.60.45, 7304.29.60.60, 7304.29.60.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50. The Department has determined that couplings, and coupling stock, are not within the scope of the antidumping order on OCTG from Mexico. *See* Letter to Interested Parties; Final Affirmative

Scope Decision, August 27, 1998. The HTSUS subheadings are provided for convenience and customs purposes. Our written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in case and rebuttal briefs submitted by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memo) from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated September 11, 2006, which is hereby adopted by this notice. The issues the parties have raised and our responses to them are included in the Decision Memo that is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in room B–099 of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly on the internet at *http://ia.ita.doc.gov*. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made the following changes for the final results:

1. We have treated U.S. warranty expense as a direct selling expense.
2. We have excluded imputed inventory carrying cost and imputed credit from the calculation of financial expense for constructed value.
3. We revised Hylsa's profit calculation to reflect the increases in constructed value (RFCV).

Final Results of Review

As a result of our review, we determine that the following weighted–average dumping margin exists for the POR:

Manufacturer/Exporter	Weighted–Average Margin (percent)
Hylsa, S.A. de C.V.	0.62

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b). The Department calculated importer–specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. The Department clarified its "automatic assessment" regulation on May 6, 2003. *See Notice of Policy Concerning Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification applies to entries of subject merchandise during the period of review produced by companies included in these final results for which the reviewed companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediate (reseller) company(ies) involved in the transaction.

As the merchandise subject to this order is exported from Mexico, pursuant to 19 CFR 356.8, the Department will issue appropriate assessment instructions directly to CBP on or after the 41st day after publication of these final results of review. We will direct CBP to assess the appropriate assessment rate against the entered CBP values for the subject merchandise on each of the importer's entries under the relevant order during the POR.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of OCTG from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed company will be the rate shown above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company–specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less–than-fair–value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 23.79 percent. This rate is the "All Others" rate from the LTFV investigation. *See Antidumping Duty Order: Oil Country Tubular Goods From Mexico*, 60 FR 41056 (August 11, 1995). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

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. Timely written notification of the return or 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.

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 11, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix – Issues and Decision Memorandum

1. Offsetting for Export Sales that Exceed Normal Value
2. Limited–Service and Regular–Grade OCTG
3. Brokerage and Handling
4. Warranty Expenses
5. Steel Scrap Purchases
6. Investment Income
7. Inventory Carrying Cost

[FR Doc. E6–15478 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Climate Change Science Program (CCSP) Product Development Committee (CPDC) for Synthesis and Assessment Product 5.3

ACTION: Notice to establish the National Oceanic and Atmospheric Administration (NOAA) Climate Change Science Program (CCSP) Product Development Committee (CPDC) for Synthesis and Assessment Product 5.3

(CPDC–S&A 5.3) under the provisions of the Federal Advisory Committee Act.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the General Services Administration (GSA) rule of Federal Advisory Committee Management, 41 CFR part 102–3, and after consultation with GSA, the Secretary of Commerce has determined that the establishment of the National Oceanic and Atmospheric Administration (NOAA) Climate Change Science Program (CCSP) Product Development Committee (CPDC) for Synthesis and Assessment Product 5.3 (CPDC–S&A 5.3) is in the public interest, in connection with the performance of duties imposed on the Department by law. The CPDC–S&A 5.3 will advise the Secretary, through the Under Secretary of Commerce for Oceans and Atmosphere, on CCSP Topic 5.3: "Decision Support Experiments and Evaluations using Seasonal to Interannual Forecasts and Observational Data". This advice will be provided in the form of a draft Synthesis and Assessment product intended to be used by NOAA to develop a final product in accordance with the *Guidelines for Producing the CCSP Synthesis and Assessment Products*, the OMB Peer Review Bulletin, and the Information Quality Act Guidelines. The CPDC–S&A 5.3 will consist of no more than 30 members to be appointed by the Under Secretary to assure a balanced representation among preeminent scientists, educators, and experts reflecting the full scope of the scientific issues addressed in CCSP Synthesis and Assessment Product 5.3. The CPDC—S&A 5.3 will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, fifteen days from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Beller-Simms, Program Manager, NOAA/OAR/Climate Program Office, Sectoral Applications Research Program, 1100 Wayne Avenue, Suite 1210, Silver Spring, Maryland 20910; telephone 301–427–2351, e-mail: *Nancy.Beller-Simms@noaa.gov.*

Dated: September 12, 2006.

Mark E. Brown,

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

[FR Doc. E6–15472 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091206C]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Habitat Protection Advisory Panel (AP).

DATES: The meeting will convene at 8:30 a.m. on Tuesday, October 3 and conclude no later than 5 p.m.

ADDRESSES: This meeting will be held at the Hilton New Orleans Airport, 901 Airline Drive, Kenner, LA 70062; telephone: (504) 469–5000.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Jeff Rester, Habitat Support Specialist, Gulf States Marine Fisheries Commission; telephone: (228) 875–5912.

SUPPLEMENTARY INFORMATION: The Louisiana/Mississippi group is part of a three-unit Habitat Protection Advisory Panel (AP) of the Gulf of Mexico Fishery Management Council. The principal role of the advisory panels is to assist the Council in attempting to maintain optimum conditions within the habitat and ecosystems supporting the marine resources of the Gulf of Mexico. Advisory panels serve as a first alert system to call to the Council's attention proposed projects being developed and other activities which may adversely impact the Gulf marine fisheries and their supporting ecosystems. The panels may also provide advice to the Council on its policies and procedures for addressing environmental affairs.

At this meeting, the AP will tentatively discuss the Port of Iberia channel deepening project, the Morganza to the Gulf of Mexico hurricane protection project, the Donaldsonville to the Gulf of Mexico hurricane protection project, the proposed deepening of the Atchafalaya River Ship Channel, the Louisiana Coastal Protection and Restoration Plan, the Mississippi River Gulf Outlet deauthorization, the Coastal Impact Assessment Program, the status of the Port of Pascagoula Dredged Material Management Plan, the Mississippi Coastal Improvements Plan, and the Council's Ecosystem Management Plan.

Although other issues not on the agenda may come before the panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal panel action during this meeting. Panel action will be restricted to those issues specifically identified in the agenda listed as available by this notice.

A copy of the agenda can be obtained by calling (813) 348–1630.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina Trezza at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: September 13, 2006.

Tracey L. Thompson,

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

[FR Doc. E6–15417 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090806C]

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings, in Dutch Harbor, AK.

DATES: The meetings will be held on October 2 through October 10, 2006. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Grand Aleutian Hotel, 498 Salmon Way, Dutch Harbor, AK 99692.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Council staff, telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Council will begin its plenary session at 8 a.m. on Wednesday, October 4, continuing through October 10, 2006.

The Council's Advisory Panel (AP) will begin at 8 a.m., Monday, October 2 and continue through Friday October 6, 2006. The Scientific and Statistical Committee (SSC) will begin at 8 a.m. on Monday October 2 and continue through Wednesday, October 4, 2006. The Enforcement Committee will meet Tuesday, October 3, from 9 a.m. to 12 noon in the Makushin Room. The Ecosystem Committee will meet Tuesday, October 3, from 1 p.m. to 5 p.m. in the Makushin Room. All meetings are open to the public, except executive sessions.

Council Plenary Session: The agenda for the Council's plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

1. Reports
a. Executive Director's Report
b. NMFS Management Report (Status of the Interagency Electronic Reporting System and Electronic Catcher Vessel Logbook)
c. U.S. Coast Guard Report
d. Alaska Department of Fish & Game Report
e. U.S. Fish & Wildlife Service Report
f. Department of State Report
g. Protected Species Report

2. Steller Sea Lion Management: Review revised Steller Sea Lion (SSL) proposal ranking tool (SSC only); Progress report on Endangered Species Act consultation and review partial draft Biological Opinion; Report on Steller Sea Lion Mitigation Committee proposals received.

3. Community Development Quota (CDQ) Program: Report on Coast Guard legislation (Public Law 109–241).

4. Trawl License Limitation Program Recency: Preliminary review of analysis and direction as necessary.

5. Bering Sea and Aleutian Islands allocation split for Pacific cod: Review discussion paper and direction as necessary.

6. Socioeconomic data collection: Review discussion paper, and take action as necessary.

7. Groundfish Management: Review Ecosystem Stock Assessment Fishery Evaluation Report (SAFE); review draft Environmental Impact Statement (EIS) and proposed groundfish specifications for 2007/08; initial review Vessel Monitor System requirements; review outline for "other species" analysis (SSC only).

8. Prohibited species bycatch: Initial review of Vessel Incentive Program (VIP) repeal (T); update and direction on Salmon Bycatch (B package).

9. BSAI Crab Management: Review discussion paper on BSAI crab vessel use caps; review and approve BSAI Crab SAFE; Review crab Center for Independent Experts (CIE) report/ overfishing definitions update (SSC only).

10. Essential Fish Habitat (EFH): Review Bering Sea habitat conservation open area boundaries and crab data/ plan; Initial/final action on EFH Aleutian Island open area adjustments.

11. Ecosystem Approaches: Update on Aleutian Island Fishery Ecosystem Plan (FEP), action as necessary; Update on Alaska Marine Ecosystem Forum.

12. Staff Tasking: Review Committees and tasking and take action as necessary; Review Programmatic Groundfish Environmental Impact Statement (PGSEIS) Workplan.

13. Other Business

The SSC agenda will include the following issues:

1. Protected Species Report
2. SSL Management
3. Socioeconomic data
4. Groundfish Management
5. PSC Bycatch
6. BSAI Crab management
7. EFH
8. Ecosystem Approaches
9. Review PGSIES Workplan.

The Advisory Panel will address the same agenda issues as the Council.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: September 13, 2006.

Tracey L. Thompson,

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

[FR Doc. E6–15416 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091206B]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Salmon Technical Team (STT) and Scientific and Statistical Committee (SSC) Salmon Subcommittee will hold a joint work session, which is open to the public, to review proposed salmon methodology changes.

DATES: The work session will be held Tuesday, October 10, 2006, from 9 a.m. to 4 p.m.

ADDRESSES: The work session will be held at the Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Salmon Management Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to brief the STT and SSC on proposed changes to methods used to manage ocean salmon fisheries, review a genetic stock identification research proposal, and to review documentation of the Fishery Regulation Assessment Model (FRAM).

Although non-emergency issues not contained in the meeting agenda may come before the STT and the SSC subcommittee for discussion, those issues may not be the subject of formal action during this meetings. 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 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 Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: September 13, 2006.

Tracey L. Thompson,

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

[FR Doc. E6–15418 Filed 9–15–06; 8:45 am]

BILLING CODE 3510–22–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning the proposed renewal of its President's Volunteer Service Award (PVSA) application, Parts A, B, C, D, and E. These applications must be completed by any organization that is interested in presenting the President's Volunteer Service Award. The President's Volunteer Service Award was established in 2003 as a recognition program to honor Americans who answered the President's call to service and made a sustained commitment to volunteer service.

Copies of the information collection requests can be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by November 17, 2006.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Office of the CEO; Attention Kari Dunn, Executive Director President's Council on Service and Civic Participation; 1201 New York Avenue, NW., Washington, DC, 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 6010 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) *By fax to:* (202) 606–3460, Attention Kari Dunn, Executive Director President's Council on Service and Civic Participation

(4) *Electronically through the Corporation's e-mail address system: kdunn@cns.gov.*

FOR FURTHER INFORMATION CONTACT: Kari Dunn, (202) 606–6708, or by e-mail at *kdunn@cns.gov.*

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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 expected 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 submissions of responses).

Background

In January of 2002, in his State of the Union Address, President Bush called on all Americans to dedicate 4,000 hours or two years of their lives to volunteer service. He created the USA Freedom Corps, a coordinating office at the White House to oversee these efforts and to bring increased attention to the ways in which the Administration could work together to enhance opportunities for all Americans to serve their neighbors and their nation. The response has been positive. Last year, 64.5 million Americans volunteered, an increase of more than 5 million since 2002.

The President's Volunteer Service Award (PVSA) is one initiative that grew out of the USA Freedom Corps and the President's Council on Service and Civic Participation as a way to honor those Americans who were answering the President's call to service. The PVSA application is completed by any organization interested in honoring their volunteers with the President's Volunteer Service Award. The application may be completed electronically using an on-line form at *http://www.presidentialserviceawards.gov.* or by printing off and submitting the form via mail.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: President's Volunteer Service Award Applications.

OMB Number: 3045–0086.

Agency Number: None.

Affected Public: Not-for-profit organizations

Total Respondents: 40,000.

Frequency: On occasion.

Average Time per Response: 15 minutes.

Estimated Total Burden Hours: 10,000 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

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

Dated: September 8, 2006.

Amy Mack,

Chief of Staff.

[FR Doc. E6–15406 Filed 9–15–06; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 06–28]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/DBO/ADM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 06–28 with attached transmittal and policy justification.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

SEP 0 6 2006

In reply refer to:
I-06/004086

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 06-28, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services estimated to cost $200 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard J. Millies

Richard J. Millies
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification

Same ltr to:

House	Senate
Committee on International Relations	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 06-28

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

(i) Prospective Purchaser: Korea

(ii) Total Estimated Value:

Major Defense Equipment*	$ 0 million
Other	$200 million
TOTAL	$200 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: continuation of commercial RC-800 Tactical Reconnaissance Aircraft, Reconnaissance Ground Stations to include contractor services; maintenance; spare and repair parts; support and test equipment; communication support; prime mission equipment (PME); technical support; and contractor engineering; and other related elements of program support.

(iv) Military Department: Air Force (QDO)

(v) Prior Related Cases, if any:
FMS case QCQ - $65 million - 14Jun02
FMS case WCR - $60 million - 14Jun02
FMS case SIL - $164 million - 28Jun96
FMS case SIM - $197 million - 28Jun96

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: SEP 26 2006

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

POLICY JUSTIFICATION

Korea - Contractor, Technical Support, and Logistics Support

The Government of Korea has requested a possible sale for the continuing support for commercial RC-800 Tactical Reconnaissance Aircraft and Reconnaissance Ground Stations, to include contractor services; maintenance; spare and repair parts; support and test equipment; communication support; prime mission equipment (PME); technical support; and contractor engineering; and other related elements of program support. The estimated cost is $200 million.

This proposed sale will contribute to the foreign policy and national security of the United States (U.S.) by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic progress in East Asia.

Korea needs the sustainment support to continue its tactical reconnaissance and signal intelligence (SIGINT) operations. The past Letters of Offer and Acceptance provided the tactical reconnaissance and SIGINT gathering PME used in the aircraft and in the attendant ground stations which process and analyze the data gathered. Korea will use this material and support to maintain its current defensive capability and will have no difficulty absorbing this equipment into its armed forces.

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

The principal contractors will be: Lockheed Martin Company in Goodyear, Arizona and L-3 Communications Company in Greenville, Texas as the sole source contractors for the proposed sustainment. There are no known offset agreements proposed in connection with this potential sale.

Contractor representatives will travel to Korea during the program definition phase of this proposed sale.

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

[FR Doc. 06–7722 Filed 9–15–06; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 06–46]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/DBO/ADM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 06–46 with attached transmittal, policy justification, and Sensitivity of Technology.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
WASHINGTON, DC 20301-2800

SEP 0 6 2006

In reply refer to:
I-06/008219

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 06-46, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Germany for defense articles and services estimated to cost $298 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard J. Millies

Richard J. Millies
Deputy Director

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

Same ltr to:

House	Senate
Committee on International Relations	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 06-46

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

(i) Prospective Purchaser: Germany

(ii) Total Estimated Value:

Major Defense Equipment*	$284 million
Other	$ 14 million
TOTAL	$298 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 72 PATRIOT Advanced Capability-3 (PAC-3) Cost Reduction Initiative (CRI) missiles, 12 each Missile Round Trainers, support equipment, modification kits, publications, spare and repair parts, United States Government and contractor technical assistance and other related elements of logistics support.

(iv) Military Department: Army (WYV, WYW, and WYX)

(v) Prior Related Cases, if any: FMS case WIA - $1 billion – 06Feb85

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.

(viii) Date Report Delivered to Congress: SEP 06 2006

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

POLICY JUSTIFICATION

Germany – PATRIOT Advanced Capability-3 Cost Reduction Initiative Missiles

The Government of Germany has requested a possible sale of 72 PATRIOT Advanced Capability-3 (PAC-3) Cost Reduction Initiative (CRI) missiles, 12 each Missile Round Trainers, support equipment, modification kits, publications, spare and repair parts, United States (U.S.) Government and contractor technical assistance and other related elements of logistics support. The estimated cost is $298 million.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Germany and enhancing standardization and interoperability with U.S. forces.

The PATRIOT PAC-3 CRI missiles will provide Germany with an effective, state-of-the-art anti-Tactical Missile capability. Germany will use these assets to supplement existing fielded PATRIOT Systems. Germany will have no difficulty absorbing these PAC-3 missiles into its armed forces.

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

The prime contractor will be Lockheed Martin Missiles and Fire Control in Dallas, Texas. The purchaser has requested offsets; however, agreements are undetermined and will be defined in negotiations between the purchaser and contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Germany.

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

Transmittal No. 06-46

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

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The PATRIOT Air Defense System contains classified Confidential components and critical/sensitive technology. The PATRIOT Advanced Capability-3 (PAC-3) Cost Reduction Initiative Missile is classified Secret. With the incorporation of the PAC-3 missile, the PATRIOT System will continue to hold a significant technology lead over other surface-to-air missile systems in the world.

2. The PAC-3 Missile sensitive/critical technology is primarily in the area of design and production know-how and primarily inherent in the design, development and/or manufacturing data related to the following components:

a. PAC-3 Missile Guidance Processor Unit
b. PAC-3 Missile software
c. PAC-3 Missile associated Ground Equipment software

Information on vulnerability to electronic countermeasures and counter-counter measures, system performance capabilities and effectiveness, survivability and vulnerability data, PAC-3 Missile seeker capabilities, non-cooperative target recognition, low observable technologies, select software documentation and test data are classified up to Secret.

3. The loss of this hardware and/or data could permit development of information leading to the exploitation of countermeasures and could prove a significant threat to future United States military operations. If an adversary were to obtain this hardware and/or data, the missile system effectiveness could be comprised through reverse engineering techniques.

[FR Doc. 06–7723 Filed 8–16–06; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Visitors Meeting

AGENCY: Defense Acquisition University.

ACTION: Board of Visitors meeting.

SUMMARY: The next meeting of the Defense Acquisition University (DAU) Board of Visitors (BoV) will be held at Defense Acquisition University, Fort Belvoir, VA. The purpose of this meeting is to report back to the BoV on continuing items of interest.

DATES: September 27, 2006 from 0900–1500.

ADDRESSES: Packard Conference Center, Defense Acquisition University, Bldg. 184, Fort Belvoir, VA 22060

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Cizmadia at 703–805–5134.

SUPPLEMENTARY INFORMATION: The meeting is open to the public; however, because of space limitations, allocation of seating will be made on a first-come, first severed bsis. Persons desiring to attend the meeting should call Ms. Patricia Cizmadia at 703–805–5134.

Dated: September 12, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 06–7724 Filed 9–15–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Chief of Naval Operations (CNO) Executive Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice of closed meeting.

SUMMARY: The CNO Executive Panel will form consensus advice for the final report on the findings and recommendations of the Systems Engineering and Integration Subcommittee to the CNO. The meeting will consist of discussions of Navy engineering, research and design development strategies and processes.

DATES: The meeting will be held on September 28, 2006, from 10 a.m. to 11:30 a.m.

ADDRESSES: The meeting will be held in the Center for Naval Analysis Corporation Boardroom at 4825 Mark Center Drive, Alexandria, VA 22311–1846.

FOR FURTHER INFORMATION CONTACT: Mr. Kip Blecher, CNO Executive Panel, 4825 Mark Center Drive, Alexandria, VA 22311, or telephone 703–681–4909.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), these matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

Dated: September 11, 2006.

M.A. Harvison,

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

[FR Doc. E6–15434 Filed 9–15–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 18, 2006.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Rachel Potter, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 11, 2006.

Angela C. Arrington,

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

Institute of Education Sciences

Type of Review: Revision.

Title: 2007 National Household Education Surveys Program (NHES: 2007).

Frequency: One time.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 103,714.

Burden Hours: 16,501.

Abstract: NHES is a survey of households using random-digit-dialing and computer-assisted telephone interviewing. Three topical surveys are to be conducted in NHES:2007: School Readiness (SR), Parent and Family Involvement in Education (PFI), and Adult Education for Work-Related Reasons (AEWR). The surveys' results will support cross-sectional analyses and the analyses of changes over time.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 3188. 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. E6–15407 Filed 9–15–06; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Fulbright-Hays Group Projects Abroad Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

Catalog of Federal Domestic Assistance (CFDA) Number: 84.021A

Dates:

Applications Available: September 18, 2006.

Deadline for Transmittal of Applications: November 2, 2006.

Deadline for Intergovernmental Review: January 2, 2007.

Eligible Applicants: (1) Institutions of higher education, (2) State departments of education, (3) private nonprofit educational organizations, and (4) consortia of these entities.

Estimated Available Funds: The Administration has requested $2,223,000 for new awards for this program for FY 2007. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $50,000—$90,000.

Estimated Average Size of Awards: $74,000.

Maximum Award: We will reject any application that proposes a budget exceeding $90,000 for a single budget period of 12 months. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 30.

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

Project Period: Up to 12 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Fulbright-Hays Group Projects Abroad (GPA) Program supports overseas projects in training, research, and curriculum development in modern foreign languages and area studies for groups of teachers, students, and faculty engaged in a common endeavor. Projects may include short-term seminars, curriculum development, or group research or study.

Priorities: In accordance with 34 CFR 75.105(b)(2)(ii), these priorities are from the regulations for this program (34 CFR 664.32).

Absolute Priority: For FY 2007 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Specific geographic regions of the world: A group project funded under this priority must focus on one or more of the following geographic regions of the world: Africa, East Asia, South Asia, Southeast Asia and the Pacific, the Western Hemisphere (Central and South America, Mexico, and the Caribbean), East Central Europe and Eurasia, and the Near East.

Within this absolute priority, we are establishing the following competitive preference and invitational priorities.

Competitive Preference Priority I: For FY 2007 this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), 664.30(b), and 664.31(g) we award an additional five (5) points to an application that meets this priority.

This priority is:

Applications that propose short-term projects abroad in the countries in which the following critical languages are spoken: Arabic, Chinese, Japanese, Korean, Russian, as well as Indic, Iranian, and Turkic language families.

Competitive Preference Priority II: For FY 2007 this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), 664.30(b), and 664.31(g) we award up to an additional five (5) points to an application, depending on how well the application meets this priority.

This priority is:

Short-term seminars that develop and improve foreign language and area studies at elementary and secondary schools.

Invitational Priority: For FY 2007 this priority is an invitational priority. Under 34 CFR 75.105–(c)(1) we do not give an application that meets this priority a competitive or absolute preference over other applications.

This priority is:

Group Study projects that provide opportunities for undergraduate students to study in a foreign country for either a semester or a full academic year; under this invitational priority, we encourage applicants to provide opportunities to students from across the United States.

Program Authority: 22 U.S.C. 2452.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

(b) The regulations for this program in 34 CFR part 664.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants. As part of its FY 2007 budget request, the Administration proposed to continue to allow funds to be used to support the participation of individuals who plan to apply their language skills and knowledge of countries vital to the United States national security in fields outside teaching, including government, the professions, or international development. Therefore, institutions may propose projects for visits and study in foreign countries by individuals in these fields, in addition to those planning a teaching career. However, authority to use funds for participants outside of the field of teaching depends on final Congressional action. Applicants will be given an opportunity to amend their applications if such authority is not provided.

Estimated Available Funds: The Administration has requested $2,223,000 for this program for FY 2007. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $50,000–$90,000.

Estimated Average Size of Awards: $74,000.

Maximum Award: We will reject any application that proposes a budget exceeding $90,000 for a single budget period of 12 months. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 30.

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

Project Period: Up to 12 months.

III. Eligibility Information

1. *Eligible Applicants:* (1) Institutions of higher education, (2) State departments of education, (3) private nonprofit educational organizations, and (4) consortia of these entities.

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Dr. Lungching Chiao or Ms. Michelle Guilfoil, International Education Programs Service, U.S. Department of Education, 1990 K Street, NW., 6th floor, Washington, DC 20006–8521. Telephone: (202) 502–7624 or (202) 502–7625 or by e-mail: *lungching.chiao@ed.gov* or *michelle.guilfoil@ed.gov*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program. Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 40 pages, using the following standards:

• A "page" is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions. However, you may single space all text in charts, tables, figures and graphs.

• Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch). However, you may use a 10-point font in charts, tables, figures, and graphs.

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. Applications submitted in any other font (including Times Roman, Arial Narrow) will not be accepted.

The page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; the one-page abstract; or the appendices. However, you must include your complete response to the selection criteria in the application narrative.

We will reject your application if—

• You apply these standards and exceed the page limit; or

• You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times: Applications Available:* September 18, 2006. *Deadline for Transmittal of Applications:* November 2, 2006.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

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

Deadline for Intergovernmental Review: January 2, 2007.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

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

a. *Electronic Submission of Applications.*

Applications for grants under the Fulbright-Hays Group Projects Abroad program must be submitted electronically using the Grants.gov Apply site at: *http://www.grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for The Fulbright-Hays Group Projects Abroad program at: *http://www.grants.gov/.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at: *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf*

• To submit your application via Grants.gov, you must complete all the steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) Registering your organization, (2) registering yourself as an Authorized Organization Representative (AOR), and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://*

www.grants.gov/Section910/grants.govRegistrationBrochure.pdf). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information typically included on the Application for Federal Assistance (SF 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

• Your electronic application must comply with any page limit requirements described in this notice.

• After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date. *Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Dr. Lungching Chiao, U.S. Department of Education, 1990 K Street, NW., 6th Floor, Washington, DC 20006–8521. FAX: (202) 502–7860.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: 84.021A, 400 Maryland Avenue, SW., Washington, DC 20202–4260, or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: 84.021A, 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: 84.021A, 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *General:* Applications are divided into seven categories based on the world area focus of their projects, as described in the absolute priority listed in this notice. Language and area studies experts in seven discrete world area-based panels will review each application. Each panel reviews, scores, and ranks its applications separately from the applications assigned to the other world area panels. However, all applications will be ranked from the highest to the lowest score for funding purposes.

2. *Selection Criteria:* The selection criteria for this program are from 34 CFR 664.31 and are as follows: (a) Plan of operation (20 points), (b) quality of key personnel (10 points), (c) budget and cost effectiveness (10 points), (d) evaluation plan (20 points), (e) adequacy of resources (5 points), (f) impact of the project on the development of the study of modern foreign languages and area studies in American education (15 points), (g) relevance to the institution's educational goals and relationship to program development (5 points), (h) need for overseas experiences to achieve project objectives and the effectiveness with which relevant host country resources will be utilized (10 points), and (i) the extent to which the proposed project addresses the competitive preference priorities (10 points).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. Grantees are required to use the electronic data instrument *Evaluation of Exchange, Language, International, and Area Studies* (EELIAS) system to complete the final report.

4. *Performance Measures:* The objective of the GPA program is to meet the nation's security and economic needs through the development of a national security capacity in foreign languages, and area and international studies. Under the Government Performance and Results Act, the Department will use the following measure to evaluate the success of the program in meeting this objective. GPA Performance Measure: Percent of projects judged to be successful by the program officer, based on a review of information provided in annual performance reports. The information provided by grantees in their performance reports submitted via the electronic Evaluation of Exchange, Language, International, and Area Studies system will be the source of data for this measure.

VII. Agency Contacts

For Further Information Contact: Dr. Lungching Chiao or Ms. Michelle Guilfoil, International Education Programs Service, U.S. Department of Education, 1990 K Street, NW., 6th floor, Washington, DC 20006–8521. Telephone: (202) 502–7624 or (202) 502–7625 or by e-mail: *lungching.chiao@ed.gov* or *michelle.guilfoil@ed.gov*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: September 13, 2006.

James F. Manning,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. E6–15487 Filed 9–15–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–435–000]

Columbia Gas Transmission Corporation; Notice of Application

September 8, 2006.

Take notice that on August 30, 2006, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed with the Commission an application, pursuant to section 7(b) of the Natural Gas Act (NGA), for permission and approval to abandon by sale certain natural gas facilities located in various Ohio counties and to abandon the services being provided through these facilities. Columbia also requests that the Commission find the facilities, when sold, as exempt from the Commission's jurisdiction pursuant to section 1(c) of the NGA, as more fully set forth in the application which is open to public inspection. This filing may be also viewed on the Web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERCOnline Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

The facilities that Columbia proposes to abandon by sale for $6.5 million to Cobra Pipeline Co., Ltd. (Cobra) include

approximately 217 miles of storage and transmission pipeline, three compressor stations, various delivery and receipt points, mainline taps, rights-of-way, leases, and appurtenances. Columbia states that Cobra, operating as an intrastate pipeline in Ohio, would continue to provide firm transportation service to customers currently serve via the subject facilities. Columbia also states that Cobra would provide service to the customers on a non-discriminatory basis in accordance with its tariff pending approval by the Public Utility Commission of Ohio.

Any questions regarding this application should be directed to Frederic J. George, Lead Counsel, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325–1273, or via telephone at (304) 357–2359 and facsimile number (304) 357–3206.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

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: September 29, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15376 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–440–000]

Columbia Gas Transmission Corporation; Notice of Application

September 8, 2006.

Take notice that on August 31, 2006, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, WV 25314, filed in Docket No. CP06–440–000 an application pursuant to section 7(c) of the Natural Gas Act (NGA) for authorization to: (1) Reclassify Clendenin #6 compressor unit from standby service to base load status and increase its certificated horsepower from 2,700 to 3,550 hp; and (2) increase the certificated horsepower of the Clendenin Compressor Station located in Kanawha County, West Virginia from 19,000 hp to 22,550 hp. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@gerc.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; telephone 304–357–2359, fax 304–357–3206.

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.

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: September 29, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15378 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–4064–003]

Coons, Rick D.; Notice of Filing

September 13, 2006.

Take notice that on August 25, 2006, Rick D. Coons filed an amended application for authorization to hold interlocking positions for Wabash Valley Power Association, Inc., Cooperative Energy Services Power Marketing, LLC and Wabash Valley Energy Marketing, pursuant to Section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b), Part 45 of the Rules of Practice and Procedure, 18 CFR part 45 and Order No. 664.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 25, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15425 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–36–019]

Dauphin Island Gathering Partners; Notice of Negotiated Rate

September 11, 2006.

Take notice that on September 1, 2006, Dauphin Island Gathering Partners (Dauphin Island) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Twenty-Second Revised Sheet No. 10 to become effective October 2, 2006.

Dauphin Island states that these tariff sheets reflect changes to its statement of negotiated rates tariff sheets.

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. E6–15394 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–404–001]

Eastern Shore Natural Gas Company; Notice of Compliance Filing

September 11, 2006.

Take notice that on September 7, 2006 Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing as part of FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with an effective date of September 7, 2006:

Original Sheet No. 234
Original Sheet No. 235
Original Sheet No. 236

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. E6–15396 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–446–000]

Gulf South Pipeline Company, LP; Notice of Application

September 11, 2006.

Take notice that on September 1, 2006, Gulf South Pipeline Company, LP (Gulf South), 20 East Greenway Plaza, Houston, Texas 77046, filed in Docket No. CP06–446–000, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) to authorize Gulf South to site, construct, and operate facilities consisting of 241.9 miles of pipeline, 110,604 horsepower of compression, interconnecting facilities and appurtenant facilities, and to abandon by lease to Texas Gas Transmission, LLC (Texas Gas), 62,180 Dth/day of capacity on the facilities proposed herein, all as more fully set forth in the application which is on file with the Commission and open to public inspection. In a related application, Texas Gas filed in Docket No. CP06–441–000, for authorization to lease the capacity under section 7 of the NGA. The instant filing may be also viewed on the web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application may be directed to J. Kyle Stephens, Director of Certificates, 20 East Greenway Plaza, Houston, Texas 77046 or by telephone at 713–544–7309 or telecopy to 713–544–3540.

On February 17, 2006, the Commission staff granted Gulf South's request to utilize the Commission's Pre-Filing Process for its East Texas Expansion Project and assigned Docket No. PF06–17–000 to staff activities involving the East Texas Expansion Project. Additionally, on April 13, 2006, the Commission staff granted Gulf South's request to utilize the Commission's Pre-Filing Process for its Mississippi Expansion Project and assigned Docket No. PF06–23–000 to that project. Now, as of the filing of Gulf South's application on September 1, 2006, the Commission's Pre-Filing Process for these projects has ended. As Gulf South's two expansion projects have now been combined into one project, from this time forward, Gulf South's proceeding will be conducted in Docket No. CP06–446–000, 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 below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Comment Date: October 2, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15390 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–320–070]

Gulf South Pipeline Company, LP; Notice of Compliance Filing

September 11, 2006.

Take notice that on September 1, 2006, Gulf South Pipeline Company, LP (Gulf South) submitted a compliance filing pursuant to the Commission's order issued August 17, 2006 in Docket No. RP96–320–069, Gulf South Pipeline Co., 116 FERC ¶ 61,153 (2006).

Gulf South states that copies of the filing were served on 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 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. E6–15398 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–436–000]

International Paper Company; Notice of Application

September 8, 2006.

Take notice that on August 29, 2006, International Paper Company (IPCo), 6400 Poplar Avenue Memphis, TN 38197, filed in Docket No. CP06–436–000 an application pursuant to section 7(b) of the Natural Gas Act (NGA), as amended, for authorization to abandon, in place, its 10.5 mile 6-inch natural gas pipeline in Webster and Bossier Parishes, Louisiana and Lafayette County, Arkansas, which is no longer in use. IPCo also proposes to remove and abandon all above ground pipeline appurtenances (i.e., valves and vents) at three sites along the pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@gerc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Nicholas W. Fels, Covington & Burling LLP, 1201 Pennsylvania Avenue, NW., Washington, DC 20004, phone 202–662–5648, fax 202–662–6290.

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.

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: September 22, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15377 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–177–003]

Iroquois Gas Transmission System, L.P.; Notice of Compliance Filing

September 11, 2006.

Take notice that on September 8, 2006, Iroquois Gas Transmission System, L.P. (Iroquois) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

Substitute Second Revised Sheet No. 53
Substitute Fourth Revised Sheet No. 54
Substitute Seventh Revised Sheet No. 55
Original Sheet No. 55A
Fourth Revised Sheet No. 56

Iroquois states that the tariff sheets modify the credit assurance provisions applicable to the HUB Service, as described in Iroquois' filing. By order issued March 20, 2006 (114 FERC ¶ 61,287) the Commission accepted the tariff sheets for the HUB Service, to become effective five days after the date that Iroquois notifies the Commission that it intends to implement HUB Service upon completion of necessary technological changes and system upgrades. Iroquois states that it has been submitting monthly status reports, wherein Iroquois has reported that it currently anticipates implementing the service on October 17, 2006.

Iroquois requests that the revised tariff sheets be made effective at the same time as the other tariff sheets implementing the HUB Service.

Iroquois states that copies of the filing were served on all jurisdictional customers and interested state regulatory agencies and all parities to the 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 on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory

Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 18, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15395 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–517–000]

Kern River Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

September 11, 2006.

Take notice that on August 25, 2006, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to be effective October 1, 2006:

Second Revised Sheet No. 200
Original Sheet No. 200–A

Kern River states that it has served a copy of this filing upon its customers and interested state regulatory commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible 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. E6–15397 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–81–028]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Filing

September 11, 2006.

Take notice that on September 5, 2006 Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing Fourth Revised Volume No. 1–A, Sixth Revised Sheet No. 4L, to be effective September 6, 2006.

KMIGT states that the above-referenced tariff sheet reflects an amendment to a previously approved negotiated rate contract effective September 6, 2006. The tariff sheet is being filed pursuant to Section 36 of KMIGT's FERC Gas Tariff Fourth Revised Volume No. 1–B, and the procedures prescribed by the Commission in its December 31, 1996 "Order Accepting Tariff Filing Subject to Conditions" in Docket No. RP97–81 (77 FERC ¶ 61,350) and the Commission's Letter Orders dated March 28, 1997 and November 30, 2000 in Docket Nos. RP97–81–001 and RP01–70–000, respectively.

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. E6–15388 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2195]

Portland General Electric Company; Notice of Authorization for Continued Project Operation

September 8, 2006.

On August 26, 2004, Portland General Electric Company, licensee for the Clackamas River Hydroelectric Project, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Clackamas River Project is located on the Clackamas River in Clackamas County, Oregon near Estacada, Oregon.

The license for Project No. 2195 was issued for a period ending August 31, 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. 2195 is issued to Portland General Electric Company for a period effective September 1, 2006 through August 31, 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 August 31, 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 Portland General Electric Company, is authorized to continue operation of the Clackamas River Project until such time as the Commission acts on its application for a subsequent license.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15385 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–205–013]

Southern Natural Gas Company; Notice of Negotiated Rate

September 11, 2006.

Take notice that on September 1, 2006, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets, to become effective November 1, 2006:

Tenth Revised Sheet No. 23
Sixth Revised Sheet No. 23A

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. E6–15393 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–439–000]

Southern Natural Gas Company; Transcontinental Gas Pipe Line Corporation; Notice of Joint Application for Abandonment

September 11, 2006.

Take notice that on August 30, 2006, Southern Natural Gas Company (Southern) and Transcontinental Gas Pipe Line Corporation (Applicants) tendered for filing a joint application in abbreviated format for an order permitting and approving abandonment of the transportation services provided pursuant to the following rate schedules:

Transco rate schedule	Southern rate schedule
X–213	X–47
X–225	

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 September 22, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15399 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–441–000]

Texas Gas Transmission, LLC; Notice of Application

September 11, 2006.

Take notice that on September 1, 2006, Texas Gas Transmission, LLC (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP06–441–000, an application pursuant to section 7 of the Natural Gas Act (NGA) for authorization to lease 62,180 dekatherms per day (Dth/day) of capacity from Gulf South Pipeline Company, LP (Gulf South), all as more fully set forth in the application which is on file with the Commission and open to public inspection. In a related application filed in Docket No. CP06–446–000, Gulf South seeks authorization to construct, own and operate facilities capable of providing the leased capacity. The instant filing may be also viewed on the web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208–3676 or TTY, (202) 502–8659.

Any questions concerning this application may be directed to Kathy D. Fort, Manager of Certificates and Tariffs, Texas Gas Transmission, LLC, P.O. Box 20008, Owensboro, Kentucky 42304.

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, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link.

Comment Date: 5 p.m. Eastern Time on October 2, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15389 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–426–028]

Texas Gas Transmission, LLC; Notice of Negotated Rate

September 11, 2006.

Take notice that on September 1, 2006, Texas Gas Transmission, LLC, (Texas Gas) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, First Revised Sheet No. 52, to become effective September 1, 2006.

Texas Gas states that the purpose of this filing is to submit to the Commission a tariff sheet detailing a Negotiated Rate Agreement between Texas Gas and Tennessee Valley Authority (TVA) dated August 31, 2006, to be effective September 1, 2006, under a Short-Term Firm Transportation (STF) service agreement. This negotiated rate agreement is being submitted in compliance with "Section 38. Negotiated Rates" of the General Terms and Conditions of Texas Gas' tariff and the Commission's modified policy on negotiated rates [104 FERC ¶ 61,134 (2003)].

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. E6–15392 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP06–442–000, CP06–443–000, and CP06–444–000]

UGI LNG, Inc.; Notice of Filing

September 8, 2006.

Take notice that on August 31, 2006, UGI LNG, Inc. (UGI LNG) filed an abbreviated application for a certificate of public convenience and necessity and blanket certificates, pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's Rules and Regulations, authorizing UGI LNG to acquire and operate an existing liquefied natural gas (LNG) peak-shaving facility located near the town of Temple in Ontelaunee Township, Berks County, Pennsylvania (the Temple Facility), certain appurtenant pipeline facilities interconnecting with the interstate facilities of Texas Eastern Transmission L.P. (Texas Eastern), and associated authority. The application is on file with the Commission and open for 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.

The Temple Facility is currently operated by UGI Energy Services, Inc. (UGIES) for the provision of full requirements LNG delivery services to UGI Utilities, Inc. (UGIU). The Temple Facility is connected only to intrastate pipeline facilities owned by UGIU and operated subject to the oversight authority of the Pennsylvania Public Utility Commission. The requested certification will enable UGI LNG to offer firm and interruptible LNG liquefaction, storage, and vaporization services in interstate commerce. The Temple Facilities consists of a 250,000 Mcf storage tank, a vaporization system designed to deliver up to 50,000 Dth/d, a liquefier designed to deliver 4,000 Dth/d, and an approximately 5,000 feet of 8 inch pipeline connecting the Temple Facilities to Texas Eastern's system. UGI LNG proposes market-based rates for the LNG liquefaction storage, and vaporization services which will commenced on January 1, 2007.

Any questions regarding the application are to be directed to Frank H. Markle, Counsel, UGI Corporation, Box 858, Valley Forge, PA 19482.

Any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). 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.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper, see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Comment Date: September 29, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15379 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–447–000]

Williston Basin Interstate Pipeline Company; Notice of Application

September 8, 2006.

On September 6, 2006, Williston Basin Interstate Pipeline Company, (Williston Basin) 1250 West Century Avenue, Bismarck, ND 58503, pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's regulations, filed an abbreviated application for a certificate of public convenience and necessity seeking authority to install and operate, on a temporary basis, two leased natural gas compressor units in its existing Elk Basin Compressor Station, along with all auxiliary and appurtenant facilities associated with the installation of the temporary compression facilities. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "e-Library" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676, or for TTY, (202) 502–8659.

Any questions regarding this application should be directed to Keith A. Tiggelaar, Director of Regulatory Affairs, Williston Basin Interstate Pipeline Company, P.O. Box 5601, Bismarck, North Dakota 58506–5601, phone (701) 530–1560, *keith.tiggelaar@wbip.com.*

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project

provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Protests and interventions may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Comment Date: September 18, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15381 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL06–89–000]

Californians for Renewable Energy, Inc., Complainants v. California Independent System Operator, Respondent; Notice of Amended Complaint

September 8, 2006.

Take notice that on September 5, 2006, Californians for Renewable Energy, Inc. (CARE) filed an amendment to its July 24, 2006 complaint against the California Independent System Operator Corporation (CAISO). CARE states that it is filing this amendment to provide additional information describing the violation of due process and equal protection under the laws of California and the United States federal government that has occurred during the CEC siting process.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 25, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15382 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

September 8, 2006.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC06–157–000.

Applicants: Westar Energy, Inc.

Description: Aquila, Inc and Westar Energy, Inc submit an Application for Approval of Disposition of Assets and Exhibits.

Filed Date: August 31, 2006.

Accession Number: 20060907–0155.

Comment Date: 5 p.m. Eastern Time on Thursday, September 21, 2006.

Docket Numbers: EC06–158–000.

Applicants: Hawks Nest Hydro LLC; Alloy Power L.L.C.

Description: Alloy Power LLC and Hawks Nest Hydro LLC submit an application for authorization for disposition of jurisdictional facilities.

Filed Date: August 31, 2006.

Accession Number: 20060906–0070.

Comment Date: 5 p.m. Eastern Time on Thursday, September 21, 2006.

Docket Numbers: EC06–159–000.

Applicants: Avista Rathdrum, LLC; Cogentrix of Rathdrum, Inc.; Rathdrum Power, LLC.

Description: Avista Rathdrum, LLC, *et al.* submit their application for authorization of a disposition of jurisdictional facilities and request for expedited action.

Filed Date: September 1, 2006.

Accession Number: 20060907–0049.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Take notice that the Commission received the following electric rate filings

Docket Numbers: ER99–830–017.

Applicants: Merrill Lynch Capital Services, Inc.

Description: Merrill Lynch Commodities Inc submits an errata to amend the July 24, 2006 notice to include Merrill Lynch Capital Services Inc.

Filed Date: August 30, 2006.

Accession Number: 20060905–0082.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 20, 2006.

Docket Numbers: ER02–2559–007; ER01–1071–009; ER02–2018–008; ER05–222–004; ER00–2391–008; ER98–2494–012; ER06–9–004; ER05–487–005; ER05–1281–004; ER03–34–008; ER02–1903–007; ER99–2917–009; ER06–1261–002; ER03–1104–005; ER03–1105–005; ER03–1332–004; ER06–1392–001; ER03–1333–005; ER03–1103–004; ER01–838–008; ER03–1025–004; ER01–1972–008; ER98–2076–012; ER03–155–007; ER98–4222–008; ER04–290–003; ER01–1710–010; ER04–187–005; ER02–2166–007; ER04–947–006; ER01–2139–011; ER03–1375–004.

Applicants: Backbone Mountain Windpower LLC; Badger Windpower, LLC; Blythe Energy, LLC; Diablo Winds, LLC; Doswell Limited Partnership; ESI Vansycle Partners, L.P.; FPL Energy Burleigh County Wind, LLC; FPL Energy Cowboy Wind, LLC; FPL Energy Duane Arnold, LLC; FPL Energy Hancock County Wind, LLC; FPL Energy Marcus Hook, L.P.; FPL Energy MH 50, LP; FPL Energy Mower County, LLC; FPL Energy North Dakota Wind, LLC; FPL Energy North Dakota Wind II, LLC; FPL Energy Oklahoma Wind, LLC; FPL Energy

Oliver Wind, LLC; FPL Energy Sooner Wind, LLC; FPL Energy South Dakota Wind, LLC; FPL Energy Vansycle, L.L.C.; FPL Energy Wyoming, LLC; Gray County Wind Energy, LLC; Hawkeye Power Partners, LLC; High Winds, LLC; Lake Benton Power Partners II, LLC; Meyersdale Windpower LLC; Mill Run Windpower, LLC; North Jersey Energy Associates, A Limited Partnership; Pennsylvania Windfarms, Inc.; POSDEF Power Company, L.P.; Somerset Windpower, LLC; Waymart Wind Farm, L.P.

Description: FPLE Companies submits Joint Triennial Market Power Update.

Filed Date: August 28, 2006.

Accession Number: 20060906–0025.

Comment Date: 5 p.m. Eastern Time on Monday, September 18, 2006.

Docket Numbers: ER06–1047–003; ER06–451–008.

Applicants: Southwest Power Pool, Inc.

Description: Xcel Energy Services Inc on behalf Southwestern Public Service Company submits First Revised Sheet 8 *et al.* to FERC Electric Tariff, First Revised Volume 1, effective November 1, 2006.

Filed Date: August 31, 2006.

Accession Number: 20060905–0098.

Comment Date: 5 p.m. Eastern Time on Thursday, September 21, 2006.

Docket Numbers: ER06–1432–000.

Applicants: Commonwealth Edison Company.

Description: Commonwealth Edison Company submits Interconnection Agreement and Construction Agreement with the City of Batavia and PJM Interconnection, LLC.

Filed Date: August 30, 2006.

Accession Number: 20060901–0069.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 20, 2006.

Docket Numbers: ER06–1446–000.

Applicants: Hawks Nest Hydro LLC.

Description: Hawks Nest Hydro LLC submits Application for Market-based Authorization, Certain Waivers and Blanket Authorizations and Request for Expedited Action.

Filed Date: August 31, 2006.

Accession Number: 20060905–0184.

Comment Date: 5 p.m. Eastern Time on Thursday, September 18, 2006.

Docket Numbers: ER06–1448–000.

Applicants: New England Power Pool Participants Committee.

Description: The New England Power Pool Participants Committee submits the counterpart signature pages of the New England Power Pool Agreement dated as of September 1, 1971 as amended and executed by the entities.

Filed Date: September 1, 2006.

Accession Number: 20060906–0015.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1449–000.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corporation submits Notice of Cancellation of Service Agreements 33 *et al.* to its FERC Electric Tariff, Sixth Revised Volume No. 5.

Filed Date: September 1, 2006.

Accession Number: 20060906–0009.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1450–000.

Applicants: WPS Resources Operating Companies.

Description: Wisconsin Public Service Corp and Upper Peninsula Power Co submit a notice of cancellation and revised service agreement cover sheet.

Filed Date: September 1, 2006.

Accession Number: 20060906–0008.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1451–000.

Applicants: Niagara Mohawk Power Corporation.

Description: Niagara Mohawk Power Corporation submits its Service Agreement 920, OATT of the New York Independent System Operator, Inc.

Filed Date: September 1, 2006.

Accession Number: 20060906–0024.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1452–000.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection LLC submits an executed Wholesale Market Participation Agreement among PJM, Granger Energy of Honeybrook LLC, and PPL Electric Utilities Corporation.

Filed Date: September 1, 2006.

Accession Number: 20060906–0022.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1453–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC submits a Wholesale Market Participation Agreement among PJM, Ocean Energy Corporation, and Jersey Central Power & Light a FirstEnergy Company.

Filed Date: September 1, 2006.

Accession Number: 20060906–0023.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1454–000.

Applicants: Westar Energy, Inc.

Description: Westar Energy, Inc submits its Second Revised Sheets 1 and 4 of its First Revised Rate Schedule 233, an Electric Power Supply Agreement with the City of Robinson, Kansas.

Filed Date: September 1, 2006.

Accession Number: 20060906–0012.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1462–000.

Applicants: Aquila Inc.

Description: Aquila, Inc submits its Power Purchase Agreement, Service Agreement No. 1, with Mid-Kansas Electric Company LLC.

Filed Date: August 31, 2006.

Accession Number: 20060906–0164.

Comment Date: 5 p.m. Eastern Time on Thursday, September 21, 2006.

Docket Numbers: ER06–1463–000.

Applicants: The Empire District Electric Company.

Description: The Empire District Electric Co submits its First Revised Sheet 4c–10 *et al.* to its FERC Electric Tariff, Original Volume No 1.

Filed Date: September 1, 2006.

Accession Number: 20060906–0165.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1464–000.

Applicants: ISO New England Inc.; New England Power Pool Participants Committee.

Description: ISO New England *et al.* submit their proposed market rule changes to re-instate Appendix H to Market Rule 1.

Filed Date: September 1, 2006.

Accession Number: 20060906–0166.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1465–000.

Applicants: New England Power Pool, Inc.

Description: ISO New England, Inc et al submits filing implementing the Transition Provisions of the Forward Capacity Market Settlement Agreement filed on March 6, 2006.

Filed Date: September 1, 2006.

Accession Number: 20060907–0020.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1466–000.

Applicants: New York Independent System Operator, Inc.

Description: The New York Independent System Operator, Inc submits proposed revisions to its Open Access Transmission Tariff and its Market Administration and Control Area Services Tariff etc.

Filed Date: September 1, 2006.

Accession Number: 20060907–0019.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1467–000; ER06–451–009.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc proposes to revise portions of its

Open Access Transmission Tariff relating to its real-time energy imbalance service market.

Filed Date: September 1, 2006.

Accession Number: 20060907–0054.

Comment Date: 5 p.m. Eastern Time on Friday, September 22, 2006.

Docket Numbers: ER06–1468–000.

Applicants: Pacificorp.

Description: PacifiCorp submits its load ratio share figures for August 1, 2006—July 31, 2007.

Filed Date: September 1, 2006.

Accession Number: 20060907–0164.

Comment Date: 5 p.m. Eastern Time on Friday, September 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 dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15372 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 11, 2006.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER03–742–001.

Applicants: RMKG, LLC.

Description: RMKG, LLC submits its triennial updated market power analysis.

Filed Date: September 6, 2006.

Accession Number: 20060908–0237.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 27, 2006.

Docket Numbers: ER03–1182–004.

Applicants: Tyr Energy, LLC.

Description: Tyr Energy LLC submits its triennial market power analysis pursuant to the Commission's September 11, 2003 Letter Order.

Filed Date: September 8, 2006.

Accession Number: 20060908–5066.

Comment Date: 5 p.m. Eastern Time on Friday, September 29, 2006.

Docket Numbers: ER04–925–013; ER99–830–019.

Applicants: Merrill Lynch Commodities, Inc.; Merrill Lynch Capital Services, Inc.

Description: Merrill Lynch Commodities, Inc *et al.* submit a notice of non-material change in the characteristics that FERC relied upon in granting the market-basked rate authority.

Filed Date: September 6, 2006.

Accession Number: 20060908–0238.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 27, 2006.

Docket Numbers: ER06–185–002.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent Sys Op, Inc. submits its initial informational filing pursuant to the Commission's April 7, 2006 Order and request for limited tariff waiver.

Filed Date: September 5, 2006.

Accession Number: 20060908–0232.

Comment Date: 5 p.m. Eastern Time on Tuesday, September 26, 2006.

Docket Numbers: ER06–963–002.

Applicants: Central Maine Power Company.

Description: Central Maine Power Co submits its revised tariff sheets, First Revised Sheet 2318 et al, in compliance with the Commission's August 7, 2006 order.

Filed Date: September 6, 2006.

Accession Number: 20060908–0239.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 27, 2006.

Docket Numbers: ER06–992–001.

Applicants: Otter Tail Power Company.

Description: Otter Tail Power Company submits its Compliance Filing to the Commission's July 5, 2006 FERC's order.

Filed Date: September 6, 2006.

Accession Number: 20060907–0021.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 27, 2006.

Docket Numbers: ER06–1178–001; ER06–1179–001.

Applicants: SEMASS Partnership.

Description: SEMASS Partnership submits revised versions of FERC Electric Rate Schedule 1 and its supplements in compliance with FERC's August 7, 2006 letter order.

Filed Date: September 6, 2006.

Accession Number: 20060908–0240.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 27, 2006.

Docket Numbers: ER06–1336–001.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection LLC submits an amendment to its August 4, 2006 filing of an unexecuted interconnection service agreement with Indeck-Elwood, LLC.

Filed Date: September 7, 2006.

Accession Number: 20060908–0234.

Comment Date: 5 p.m. Eastern Time on Thursday, September 28, 2006.

Docket Numbers: ER06–1469–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp. submits an amendment to the Responsible Participating Transmission Owner Agreement with Pacific Gas and Electric Co.

Filed Date: September 6, 2006.

Accession Number: 20060907–0163.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 27, 2006.

Docket Numbers: ER06–1470–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp. submits a Pilot Pseudo Tie Implementation Agreement with Pacific Gas and Electric Co *et al.*

Filed Date: September 6, 2006.

Accession Number: 20060907–0162.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 27, 2006.

Docket Numbers: ER06–1471–000.
Applicants: Westar Energy, Inc.
Description: Westar Energy, Inc. submits its First Revised Sheet 27 *et al.* to FERC Electric Tariff, Second Revised Volume 1 to be effective July 1, 2006.
Filed Date: September 6, 2006.
Accession Number: 20060908–0179.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 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 dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,
Secretary.
[FR Doc. E6–15419 Filed 9–15–06; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

September 12, 2006.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER03–506–003.
Applicants: TXU Portfolio Management Company LP.
Description: TXU Portfolio Management Co, LP submits its triennial market power update pursuant to FERC's 8/27/03 order.
Filed Date: 08/24/2006.
Accession Number: 20060905–0258.
Comment Date: 5 p.m. Eastern Time on Thursday, September 14, 2006.

Docket Numbers: ER03–1326–006.
Applicants: Colorado Green Holdings, LLC.
Description: Colorado Green Holdings, LLC submits its triennial Updated Market Power Analysis.
Filed Date: 09/08/2006.
Accession Number: 20060912–0377.
Comment Date: 5 p.m. Eastern Time on Friday, September 29, 2006.

Docket Numbers: ER04–925–012; ER99–830–018.
Applicants: Merrill Lynch Commodities, Inc.
Description: Merrill Lynch Capital Services, Inc submits an errata to amend the 8/18/06 notice of non-material change in status under ER04–925 *et al.*
Filed Date: 08/30/2006.
Accession Number: 20060905–0030.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 20, 2006.

Docket Numbers: ER05–795–004.
Applicants: ISO New England Inc.
Description: ISO New England Inc. submits its Regulation Clearing Price compliance filing pursuant to the Commission's 3/7/06 order.
Filed Date: 09/07/2006.
Accession Number: 20060907–5030.
Comment Date: 5 p.m. Eastern Time on Thursday, September 28, 2006.

Docket Numbers: ER06–1473–000.
Applicants: Duke Power Company LLC.
Description: Duke Power Co, LLC submits a notice of cancellation of the Large Generator Interconnection Agreement with Power Ventures Group, LLC.
Filed Date: 09/08/2006.
Accession Number: 20060912–0367.
Comment Date: 5 p.m. Eastern Time on Friday, September 29, 2006.

Docket Numbers: ER06–1474–000.
Applicants: PJM Interconnection, LLC.
Description: PJM Interconnection, LLC submits modifications to its Regional Transmission Expansion Planning Protocol under ER06–1474.
Filed Date: 09/08/2006.
Accession Number: 20060912–0368.
Comment Date: 5 p.m. Eastern Time on Friday, September 29, 2006.

Docket Numbers: ER06–1475–000.
Applicants: Avista Corporation.
Description: Avista Corp submits revisions to its Open Access Transmission Tariff, Volume 8, to be effective 11/9/06.
Filed Date: 09/08/2006.
Accession Number: 20060912–0373.
Comment Date: 5 p.m. Eastern Time on Friday, September 29, 2006.

Docket Numbers: ER06–1477–000; ER06–1478–000.
Applicants: Idaho Power Company.
Description: Idaho Power Co submits an executed version of the Caribou Transmission Interconnection Agreement with PacifiCorp.
Filed Date: 09/07/2006.
Accession Number: 20060912–0371.
Comment Date: 5 p.m. Eastern Time on Thursday, September 28, 2006.

Docket Numbers: ER06–1479–000.
Applicants: Alloy Power L.L.C.
Description: Alloy Power, LLC submits a Notice of Succession, effective 8/25/06, it succeeded to the Rate Schedule FERC No. 1 of Elkem Metals Co—Alloy, LP.
Filed Date: 09/07/2006.
Accession Number: 20060912–0372.
Comment Date: 5 p.m. Eastern Time on Thursday, September 28, 2006.

Docket Numbers: ER06–1480–000.
Applicants: Basin Electric Power Cooperative, Inc.; Black Hills Power, Inc.
Description: Black Hills Power, Inc *et al.* submits a revised version of Schedules 9, 10, and 12 to its Joint OAT Tariff with Power River Energy Corporation.
Filed Date: 09/07/2006.
Accession Number: 20060912–0370.
Comment Date: 5 p.m. Eastern Time on Thursday, September 28, 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 dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15431 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2150–033]

Washington Puget Sound Energy, Inc.; Notice of Availability of a Final Environmental Impact Statement for the Baker River Hydroelectric Project

September 8, 2006.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a license for the Baker River Hydroelectric Project (FERC No. 2150–033), located on the Baker River in Whatcom and Skagit Counties, Washington and has prepared a Final Environmental Impact Statement (EIS) for the project. The final EIS was prepared in cooperation with the U.S. Army Corps of Engineers pursuant to 40 CFR 1501.6 of the National Environmental Policy Act. The Baker River Project occupies 5,207 acres of lands within the Mt. Baker-Snoqualmie National Forest managed by the U.S. Forest Service.

The final EIS, contains staff evaluations of the applicant's proposal and the alternatives for relicensing the Baker River Project. The final EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Commission staff.

A copy of the final EIS is available for review in the Commission's Public Reference Branch, Room 2A, located at 888 First Street, NE., Washington, DC 20426. The final EIS also may be viewed on the Commission's Web site at *http://www.ferc.gov* under the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For Further Information Contact: Steve Hocking at (202) 502–8753 or at *steve.hocking@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15384 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–006–014]

Gulfstream Natural Gas System, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Gulfstream Natural Gas System, LLC'S Phase III Pipeline Project and Notice of Site Visit and Request for Comments on Environmental Issues

September 8, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Gulfstream Natural Gas System, LLC's (Gulfstream) application for its Phase III Pipeline Project. Gulfstream proposes to amend its existing Phase III authorization under the FERC certificate granted October 8, 2003 by modifying the route and pipeline diameter. In this filing, Gulfstream proposes to construct, own and operate a 34.3-mile segment of 30-inch gas pipeline extending from its existing Station 712 in Martin County, Florida to a newly constructed Station 705 that would connect to the proposed Florida Power & Light Company (FPL) 2,220 megawatt (MW) gas turbine West County Energy Center (WCEC) in Palm Beach County, Florida. Gulfstream has executed firm service agreement with FPL to deliver 345,000 decatherms per day (Dth/d) of natural gas to the WCEC for a primary term of 23 years.

The FPL WCEC is a nonjurisdictional facility under FERC regulations. The facility is being licensed by the Florida Department of Environmental Protection Siting Office under the jurisdiction of the Florida Power Plant Siting Act.

This notice announces the opening of the scoping period that will be used to gather environmental input from the public and interested agencies on the project. Scoping comments are requested by October 9, 2006.

With this notice, the staff of the FERC is asking other Federal, State, local and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with

us in the preparation of the EA. These agencies may choose to participate once they have evaluated Gulfstream's proposal relative to their responsibilities. Agencies that would like to request cooperating status should follow the instructions for filing comments described in Appendix 1.

This notice is being sent to potentially affected landowners; Federal, State, and local government agencies; elected officials; environmental and public interest groups; Native American Tribes, other interested parties; local libraries and newspapers. State and local government representatives are asked to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with State law.

A brochure prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" is available for viewing on the FERC Web site (*http://www.ferc.gov*). This brochure addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Background

The proposed 34.3-mile Phase III pipeline project is the third segment of Gulfstream's approximately 710-mile Phase I and II pipeline projects that extend from Alabama and Mississippi, across the Gulf of Mexico, through central Florida to Martin County in southeastern Florida. The Phase I project was placed into service on May 28, 2002 and Phase II was placed into service on February 1, 2005.

The original Phase III project was for a 32.14-mile, 24-inch pipeline to extend from Station 712 in Martin County, Florida, and terminate in Belle Glade. The new proposed 34.3 Phase III pipeline project follows the original route for 7.1 miles then turns in a southeasterly direction to just north of Twenty Mile Bend, where the proposed WCEC is to be located.

Summary of the Proposed Project

Martin County, FL

- Construct 10.15 miles of 30-inch-diameter gas pipeline commencing from Gulfstream's existing Station 712 (milepost 0.0 to milepost 10.15).
- Install a new 36-inch launcher assembly, including a 30-inch valve, at Gulfstream's existing Station 712.

Palm Beach County, Florida

- Construct 24.15 miles of 30-inch-diameter gas pipeline from milepost 10.15 to milepost 34.30.
- Install a new 30-inch valve setting at milepost 14.81.
- Install a new meter station, Station 705, which includes a receiver assembly, at the end of the proposed pipeline, milepost 34.30.

The location of the project facilities is shown in Appendix 2.[1]

Land Requirements

Construction of the proposed pipeline facilities, including extra work areas, access roads, pipe/constructor yards, horizontal directional drill (HDD) drilling mud disposal areas would require the temporary disturbance of about 796 acres of land, the majority of which is located on sugarcane agricultural land and access roads. The three aboveground facilities, existing Station 712 at milepost 0.0, the new valve setting at milepost 14.81, and the new Station 705 at milepost 34.30, would require the temporary disturbance of 1.6 acres.

Following construction, permanent land acquisition of 343.1 acres would be maintained as part of the right-of-way and access roads for the maintenance of the gas pipeline. The aboveground facilities would require 1.2 permanent acres to be maintained during operation. The remaining acreage affected by construction would be restored and allowed to revert to its former land uses.

The EA Process

We[2] are preparing this EA to comply with the National Environmental Policy Act (NEPA) which requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission staff requests public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, State, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commissions official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

Currently Identified Environmental Issues

In the EA, we will discuss impacts that could occur as a result of the construction and operation of the project. We will also evaluate reasonable alternatives to the proposed project or portions of the project.

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Gulfstream. This preliminary list of issues may be changed based on your comments and our analysis.

Project-related impact on:

- Two commercial/industrial buildings within 50 feet of the construction workspace;
- Twelve active water supply wells within 150 feet of construction;
- Upland hardwood forest;
- Four federally-listed threatened and endangered species potentially in the project area;
- Two wetlands; and
- 224 water body crossings.

Site Visit

On September 25, 2006, the Office of Energy Projects (OEP) staff will conduct a site visit of Gulfstream's proposed Phase III Pipeline Construction Project. This site visit is being conducted to give landowners, agency personnel and any other interested parties the opportunity to become more familiar with the

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices, other than appendix 1 (maps), are available on the Commission's website at the "eLibrary" link or from the Commissions Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[2] "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

project and talk to FERC and Gulfstream staff directly. Examination will be by automobile and on foot. Representatives of Gulfstream will be accompanying the FERC staff.

Those planning to attend must provide their own transportation. Those interested in attending should meet at 10 a.m. (EST) in the parking lot of the public rest stop on State Hwy 76 at the Hwy 76/441 Intersection, on the east side of St. Lucie Canal Bridge.

For additional information, please contact the Commission's Office of External Affairs at 1–866–208-FERC.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations and routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas Branch 3.
- Reference Docket Number CP00–006–014.
- Mail your comments so that they will be received in Washington, DC on or before October 9, 2006.

Please note that the Commission encourages electronic filing of comments. See 18 Code of Federal Regulations (CFR) 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the "e-Filing" link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on "Login to File" and then "New User Account." You will be asked to select the type of filing you are making. This filing is considered a "Comment on Filing."

The determination of whether to distribute the EA for public comment will be based on the response to this notice. If you are interested in receiving it, please return the Information Requested (Appendix 3). An effort is being made to send this notice to all individuals affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". To become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). Intervenors have the right to seek rehearing of the Commission's decision. Motions to Intervene should be electrically submitted using the Commission's eFiling system at *http://www.ferc.gov*. Persons without Internet access should send an original and 14 copies of their motion to the Secretary of the Commission at the address indicated previously. Persons filing Motions to Intervene on or before the comment deadline indicated above must send a copy of the motion to the Applicant. All filings, including late interventions, submitted after the comment deadline must be served on the Applicant and all other intervenors identified on the Commission's service list for this proceeding. Persons on the service list with e-mail addresses may be served electronically; others must be served a hard copy of the filing.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

If you wish to remain on our environmental mailing list, please return the Information Request Form included in Appendix 3. If you do not return this form, you will be removed from our mailing list.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TYY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm*.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15386 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–433–000]

Northern Natural Gas Company; Notice of Intent to Prepare an Environmental Assessment for the Proposed Palmyra North Expansion Project and Request for Comments on Environmental Issues

September 12, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Palmyra North Expansion Project involving construction and operation of facilities by Northern Natural Gas Company (Northern) in Clay County, Kansas; Saunders, Washington, and Otoe Counties, Nebraska; Lincoln County, South Dakota; and Cherokee and Dickinson Counties, Iowa.[1] These facilities would consist of modifications to existing facilities and installation of new facilities. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

[1] On August 29, 2006, Northern filed its application with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations. The Commission filed its notice of application on September 6, 2006.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" was attached to the project notice Northern provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

Northern proposes to expand the capacity of its Palmyra North Facilities in Nebraska, Iowa, Kansas, and South Dakota to transport approximately 32,100 dekatherms per day of natural gas in order to meet agricultural and ethanol customer demand and to increase incremental winter peak day service. Northern seeks authority to:

- Add a new Solar Centaur 40S–T4700 simple cycle turbine to a gas-fired-turbine compressor and relocate the compressor and all associated facilities from Clifton Compressor Station in Clay County, Kansas to Palmyra Compressor Station in Otoe County, Nebraska;
- Install a dual-run-regulator station with associated piping around an existing block valve at mile post (MP) 47.6 in Saunders County, Nebraska;
- Install a flow-limiting-control-valve to its existing Cargill Town Border Station at MP 16.9 in Washington County, Nebraska;
- Install a new meter station to an existing Northern line at MP 65.2 in Lincoln County, South Dakota;
- Install a new 9,240-foot-long, 6-inch-diameter branch line to existing pipelines and the Town Border Station to an existing Northern mainline and install a new 6-inch-diameter branch line in Dickinson County, Iowa; and
- Connect a 200-foot-long, 4-inch-diameter pipeline to an existing Town Border Station with a new 4-inch-diameter branch line and take-off valve in Cherokee County, Iowa.

Northern has proposed several nonjurisdictional facilities to be associated with the Palmyra North Expansion Project that include two new ethanol plants, one ethanol plant expansion, an expansion of an integrated corn processing plant, and a 20-mile-long, 6-inch-diameter pipeline to their Millennium Plant.

The general location of the project facilities is shown in Appendix 1.[2]

Land Requirements for Construction

Project activities will occur on property owned by Northern, with the majority of the project activities occurring within Northern's existing facilities. Construction of the proposed facilities would impact about 85.0 acres of land. Following construction, approximately 0.5 acres of new land would be maintained for operation. The remaining 84.5 acres of land would be restored and allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission staff requests public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

In the EA, we[3] will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and Soils
- Land Use
- Water Resources and Wetlands
- Cultural Resources
- Vegetation and Wildlife
- Air Quality and Noise
- Threatened and Endangered Species
- Public Safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Northern. This preliminary list of issues may be changed based on your comments and our analysis.

- A total of 0.5 acre of agricultural land would convert to industrial use.
- Air and noise quality may be affected by added facilities.

Also, we have made a preliminary decision to not address the impacts of the nonjurisdictional facilities. We will briefly describe their location and summarize the status of state and local environmental reviews in the EA.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices, other than Appendix 1 (maps), are available on the Commission's Web site at the "eLibrary" link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of OEP/DG2E, Gas Branch 3.
- Reference Docket No. CP06–433–000.
- Mail your comments so that they will be received in Washington, DC on or before October 14, 2006.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created online.

We may mail the EA for comment. If you are interested in receiving it, please return the Information Request (Appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding, or "intervenor". To become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). Intervenors have the right to seek rehearing of the Commission's decision. Motions to Intervene should be electronically submitted using the Commission's eFiling system at *http://www.ferc.gov*. Persons without Internet access should send an original and 14 copies of their motion to the Secretary of the Commission at the address indicated previously. Persons filing Motions to Intervene on or before the comment deadline indicated above must send a copy of the motion to the Applicant. All filings, including late interventions, submitted after the comment deadline must be served on the Applicant and all other intervenors identified on the Commission's service list for this proceeding. Persons on the service list with e-mail addresses may be served electronically; others must be served a hard copy of the filing.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities. By this notice we are also asking governmental agencies, especially those in Appendix 2, to express their interest in becoming cooperating agencies for the preparation of the EA.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15430 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

September 8, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Transfer of License.

b. *Project No.:* 2902–019.

c. *Date Filed:* August 28, 2006.

d. *Applicants:* Nekoosa Packaging Corporation (NPC) and GP Big Island, LLC (GP Big Island).

e. *Name and Location of Project:* The Big Island Project is located on the James River, near the Town of Big Island and the City of Lynchburg, in Amherst and Bedford Counties, Virginia.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant Contacts:* For NPC and GP Big Island: Mr. Richard C. Judy, Nekoosa Packaging Corporation, 9363 Lee Jackson Highway, Big Island, VA 24526, (434) 299–7331. Mr. Matthew D. Manahan, Pierce Atwood LLP, One Monument Square, Portland, ME 04101, (207) 791–1100.

h. *FERC Contact:* Etta L. Foster (202) 502–8769.

i. *Deadline for filing comments, protests, and motions to intervene:* September 29, 2006.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper, see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P–2902–019) on any comments, protests, or motions filed. The Commission's Rules of Practice and Procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an

intervener 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 documents on that resource agency.

j. *Description of Application:* Applicants request approval, under Section 8 of the Federal Power Act, of a transfer of license for the Big Island Project No. 2902 from the Nekoosa Packaging Corporation to GP Big Island, LLC.

k. 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 "FERRIS" link. Enter the project number excluding the last three digits (P–8315) in the docket number field to access the document. For online assistance, contact *FERCOnlineSupport@ferc.gov* or call toll-free (866) 208–3676, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the addresses in item g.

l. Individual desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Protests", or "Motion to Intervene", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. 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 assumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15375 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepting for Filing and Soliciting Motions To Intervene, Protests and Comments

September 8, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12721–000.

c. *Date filed:* July 31, 2006.

d. *Applicant:* Pepperell Hydro Company LLC.

e. *Name of Project:* East Pepperell Project.

f. *Location:* On Nashua River, in Pepperell, Middlesex County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Dr. Peter B. Clark, P.O. Box 149, 823 Bay Road, Hamilton, MA 01936, (978) 468–3999.

i. *FERC Contact:* Etta Foster, (202) 502–8769.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–12721–000) on any comments, protests, or motions filed.

k. *Description of Project:* The proposed project would consist of: (1) The existing 27-foot-high, 275-foot-long, East Pepperell Dam; (2) an existing intake; (3) an existing impoundment with a surface area of approximately 1,465 acres and a storage capacity of approximately 6,600 acre-feet at a normal maximum water surface elevation of 199.8-feet above mean sea level with 3-foot flashboards in place; (4) an existing 13-foot-diameter, 666-foot-long, wood stave penstock; (5) a proposed powerhouse containing three generating units having an installed capacity of 1,920 kW; (5) a switchyard; (6) an existing 450-foot-long, 600 volt transmission line connected to the former Pepperell Paper Company and an existing 1,600-foot, 69-kV transmission line connected to the East Pepperell substation of National Grid owned by Mass Electric Company, and (7) appurtenant facilities.

The project would have an estimated annual generation of approximately 7,123 MWh. The applicant plans to sell the generated energy.

l. *Location of Application:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Competing Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no

later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. Notice of Intent—a notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under "e-filing" link. The Commission strongly encourages electronic filing.

s. Filing and Service of Responsive Documents—Any filings must bear in all capital letter the title "Comments", "Recommendations for Terms and Conditions", "Protest", "Motion to Intervene", "Notice of Intent", or "Competing Application", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15383 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

September 12, 2006.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No.:* 2210–140.

c. *Date filed:* August 29, 2006.

d. *Applicant:* Appalachian Power Company

e. *Name of Project:* Smith Mountain Pumped Storage Project.

f. *Location:* The project is located on the Roanoke River, in Bedford, Pittsylvania, Franklin, and Roanoke Counties, Virginia.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r) and 799 and 801.

h. *Applicant Contact:* Teresa P. Rogers, Hydro Generation Department, Appalachian Power, P.O. Box 2021, Roanoke, VA 24022–2121, (540) 985–2441.

i. *FERC Contact:* Rebecca Martin at 202–502–6012, or e-mail *Rebecca.martin@ferc.gov.*

j. *Deadline for filing comments and or motions:* October 13, 2006.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–2210–140) on any comments or motions filed. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages e-filings.

k. *Description of Application:* The licensee requests a variance to grant Virginia State Parks permission to dredge sand and excavate non-sand substrate from the Smith Mountain Lake State Park Beach in Bedford County, Virginia. Virginia State Parks (applicant) is proposing to restore the existing sand beach to near original elevation grades and to prevent the moving sand from obstructing the function of adjacent structures. The restoration involves the removal of sand and clay from within the project boundary, dewatering the sand, replacement of the dredged and dewatered sand, and the addition of approximately 100 cubic yards of sand. The total amount of land disturbance required for the project is approximately 2.3 acres. The licensee is requesting the variance because the proposed action is not in conformance with the approved Shoreline Management Plan for the Smith Mountain Pumped Storage Project, approved on July 5, 2005.

l. *Location of Application:* The filing is available for review at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "e-Library" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online support at *FERCOnlineSupport@ferc.gov* or toll free (866) 208–3676 or TTY, contact (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified

comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

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. E6–15426 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

September 12, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Transfer of License.

b. *Project No.(s):* 2232–521; 2331–034; 2332–040; 2503–106; 2601–010; 2602–011; 2603–015; 2619–015; 2686–050; 2692–040; 2694–021; 2698–044, and 2740–048.

c. *Date Filed:* August 25, 2006.

d. *Applicants:* Duke Energy Corporation (DEC) and Duke Power Company LLC (DPCLLC).

e. *Name and Location of Project(s):* (P–2232) The Catawba-Wateree Project located on the Catawba River in Alexander, Burke, Caldwell, Catawba, Gaston, Iredell, Lincoln, McDowell, Mecklenburg Counties, North Carolina and on the Catawba-Wateree River in Chester, Fairfield, Kershaw, Lancaster and York Counties, SC; (P–2331) Ninety-Nine Islands Project, located on Broad River, Cherokee Co., SC; (P–2332) Gaston Shoals Project, located on Broad River, Cherokee Co., SC ; (P–2503) Keowee-Toxaway Project, located on Keowee, Little, Whitewater, Toxaway, Thompson and Horsepasture Rivers, in Oconee and Pickens Counties, SC and Translyvania County, NC.; (P–2601) Bryson Project, located on Oconaluftee River, Swain County, NC; (P–2602) Dillsboro Project, located on Tuckasegee River, Jackson Co., NC; (P–2603) Franklin Project, located on Little Tennessee River, Macon County, NC; (P–2619) Mission Project located on the Hiwassee River, Clay County, NC; (P–2686) West Fork Project located on the West Fork Tuckasegee River, Jackson County, NC; (P–2692) Nantahala Project located on Nantahala River, Dicks Creek and White Oak Creek, in Clay and Macon Counties, NC; (P–2694) Queens Creek Project located on Queens Creek, near the Town of Topton, Macon County, NC; (P–2698) East Fork Project located on the East Fork Tuckasegee River, Jackson County, NC; and (P–2740) Bad Creek Project located on the Bad and West Bad Creeks, Oconee County, SC.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant Contacts:* For DEC: Garry S. Rice, Associate General Counsel, Duke Energy Corporation, 526 South Church Street, Charlotte, NC 28202, (704) 382–8111. John A. Whittaker, IV, Winston & Strawn LLP, 1700 K Street, NW., Washington, DC 20006–3817, (202) 282–5766. For DPCLLC: Jeffrey G. Lineberger, Manager, Hydro Licensing, Duke Power Company LLC, P.O. Box 1006, Mail Code EC12Y, Charlotte, NC 28201–1006, (704) 382–5942.

h. *FERC Contact:* Etta L. Foster (202) 502–8769.

i. *Deadline for filing comments, protests, and motions to intervene:* October 12, 2006.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper, see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P–2232–521; P–2331–034; P–2332–040; P–2503–106; P–2601–010; P–2602–011; P–2603–015; P–2619–015; P–2686–050; P–2692–040; P–2694–021; P–2698–044, or P–2740–048) on any comments, protests, or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the documents on that resource agency.

j. *Description of Application:* Applicants request approval, under section 8 of the Federal Power Act, of a transfer of license for the following projects: Catawba-Wateree (P–2232–521), Ninety-Nine Islands (P–2331–034), Gaston Shoals (P–2332–040), Keowee-Toxaway (P–2503–106), Bryson (P–2601–010), Dillsboro (P–2602–011), Franklin (P–2603–015), Mission (P–2619–015), West Fork (P–2686–050), Nantahala (P–2692–040), Queens Creek (P–2694–021), East Fork (P–2698–044), and Bad Creek (P–2740–048) from the Duke Energy Corporation to Duke Power Company LLC.

k. 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 project number excluding the last three digits (P–2232, 2331, 2332, 2503, 2601, 2602, 2603, 2619, 2686, 2692, 2694, 2698, or 2740) in the docket number field to access the document. For online assistance, contact *FERCOnlineSupport@ferc.gov* or call toll-free (866) 208–3676, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the addresses in item g.

l. Individual desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. *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 filling comments, it will be assumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15427 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

September 12, 2006.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No.:* 349–115.

c. *Date Filed:* August 18, 2006.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* Martin Dam Hydroelectric Project.

f. *Location:* The project is located on Lake Martin in Tallapoosa County, Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r) and 799 and 801.

h. *Applicant Contact:* Mr. Keith E. Bryant, Senior Engineer; 600 18th Street North, Birmingham, AL 35203, (205) 257–1403.

i. FERC Contact: Any questions on this notice should be addressed to Isis Johnson at (202) 502–6346, or by e-mail: *Isis.Johnson@ferc.gov.*

j. *Deadline for filing comments and or motions:* October 13, 2006.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–349–115) on any comments or motions filed. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages e-filings.

k. *Description of Request:* Alabama Power Company, licensee for the Martin Dam Hydroelectric Project, has requested Commission approval to permit The Pointe at Sunset Point LLC to install 30 stationary boat slips, as well as a separate stationary wooden pier and platform. These facilities are intended for use by the residents of condominiums that are located outside the project boundary on adjoining lands. These facilities would be located on the north side of Blue Creek, approximately eight stream miles above Martin Dam. Existing structures within the project boundary at the proposed development site include ten stationary wooden boat slips and a seawall that protects 974 feet of shoreline. These structures were previously permitted by the licensee. A commercial marina, Harbor Pointe, is also located within one mile of The Pointe at Sunset Point.

l. Location of the Application: This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov,* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

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, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "Comments", "Recommendations for Terms and Conditions", "Protest", or "Motion to Intervene", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described applications. A copy of the applications may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15428 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–365–000; Docket No. RP06–231–002]

Columbia Gas Transmission Corporation; Norstar Operating, LLC v. Columbia Gas Transmission Corporation; Notice of Meeting

September 12, 2006.

Take notice that a meeting will be held in the above-captioned proceeding on Tuesday, September 26, 2006, at 1 p.m. (EDT), at 200 Civic Center Drive, Columbus, Ohio 43215.

The purpose of the meeting is to discuss the basics of pipeline corrosion including measurement, assessment, and control methods, as well as history and experience.

Attendance is limited to Commission Staff and parties to the proceeding. Those parties who want to attend

should contact Sharon Taylor at 304–357–3393.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15424 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

September 12, 2006.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	Date received	Presenter or requester
Exempt:		
1. CP04–400–002	9–06–06	Jennifer Kerrigan.
2. CP05–372–000	9–7–06	Bart Gordon.
3. CP06–12–000; CP06–13–000; CP06–14–000	9–6–06	John Wisniewski.
4. CP06–115–000	9–11–06	Stephanie J. Mason.
5. EL05–121–000	8–17–06	Alan R. Schriber, PhD.
6. Project No. 11858–002	9–6–06	John Pecora.

Magalie R. Salas,

Secretary.

[FR Doc. E6–15429 Filed 9–15–06; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request; 3064–0046

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the FDIC hereby gives notice that it is submitting to the Office of Management and Budget (OMB) a request for OMB review and approval of the renewal of the information collection system described below.

DATES: Comments must be submitted on or before October 18, 2006.

ADDRESSES: Interested parties are invited to submit written comments on the collection of information entitled: "Home Mortgage Disclosure Act (HMDA)" (3064–0046); all comments should refer to the name and number of the collection. Comments may be submitted by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *E-mail: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Federal Deposit Insurance Corporation, Suite 3103, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Home Mortgage Disclosure Act (HMDA).

OMB Number: 3064–0046.

Form Number: None.

Frequency of Response: On occasion.

Affected Public: Insured state nonmember banks.

Estimated Number of Responses: 1,890,384.

Estimated Time per Response: 5 minutes.

Total Annual Burden: 157,532 hours.

General Description of Collection: To permit the FDIC to detect discrimination in residential mortgage lending, certain

insured state nonmember banks are required by FDIC regulation 12 CFR 338 to maintain various data on home loan applicants.

Request for Comment

Comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 6th day of September, 2006.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Executive Secretary.

[FR Doc. E6–15363 Filed 9–15–06; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request; 3064–0018

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it is submitting to the Office of Management and Budget (OMB) a request for OMB review and approval of the renewal of the information collection system described below.

DATES: Comments must be submitted on or before October 18, 2006.

ADDRESSES: Interested parties are invited to submit written comments on the collection of information entitled: "Application Pursuant to Section 19 of the Federal Deposit Insurance Act" (3064–0018); All comments should refer to the name and number of the collection. Comments may be submitted by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *E-mail: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Federal Deposit Insurance Corporation, Suite 3103, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Application Pursuant to Section 19 of the Federal Deposit Insurance Act.

OMB Number: 3064–0018.

Form Number: FDIC 6710/07.

Frequency of Response: On occasion.

Affected Public: Insured depository institutions.

Estimated Number of Respondents: 14.

Estimated Time per Response: 16 hours.

Total Annual Burden: 224 hours.

General Description of Collection: Section 19 of the Federal Deposit Insurance Act (12 U.S.C. Section 1829) requires the FDIC's consent prior to any participation in the affairs of an insured depository institution by a person who has been convicted of crimes involving dishonesty or breach of trust. To obtain that consent, an insured depository institution must submit an application to the FDIC for approval on Form FDIC 6710/07.

Request for Comment

Comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E6–15364 Filed 9–15–06; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request; 3064–0111

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it is submitting to the Office of Management and Budget (OMB) a request for OMB review and approval of the renewal of the information collection system described below.

DATES: Comments must be submitted on or before October 18, 2006.

ADDRESSES: Interested parties are invited to submit written comments on the collection of information entitled: "Activities and Investments of Insured State Banks" (3064–0111); All comments should refer to the name and number of the collection. Comments may be submitted by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *E-mail: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Federal Deposit Insurance Corporation, Suite 3130, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Activities and Investments of Insured State Banks.

OMB Number: 3064–0111.

Form Number: None.

Frequency of Response: On occasion.

Affected Public: Insured state nonmember banks.

Estimated Number of Respondents: 130.

Estimated Time per Response: 8 hours.

Total Annual Burden: 1040 hours.

General Description of Collection: With certain exceptions, Section 24 of the FDI Act (12 U.S.C. 1831a) limits the direct equity investments of state chartered banks to equity investments that are permissible for national banks. In addition, the statute prohibits an insured state bank from directly engaging as principal in any activity that is not permissible for a national bank or indirectly through a subsidiary in an activity that is not permissible for a subsidiary of a national bank unless the bank meets it minimum capital requirements and the FDIC determines that the activity does not pose a significant risk to the deposit insurance fund. The FDIC can make such a determination for exception by regulation or by an order. 12 CFR 362 is the FDIC's implementing regulation for Section 24. It details the activities that insured state banks or their subsidiaries may engage in, under certain criteria and conditions, and identifies the information that banks must furnish to the FDIC in order to obtain the FDIC's approval or nonobjection.

Request for Comment

Comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 6th day of September, 2006.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E6–15365 Filed 9–15–06; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request; 3064–0095

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it is submitting to the Office of Management and Budget (OMB) a request for OMB review and approval of the renewal of the information collection system described below.

DATES: Comments must be submitted on or before October 18, 2006.

ADDRESSES: Interested parties are invited to submit written comments on the collection of information entitled: "Procedures for Monitoring Bank Protection Act Compliance" (3064–0095); All comments should refer to the name and number of the collection. Comments may be submitted by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *E-mail: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Federal Deposit Insurance Corporation, Suite 3130, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Procedures for Monitoring Bank Protection Act Compliance.

OMB Number: 3064–0095.

Form Number: None.

Frequency of Response: On occasion.

Affected Public: Insured state nonmember banks.

Estimated Number of Respondents: 5,250.

Estimated Time per Response: 0.5 hours.

Total Annual Burden: 2,625 hours.

General Description of Collection: The Bank Protection Act of 1968 (12 U.S.C. 1881–1884) requires each Federal supervisory agency to promulgate rules establishing minimum standards for security devices and procedures to discourage financial crime and to assist in the identification of persons who commit such crimes. To avoid the necessity of constantly updating a technology-based regulation, the FDIC takes a flexible approach to implementing this statute. It requires each insured nonmember bank to designate a security officer who will administer a written security program. The security program shall: (1) Establish procedures for opening and closing for business and for safekeeping valuables; (2) establish procedures that will assist in identifying persons committing crimes against the bank; (3) provide for initial and periodic training of employees in their responsibilities under the security program; and (4) provide for selecting, testing, operating and maintaining security devices as prescribed in the regulation. In addition, the FDIC requires the security officer to report at least annually to the bank's board of directors on the effectiveness of the security program.

Request for Comment

Comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 6th day of September, 2006.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E6–15366 Filed 9–15–06; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request; 3064–0093

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it is submitting to the Office of Management and Budget (OMB) a request for OMB review and approval of the renewal of the information collection system described below.

DATES: Comments must be submitted on or before October 18, 2006.

ADDRESSES: Interested parties are invited to submit written comments on the collection of information entitled: "Notice Required of Government Securities Dealers or Brokers (Insured State Nonmember Banks)" (3064–0093); All comments should refer to the name and number of the collection. Comments may be submitted by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *E-mail: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Federal Deposit Insurance Corporation, Suite 3130, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

1. *Title:* Notices Required of Government Securities Dealers or Brokers (Insured State Nonmember Banks).

OMB Number: 3064–0093.

Form Numbers: G–FIN; G–FINW; G–FIN4; & G–FIN5.

Frequency of Response: On occasion.

Affected Public: Insured state nonmember banks acting as government securities brokers and dealers.

Estimated Number of Respondents: 60.

Estimated Time per Response: 1 hour.

Total Annual Burden: 60 hours.

General Description of Collection: The Government Securities Act of 1986 requires all financial institutions acting as government securities brokers and dealers to notify their federal regulatory agencies of their broker-dealer activities, unless exempted from the notice requirement by Treasury Department regulation.

Request for Comment

Comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 6th day of September, 2006.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E6–15367 Filed 9–15–06; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request; 3064–0090

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it is submitting to the Office of Management and Budget (OMB) a request for OMB review and approval of the renewal of the information collection system described below.

DATES: Comments must be submitted on or before October 18, 2006.

ADDRESSES: Interested parties are invited to submit written comments on the collection of information entitled: "Public Disclosure by Banks" (3064–0090); All comments should refer to the name and number of the collection. Comments may be submitted by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *E-mail: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Federal Deposit Insurance Corporation, Suite 3130, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Public Disclosure by Banks.

OMB Number: 3064–0090.

Form Number: None.

Frequency of Response: On occasion.

Affected Public: Insured state nonmember banks.

Estimated Number of Respondents: 5,500.

Estimated Time per Response: 0.5 hours.

Total Annual Burden: 2,750 hours.

General Description of Collection: 12 CFR part 350 requires a bank to notify the general public, and in some instances shareholders, that financial disclosure statements are available on request. Required disclosures consist of financial reports for the current and preceding year, which can be photocopied directly from the year-end

call reports. Also, on a case-by-case basis, the FDIC may require that descriptions of enforcement actions be included in disclosure statements. The regulation allows, but does not require, the inclusion of management discussions and analysis.

Request for Comment

Comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 6th day of September, 2006.
Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E6–15368 Filed 9–15–06; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY: Background

Notice is hereby given of the final approval of proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board–approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer —Michelle Long—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452– 3829)

OMB Desk Officer—Mark Menchik—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503, or email to mmenchik@omb.eop.gov

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: Reporting and Disclosure Requirements Associated with Regulation P

Agency form number: Reg P

OMB control number: 7100–0294

Frequency: Reporting, on–occasion; and disclosure, annually.

Reporters: State member banks, subsidiaries of state member banks, bank holding companies and their subsidiaries or affiliates, branches and agencies of foreign banks, commercial lending companies owned or controlled by foreign banks, corporations operating under section 25 or 25A of the Federal Reserve Act, and customers of these financial institutions.

Estimated annual number of institution respondents: Initial notice, 1,311; annual notice and change in terms, 6,692; opt–out notice, 1,197.

Estimated average time per response per institution: Initial notice, 80 hours; annual notice andchange in terms, 8 hours; opt–out notice, 8 hours.

Estimated subtotal annual burden hours for institutions: 167,992 hours.

Estimated annual number of consumer respondents: 402,675.

Estimated average time per consumer response: 30 minutes.

Estimated subtotal annual burden hours for consumers: 201,338 hours.

Estimated total annual burden hours: 369,330 hours.

General description of report: This information collection is mandatory (12 U.S.C. 248) and by section 504 of Gramm–Leach–Bliley Act (GLBA) (15 U.S.C § 6804). Since the Federal Reserve does not collect any information, no issue of confidentiality normally arises.

Abstract: The information collection pursuant to Regulation P is triggered by the establishment of a relationship between a customer and a financial institution. The regulation ensures that financial institutions provide customers notice of the privacy policies and practices of financial institutions and a means to prevent the disclosure of nonpublic personal information, in certain circumstances. Where applicable, financial institutions are required to provide an initial notice and an annual notice of their privacy policies and practices, opt–out notices, and revised notices containing changes in policies and procedures.

On July 3, 2006, the Federal Reserve published a notice in the Federal Register (71 FR 37935) requesting public comment for 60 days on the extension, without revision, of the reporting and disclosure requirements of Regulation P. The comment period for this notice expired on September 1, 2006. No comments were received.

Board of Governors of the Federal Reserve System, September 12, 2006.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E6–15408 Filed 9–15–06; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at *http://www.ffiec.gov/nic/.*

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 12, 2006.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) P.O. Box 55882, Boston, Massachusetts 02106-2204:

1. Marlborough Bancshares, Inc. and Marlborough Bancshares MHC; to become bank holding companies by acquiring 100 percent of the voting shares of Marlborough Savings Bank, all of Marlborough, Massachusetts.

B. Federal Reserve Bank of Chicago (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. PrivateBancorp, Inc., Chicago, Illinois; to merge with Piedmont Bancshares, Inc. Atlanta, Georgia, and thereby indirectly acquire Piedmont Bank of Georgia, Atlanta, Georgia.

Board of Governors of the Federal Reserve System, September 12, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–15371 Filed 9–15–06; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–06–05BW]

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

Survey of Primary Care Physicians' Practices regarding Prostate Cancer Screening—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Prostate cancer is the most common cancer in men and is the second leading cause of cancer deaths, behind lung cancer. The American Cancer Society estimates that there will be about 234,460 new cases of prostate cancer and about 27,350 deaths in 2006. Although prostate cancer deaths have declined over the past several years, it ranks fifth among deaths from all causes. The digital rectal examination (DRE) and prostate specific antigen (PSA) test are used to screen for prostate cancer. Screening is controversial and many are not in agreement as to whether the potential benefits of screening outweigh the risks, that is, if prostate specific antigen (PSA) based screening, early detection, and later treatment increases longevity. Although major medical organizations are divided on whether men should be routinely screened for this disease, it appears that all of the major organizations recommend discussion with patients about the benefits and risks of screening.

The purpose of this project is to develop and administer a national survey to a sample of American primary care physicians to examine whether or not they: Screen for prostate cancer using (PSA and/or DRE), recommend testing and under what conditions, discuss the tests and the risks and benefits of screening with patients, and if their screening practices vary by factors such as age, ethnicity, and family history. This study will examine demographic, social, and behavioral characteristics of physicians as they relate to screening and related issues, including knowledge and awareness, beliefs regarding efficacy of screening and treatment, frequency of screening, awareness of the screening controversy, influence of guidelines from medical practices and other organizations, and participation and/or willingness to participate in shared decision-making. There will be no cost to respondents other than their time to participate in the survey.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondents	Average burden per response (in hours)	Total burden (in hours)
Primary Care Physicians	2,000	1	30/60	1,000

Dated: September 11, 2006.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E6–15435 Filed 9–15–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–06–06BR]

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–74, 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

Brownfield/Land Re-use Public Health Involvement Triage Tool—New—Agency for Toxic Substances and Disease Registry (ATSDR), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

ATSDR has developed a Triage Tool that rapidly screens sites to assess the need for public health agency involvement. Users of this tool are likely to include: Health departments, redevelopers, financial institutions, licensed environmental professionals, environmental regulatory agencies, and economic development agencies. Any Brownfield or land re-use site that is being considered for redevelopment is a candidate for processing through this rapid assessment tool.

Brownfield sites and land re-use sites may contain conditions that represent potential health hazards. Some brownfield sites contain significant physical or chemical health hazards. For example, some physical hazards include open holes, unstable structures, and sharp objects. Past industrial activities often leave behind chemical contamination or drums of chemical wastes. These types of sites usually do not have adequate security to prevent people from being exposed to site hazards. Abandoned sites generally lack any restriction to site access. When people enter these properties there is a chance that they may be injured or exposed to toxic chemicals. While most adults may show little interest in entering these properties, children and adolescents often view brownfields as playgrounds and places to explore, thereby increasing their risk of exposure.

Public health agencies are an important resource to communities who are either concerned about the health impacts of current conditions at these types of sites or are considering redevelopment of these properties for expanded re-use. Public health agencies can assist the community in assessing potential health impacts, addressing health concerns of conditions at brownfield sites, communicating risks, and supporting appropriate actions to protect the health of the community.

The Triage Tool consists of an interactive checklist that is used to collect information related to the site, including the suspected contamination, site access, type of site, proposed re-use, community concerns, and site surroundings. After the checklist is completed, the responses are analyzed by the internal logic of the Tool. The Triage Tool uses a hierarchical decision matrix, which assesses site characteristics, community concerns, and the need for public health involvement. A separate system within the Tool allows users to view subject-specific information (contaminants, community concerns, etc.) via an interactive web tool. A Tour Guide has been developed to provide a visual walk-through of the Tool and all of its components.

While ATSDR can only estimate the annual number of users of the Triage Tool, we hope that the tool will be widely available as a resource for site assessment. To protect user privacy, ATSDR does not intend to maintain information entered by users into the Triage Tool checklist function. ATSDR also provides disclaimers in the Triage Tool for purposes of Agency liability. Users are advised within the Tool to avoid entering personal information (e.g., social security numbers, medical information). Any identifying information, such as the site contact, entered into the Triage Tool is provided for the use by the Tool user and will not be maintained by ATSDR. ATSDR does plan to invite feedback regarding the Triage Tool from users through a voluntary process. Users may send a separate e-mail or access a Web site maintained by ATSDR. This separate e-mail or Web site will also exist to enable users to contact ATSDR should they require more assistance or other information regarding brownfields/land re-use sites.

Each respondent may use the Triage Tool more than one time. A high-end, conservative estimate of five uses per year is provided here (i.e., assessment of five sites), with each use requiring about 30 minutes of time. There are no costs to respondents except their time to participate in the survey.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent (average)	Average burden per response (in hours)	Total burden (hours)
Local Health Agency Workers	1,000	5	30/60	2,500
State Employees (e.g., EPA, DNR, DEM)	1,000	5	30/60	2,500
Developers	500	5	30/60	1,250
Financial institution personnel	500	5	30/60	1,250
Environmental or economic professionals	500	5	30/60	1,250
Total				8,750

Dated: September 11, 2006.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E6–15451 Filed 9–15–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–8028–N]

RIN 0938–AO18

Medicare Program; Part A Premium for Calendar Year 2007 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This annual notice announces Medicare's Hospital Insurance (Part A) premium for uninsured enrollees in calendar year (CY) 2007. This premium is to be paid by enrollees age 65 and over who are not otherwise eligible (hereafter known as the "uninsured aged") and for certain disabled individuals who have exhausted other entitlement. The monthly Part A premium for the 12 months beginning January 1, 2007 for these individuals will be $410. The reduced premium for certain other individuals as described in this notice will be $226. Section 1818(d) of the Social Security Act specifies the method to be used to determine these amounts.

DATES: *Effective Date:* This notice is effective on January 1, 2007.

FOR FURTHER INFORMATION CONTACT: Clare McFarland, (410) 786–6390.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1818 of the Social Security Act (the Act) provides for voluntary enrollment in the Medicare Hospital Insurance program (Medicare Part A), subject to payment of a monthly premium, of certain persons aged 65 and older who are uninsured under the Old-Age, Survivors and Disability Insurance (OASDI) program or the Railroad Retirement Act and do not otherwise meet the requirements for entitlement to Medicare Part A. (Persons insured under the OASDI program or the Railroad Retirement Act and certain others do not have to pay premiums for hospital insurance.)

Section 1818A of the Act provides for voluntary enrollment in Medicare Part A, subject to payment of a monthly premium, of certain disabled individuals who have exhausted other entitlement. These are individuals who are not currently entitled to Part A coverage, but who were entitled to coverage due to a disabling impairment under section 226(b) of the Act, and who would still be entitled to Part A coverage if their earnings had not exceeded the statutorily defined substantial gainful activity amount (section 223(d)(4) of the Act).

Section 1818A(d)(2) of the Act specifies that the provisions relating to premiums under section 1818(d) through section 1818(f) of the Act for the aged will also apply to certain disabled individuals as described above.

Section 1818(d) of the Act requires us to estimate, on an average per capita basis, the amount to be paid from the Federal Hospital Insurance Trust Fund for services incurred in the following calendar year (including the associated administrative costs) on behalf of individuals aged 65 and over who will be entitled to benefits under Medicare Part A. We must then determine, during September of each year, the monthly actuarial rate for the following year (the per capita amount estimated above divided by 12) and publish the dollar amount for the monthly premium in the succeeding CY. If the premium is not a multiple of $1, the premium is rounded to the nearest multiple of $1 (or, if it is a multiple of 50 cents but not of $1, it is rounded to the next highest $1).

Section 13508 of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66) amended section 1818(d) of the Act to provide for a reduction in the premium amount for certain voluntary enrollees (section 1818 and section 1818A). The reduction applies to an individual who is eligible to buy into the Medicare Part A program and who, as of the last day of the previous month—

- Had at least 30 quarters of coverage under title II of the Act;
- Was married, and had been married for the previous 1-year period, to a person who had at least 30 quarters of coverage;
- Had been married to a person for at least 1 year at the time of the person's death if, at the time of death, the person had at least 30 quarters of coverage; or
- Is divorced from a person and had been married to the person for at least 10 years at the time of the divorce if, at the time of the divorce, the person had at least 30 quarters of coverage.
- Section 1818(d)(4)(A) of the Act specifies that the premium that these individuals will pay for CY 2007 will be equal to the premium for uninsured aged enrollees reduced by 45 percent.

II. Monthly Premium Amount for CY 2007

The monthly premium for the uninsured aged and certain disabled individuals who have exhausted other entitlement for the 12 months beginning January 1, 2007, is $410.

The monthly premium for those individuals subject to the 45 percent reduction in the monthly premium is $226.

III. Monthly Premium Rate Calculation

As discussed in section I of this notice, the monthly Medicare Part A premium is equal to the estimated monthly actuarial rate for CY 2007 rounded to the nearest multiple of $1 and equals one-twelfth of the average per capita amount, which is determined by projecting the number of Part A enrollees aged 65 years and over as well as the benefits and administrative costs that will be incurred on their behalf.

The steps involved in projecting these future costs to the Federal Hospital Insurance Trust Fund are:

- Establishing the present cost of services furnished to beneficiaries, by type of service, to serve as a projection base;
- Projecting increases in payment amounts for each of the service types; and
- Projecting increases in administrative costs.

We base our projections for CY 2007 on: (a) Current historical data, and (b) projection assumptions derived from current law and the Mid-Session Review of the President's Fiscal Year 2007 Budget.

We estimate that in CY 2007, 35.808 million people aged 65 years and over will be entitled to benefits (without premium payment) and that they will incur $176.264 billion of benefits and related administrative costs. Thus, the estimated monthly average per capita amount is $410.21 and the monthly premium is $410. The full monthly premium reduced by 45 percent is $226.

IV. Costs to Beneficiaries

The CY 2007 premium of $410 is about 4 percent higher than the CY 2006 premium of $393.

We estimate that approximately 556,000 enrollees will voluntarily enroll in Medicare Part A by paying the full premium. We estimate an additional 1,000 enrollees will pay the reduced premium. We estimate that the aggregate cost to enrollees paying these premiums will be about $114 million in CY 2007

over the amount that they paid in CY 2006.

V. Waiver of Proposed Notice and Comment Period

We are not using notice and comment rulemaking in this notification of Part A premiums for CY 2007, as that procedure is unnecessary because of the lack of discretion in the statutory formula that is used to calculate the premium and the solely ministerial function that this notice serves. The Administrative Procedure Act (APA) permits agencies to waive notice and comment rulemaking when notice and public comment thereon are unnecessary. On this basis, we waive publication of a proposed notice and a solicitation of public comments.

VI. Regulatory Impact Statement

We have examined the impacts of this notice as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132.

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). As stated in section IV of this notice, we estimate that the overall effect of these changes in the Part A premium will be a cost to voluntary enrollees (section 1818 and section 1818A of the Act) of about $114 million. Therefore, this notice is a major rule as defined in Title 5, United States Code, section 804(2) and is an economically significant rule under Executive Order 12866.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6 million to $29 million in any 1 year. Individuals and States are not included in the definition of a small entity. We have determined that this notice will not have a significant economic impact on a substantial number of small entities. Therefore, we are not preparing an analysis for the RFA.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area (MSA) and has fewer than 100 beds.

We have determined that this notice will not have a significant effect on the operations of a substantial number of small rural hospitals. Therefore, we are not preparing an analysis for section 1102(b) of the Act.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of $120 million. This notice has no consequential effect on State, local, or tribal governments or on the private sector. However, States are required to pay premiums for dually-eligible beneficiaries.

Executive Order 13132 establishes certain requirements that an agency must meet when it publishes a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This notice will not have a substantial effect on State or local governments.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

Authority: Sections 1818(d)(2) and 1818A(d)(2) of the Social Security Act (42 U.S.C. 1395i–2(d)(2) and 1395i–2a(d)(2)).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: September 11, 2006.

Mark B. McClellan,

Administrator, Centers for Medicare & Medicaid Services.

Dated: September 12, 2006.

Michael O. Leavitt,

Secretary.

[FR Doc. 06–7710 Filed 9–12–06; 4:00 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–8029–N]

RIN 0938–AO19

Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2007

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the inpatient hospital deductible and the hospital and extended care services coinsurance amounts for services furnished in calendar year (CY) 2007 under Medicare's Hospital Insurance program (Medicare Part A). The Medicare statute specifies the formulae used to determine these amounts.

For CY 2007, the inpatient hospital deductible will be $992. The daily coinsurance amounts for CY 2007 will be: (a) $248 for the 61st through 90th day of hospitalization in a benefit period; (b) $496 for lifetime reserve days; and (c) $124 for the 21st through 100th day of extended care services in a skilled nursing facility in a benefit period.

DATES: *Effective Date:* This notice is effective on January 1, 2007.

FOR FURTHER INFORMATION CONTACT: Clare McFarland, (410) 786–6390. For case-mix analysis only: Gregory J. Savord, (410) 786–1521.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1813 of the Social Security Act (the Act) provides for an inpatient hospital deductible to be subtracted from the amount payable by Medicare for inpatient hospital services furnished to a beneficiary. It also provides for certain coinsurance amounts to be subtracted from the amounts payable by Medicare for inpatient hospital and extended care services. Section 1813(b)(2) of the Act requires us to determine and publish, between September 1 and September 15 of each year, the amount of the inpatient hospital deductible and the hospital and extended care services coinsurance amounts applicable for services furnished in the following calendar year.

II. Computing the Inpatient Hospital Deductible for CY 2007

Section 1813(b) of the Act prescribes the method for computing the amount of the inpatient hospital deductible. The inpatient hospital deductible is an amount equal to the inpatient hospital deductible for the preceding calendar year, changed by our best estimate of the payment-weighted average of the applicable percentage increases (as defined in section 1886(b)(3)(B) of the Act) used for updating the payment rates to hospitals for discharges in the fiscal year (FY) that begins on October 1 of the same preceding calendar year, and adjusted to reflect real case-mix. The adjustment to reflect real case-mix is determined on the basis of the most recent case-mix data available. The amount determined under this formula is rounded to the nearest multiple of $4 (or, if midway between two multiples of $4, to the next higher multiple of $4).

Under section 1886(b)(3)(B)(i) of the Act, the percentage increase used to update the payment rates for FY 2007 for inpatient hospitals paid under the prospective payment system is the market basket percentage increase. Under section 1886(b)(3)(B)(viii) of the Act, hospitals will receive the full market basket update only if they submit quality data as specified by the Secretary. Those hospitals that do not submit data will receive an update of market basket minus 2.0 percentage points. We are estimating that after including the impact of those hospitals receiving the lower update in the payment-weighted average update, the calculated deductible will remain the same.

Under section 1886(b)(3)(B)(ii) of the Act, the percentage increase used to update the payment rates for FY 2007 for hospitals excluded from the prospective payment system is the market basket percentage increase, defined according to section 1886(b)(3)(B)(iii) of the Act.

The market basket percentage increase for 2007 is 3.4 percent, as announced in the final rule published in the **Federal Register** entitled "Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2007 Rates" (71 FR 47870). Therefore, the percentage increase for hospitals paid under the prospective payment system is 3.4 percent. The average payment percentage increase for hospitals excluded from the prospective payment system is 3.4 percent. Weighting these percentages in accordance with payment volume, our best estimate of the payment-weighted average of the increases in the payment rates for FY 2007 is 3.4 percent.

To develop the adjustment for real case-mix, we first calculated for each hospital an average case-mix that reflects the relative costliness of that hospital's mix of cases compared to those of other hospitals. We then computed the change in average case-mix for hospitals paid under the Medicare prospective payment system in FY 2006 compared to FY 2005. (We excluded from this calculation hospitals excluded from the prospective payment system because their payments are based on reasonable costs.) We used Medicare bills from prospective payment hospitals that we received as of July 2006. These bills represent a total of about 9.1 million Medicare discharges for FY 2006 and provide the most recent case-mix data available at this time. Based on these bills, the change in average case-mix in FY 2006 is 0.68 percent. Based on past experience, we expect the overall case-mix change to be 0.8 percent as the year progresses and more FY 2006 data become available.

Section 1813 of the Act requires that the inpatient hospital deductible be adjusted only by that portion of the case-mix change that is determined to be real. We estimate that the change in real case-mix for FY 2006 is 0.8 percent.

Thus, the estimate of the payment-weighted average of the applicable percentage increases used for updating the payment rates is 3.4 percent, and the real case-mix adjustment factor for the deductible is 0.8 percent. Therefore, under the statutory formula, the inpatient hospital deductible for services furnished in CY 2007 is $992. This deductible amount is determined by multiplying $952 (the inpatient hospital deductible for CY 2006) by the payment-weighted average increase in the payment rates of 1.034 multiplied by the increase in real case-mix of 1.008, which equals $992.24 and is rounded to $992.

III. Computing the Inpatient Hospital and Extended Care Services Coinsurance Amounts for 2007

The coinsurance amounts provided for in section 1813 of the Act are defined as fixed percentages of the inpatient hospital deductible for services furnished in the same calendar year. Thus, the increase in the deductible generates increases in the coinsurance amounts. For inpatient hospital and extended care services furnished in CY 2007, in accordance with the fixed percentages defined in the law, the daily coinsurance for the 61st through 90th day of hospitalization in a benefit period will be $248 (one-fourth of the inpatient hospital deductible); the daily coinsurance for lifetime reserve days will be $496 (one-half of the inpatient hospital deductible); and the daily coinsurance for the 21st through 100th day of extended care services in a skilled nursing facility in a benefit period will be $124 (one-eighth of the inpatient hospital deductible).

IV. Cost to Medicare Beneficiaries

Table 1 summarizes the deductible and coinsurance amounts for CYs 2006 and 2007, as well as the number of each that is estimated to be paid.

TABLE 1.—PART A DEDUCTIBLE AND COINSURANCE AMOUNTS FOR CALENDAR YEARS 2006 AND 2007

Type of cost sharing	Value		Number paid (in millions)	
	2006	2007	2006	2007
Inpatient hospital deductible	952	992	8.91	8.85
Daily coinsurance for 61st–90th Day	238	248	2.31	2.30
Daily coinsurance for lifetime reserve days	476	496	1.08	1.08
SNF coinsurance	119	124	37.08	38.03

The estimated total increase in costs to beneficiaries is about $640 million (rounded to the nearest $10 million), due to: (1) The increase in the deductible and coinsurance amounts and (2) the change in the number of deductibles and daily coinsurance amounts paid.

V. Waiver of Proposed Notice and Comment Period

The Medicare statute, as discussed previously, requires publication of the

Medicare Part A inpatient hospital deductible and the hospital and extended care services coinsurance amounts for services for each calendar year. The amounts are determined according to the statute. As has been our custom, we use general notices, rather than notice and comment rulemaking procedures, to make the announcements. In doing so, we acknowledge that, under the Administrative Procedure Act (APA), interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice are excepted from the requirements of notice and comment rulemaking.

We considered publishing a proposed notice to provide a period for public comment. However, we may waive that procedure if we find good cause that prior notice and comment are impracticable, unnecessary, or contrary to the public interest. We find that the procedure for notice and comment is unnecessary because the formulae used to calculate the inpatient hospital deductible and hospital and extended care services coinsurance amounts are statutorily directed, and we can exercise no discretion in following those formulae. Moreover, the statute establishes the time period for which the deductible and coinsurance amounts will apply and delaying publication would be contrary to the public interest. Therefore, we find good cause to waive publication of a proposed notice and solicitation of public comments.

VI. Regulatory Impact Statement

We have examined the impacts of this notice as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132.

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). As stated in Section IV of this notice, we estimate that the total increase in costs to beneficiaries associated with this notice is about $640 million due to: (1) The increase in the deductible and coinsurance amounts and (2) the change in the number of deductibles and daily coinsurance amounts paid. Therefore, this notice is a major rule as defined in Title 5, United States Code, section 804(2), and is an economically significant rule under Executive Order 12866.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6 million to $29 million in any 1 year. Individuals and States are not included in the definition of a small entity. We have determined that this notice will not have a significant economic impact on a substantial number of small entities. Therefore we are not preparing an analysis for the RFA.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. We have determined that this notice will not have a significant effect on the operations of a substantial number of small rural hospitals. Therefore, we are not preparing an analysis for section 1102(b) of the Act.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditures in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of $120 million. This notice has no consequential effect on State, local, or tribal governments or on the private sector. However, States are required to pay premiums for dually-eligible beneficiaries.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This notice has no consequential effect on State or local governments.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

Authority: Sections 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e–2(b)(2)).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: September 11, 2006.

Mark B. McClellan,

Administrator, Centers for Medicare & Medicaid Services.

Dated: September 12, 2006.

Michael O. Leavitt,

Secretary.

[FR Doc. 06–7711 Filed 9–12–06; 4:00 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–5042–N]

RIN 0938–ZA90

Medicare Program: Solicitation for Proposals To Participate in the Medicare Hospital Gainsharing Demonstration Program Under Section 5007 of the Deficit Reduction Act

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice is to inform interested parties of an opportunity to apply to participate in the Medicare Hospital Gainsharing Demonstration being implemented by CMS. The Medicare Hospital Gainsharing Demonstration authorized under Section 5007 of the Deficit Reduction Act (DRA) of 2005 was established to test and evaluate methodologies and arrangements between hospitals and physicians designed to govern the utilization of inpatient hospital resources and physician work. The purpose of this demonstration is to improve the quality and efficiency of care provided to Medicare beneficiaries and to develop improved operational and financial hospital performance with the sharing of remuneration payments between hospitals and physicians in six projects, each project consisting of one hospital. Two projects must be rural. This demonstration will be limited in scope: we intend to focus on the short-term impacts of gainsharing programs.

DATES: Applications will be considered timely if we receive them no later than 5 p.m., Eastern Standard Time (E.S.T.), on November 17, 2006.

FOR FURTHER INFORMATION CONTACT: Lisa Waters at (410) 786–6615 or *GAINSHARING@cms.hhs.gov.* Interested parties can obtain a complete solicitation, application, and supporting information on the following CMS Web sites at *http://www.cms.hhs.gov/DemoProjectsEvalRpts/MD/itemdetail.asp?itemID=CMS1186805* or

http://www.cms.hhs.gov/DemoProjectsEvalRpts/.

Paper copies can be obtained by writing to Lisa Waters at the address listed in the **ADDRESSES** section of this notice.

ADDRESSES: Mail or deliver applications to the following address: Centers for Medicare & Medicaid Services, Attention: Lisa Waters, Mail Stop: C4–17–27, 7500 Security Boulevard, Baltimore, Maryland 21244.

Because of staff and resource limitations, we cannot accept applications by facsimile (fax) transmission or by e-mail.

Eligible Organizations: Section 5007 of the DRA provides that hospitals receiving payment under section 1886(d) of the Social Security Act are eligible to apply.

For the purpose of this demonstration, hospitals may provide gainsharing payments to physicians (as defined in 1861(r)(1) or (3) and practitioners (as described in 1842(b)(18)(C)). Section 5007(g)(4) permits practitioners as described in section 1842(b)(18)(C) to participate in this demonstration. We believe that the reference to section 1842(e)(18)(C) in DRA section 5007(g) is a scrivener's error, and that the reference should be to section 1842(b)(18)(C). Section 5007(g) explicitly provides that the reference to physicians who are permitted to participate in the demo is deemed to include certain practitioners, which we believe is clear evidence of Congress' intent to include such practitioners in the demo. We also note the Conference Report language specifically refers to the inclusion of practitioners as part of the gainsharing arrangement. Since section 1842(e)(18)(C) does not exist, and since section 1842(b)(18)(C) is, with the exception of substituting (b) for (e), identical to that section], specifically defines practitioners, we believe that section 1842(b)(18)(C) is the one that Congress actually intended to reference, and that the substitution of the (e) for the (b) is a scrivener's error. We do not believe that this typographical error impedes any authority to otherwise implement this demonstration. Furthermore, a comprehensive list of all eligibility requirements can be found in the "Eligible Organizations" section of the solicitation.

SUPPLEMENTARY INFORMATION:

I. Background

Section 5007 of the Deficit Reduction Act of 2005 (DRA) requires the establishment of a qualified gainsharing demonstration program that will test and evaluate methodologies and arrangements between hospitals and physicians designed to govern the utilization of inpatient hospital resources and physician work to improve the quality and efficiency of care provided to beneficiaries and to develop improved operational and financial hospital performance with the sharing of remuneration as specified in the project. It will have a short-term focus given the limited size of the demonstration.

II. Provisions of the Notice

This notice solicits applications to participate in the DRA Section 5007 Medicare Hospital Gainsharing Demonstration that will assist in determining if gainsharing can align incentives between hospitals and physicians to improve the quality and efficiency of care provided to beneficiaries, which will promote improved operational and financial performance of hospitals. The focus of each demonstration will be to link physician incentive payments to improvements in quality and efficiency. Each demonstration will provide measures to ensure that the quality and efficiency of care provided to beneficiaries is monitored and improved.

Overall, we seek demonstration models that result in savings to Medicare. We will assure the demonstration is budget neutral.

III. Collection of Information Requirements

This information collection requirement is subject to the Paperwork Reduction Act of 1995 (PRA); however, the collection is currently approved under OMB control number 0938–0880 entitled "Medicare Demonstration Waiver Application."

Authority: Section 5007 of the Deficit Reduction Act of 2005, Pub. L. 109–171.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: August 7, 2006.

Mark B. McClellan,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 06–7738 Filed 9–13–06; 3:58 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–8030–N]

RIN 0938–A023

Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rates, and Annual Deductible for Calendar Year 2007

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) beneficiaries enrolled in Part B of the Medicare Supplementary Medical Insurance (SMI) program beginning January 1, 2007. In addition, this notice announces the standard monthly premium for aged and disabled beneficiaries, as well as the income-related monthly adjustment amounts to be paid by beneficiaries with modified adjusted gross income above certain threshold amounts, as required by section 811 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, as modified by the Deficit Reduction Act of 2005. It also announces the annual deductible to be paid by all beneficiaries during 2007.

The standard monthly Part B premium is equal to 50 percent of the monthly actuarial rate for aged enrollees or approximately 25 percent of the expected average total cost of Part B coverage for aged enrollees, plus any applicable income-related monthly adjustment amount. If a beneficiary has to pay an income-related monthly adjustment amount, they may have to pay a total monthly premium equal to 35, 50, 65, or 80 percent of the total cost of Part B coverage, by the end of the 3-year transition period. However, for 2007, the beneficiary is only responsible for one-third of any applicable income-related monthly adjustment amount.

The monthly actuarial rates for 2007 are $187.00 for aged enrollees and $197.30 for disabled enrollees. The monthly Part B premium rates to be paid in 2007, including the income-related monthly adjustment amounts, are $93.50 (the standard premium), $106.00, $124.70, $143.40, and $162.10. The specific amount payable by beneficiaries depends on their income level and income tax filing status. (The 2006 premium rate paid by all beneficiaries was $88.50.)

The Part B deductible for 2007 is $131.00 for all beneficiaries.

DATES: *Effective Date:* January 1, 2007.

FOR FURTHER INFORMATION CONTACT: M. Kent Clemens, (410) 786–6391.

SUPPLEMENTARY INFORMATION:

I. Background

Part B is the voluntary portion of the Medicare program that pays all or part of the costs for physicians' services, outpatient hospital services, certain home health services, services furnished by rural health clinics, ambulatory surgical centers, comprehensive outpatient rehabilitation facilities, and certain other medical and health services not covered by Medicare Part A, Hospital Insurance. Medicare Part B is available to individuals who are entitled to Medicare Part A, as well as to U.S. residents who have attained age 65 and are citizens, and aliens who were lawfully admitted for permanent residence and have resided in the United States for 5 consecutive years. Part B requires enrollment and payment of monthly premiums, as provided for in 42 CFR part 407, subpart B, and part 408, respectively. The difference between the premiums paid by all enrollees and total incurred costs is met from the general revenues of the Federal Government.

The Secretary of Health and Human Services (the Secretary) is required by section 1839 of the Social Security Act (the Act) to announce the Part B monthly actuarial rates for aged and disabled beneficiaries, as well as the monthly Part B premium. The Part B annual deductible is included in this notice because its determination is directly linked to the aged actuarial rate.

The monthly actuarial rates for aged and disabled enrollees are used to determine the correct amount of general revenue financing per beneficiary each month. These amounts, according to actuarial estimates, will equal, respectively, one-half the expected average monthly cost of Part B for each aged enrollee (age 65 or over) and one-half the expected average monthly cost of Part B for each disabled enrollee (under age 65).

The Part B deductible to be paid by enrollees is also announced. Prior to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173), the Part B deductible was set in statute. After setting the 2005 deductible amount at $110.00, section 629 of the MMA (amending section 1833(b) of the Act) requires that the Part B deductible be indexed beginning in 2006. The indexing factor to be used each year is the annual percentage increase in the Part B actuarial rate for enrollees age 65 and over. Specifically, the 2007 Part B deductible is calculated by multiplying the 2006 deductible by the ratio of the 2007 aged actuarial rate over the 2006 aged actuarial rate. The amount determined under this formula is then rounded to the nearest dollar.

The monthly Part B premium rate to be paid by aged and disabled enrollees is also announced. (Although the costs to the program per disabled enrollee are different than for the aged, the statute provides that they pay the same premium amount.) Beginning with the passage of section 203 of the Social Security Amendments of 1972 (Pub. L. 92–603), the premium rate, which was determined on a fiscal year basis, was limited to the lesser of the actuarial rate for aged enrollees, or the current monthly premium rate increased by the same percentage as the most recent general increase in monthly Title II Social Security benefits.

However, the passage of section 124 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) (Pub. L. 97–248) suspended this premium determination process. Section 124 of TEFRA changed the premium basis to 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees). Section 606 of the Social Security Amendments of 1983 (Pub. L. 98–21), section 2302 of the Deficit Reduction Act of 1984 (DEFRA 84) (Pub. L. 98–369), section 9313 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA 85) (Pub. L. 99–272), section 4080 of the Omnibus Budget Reconciliation Act of 1987 (OBRA 87) (Pub. L. 100–203), and section 6301 of the Omnibus Budget Reconciliation Act of 1989 (OBRA 89) (Pub. L. 101–239) extended the provision that the premium be based on 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees). This extension expired at the end of 1990.

The premium rates for 1991 through 1995 were legislated by section 4301 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90) (Pub. L. 101–508). In January 1996, the premium determination basis would have reverted to the method established by the 1972 Social Security Act Amendments. However, section 13571 of the Omnibus Budget Reconciliation Act of 1993 (OBRA 93) (Pub. L. 103–66) changed the premium basis to 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees) for 1996 through 1998.

Section 4571 of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33) permanently extended the provision that the standard premium be based on 50 percent of the monthly actuarial rate for aged enrollees (that is, 25 percent of program costs for aged enrollees).

The BBA included a further provision affecting the calculation of the Part B actuarial rates and premiums for 1998 through 2003. Section 4611 of the BBA modified the home health benefit payable under Part A for individuals enrolled in Part B. Under this section, beginning in 1998, expenditures for home health services not considered "post-institutional" are payable under Part B rather than Part A. However, section 4611(e)(1) of the BBA required that there be a transition from 1998 through 2002 for the aggregate amount of the expenditures transferred from Part A to Part B. Section 4611(e)(2) of the BBA also provided a specific yearly proportion for the transferred funds. The proportions were 1/6 for 1998, 1/3 for 1999, 1/2 for 2000, 2/3 for 2001, and 5/6 for 2002. For the purpose of determining the correct amount of financing from general revenues of the Federal Government, it was necessary to include only these transitional amounts in the monthly actuarial rates for both aged and disabled enrollees, rather than the total cost of the home health services being transferred.

Section 4611(e)(3) of the BBA also specified, for the purpose of determining the premium, that the monthly actuarial rate for enrollees age 65 and over be computed as though the transition would occur for 1998 through 2003 and that 1/7 of the cost be transferred in 1998, 2/7 in 1999, 3/7 in 2000, 4/7 in 2001, 5/7 in 2002, and 6/7 in 2003. Therefore, the transition period for incorporating this home health transfer into the premium was 7 years while the transition period for including these services in the actuarial rate was 6 years.

Section 811 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108–173, also known as the Medicare Modernization Act, or MMA), which amended section 1839 of the Act, requires that, starting on January 1, 2007, the Part B premium a beneficiary pays each month be based on their annual income. Specifically, if a beneficiary's "modified adjusted gross income" is greater than the legislated threshold amounts (for 2007, $80,000 for a beneficiary filing an individual income tax return, and $160,000 for a beneficiary filing a joint tax return) the beneficiary is responsible for a larger portion of the estimated total cost of Part B benefit coverage. In addition to the standard 25 percent premium, these

beneficiaries will now have to pay an income-related monthly adjustment amount. The MMA made no change to the actuarial rate calculation, and the standard premium, which will continue to be paid by beneficiaries whose modified adjusted gross income is below the applicable thresholds, still represents 25 percent of the estimated total cost to the program of Part B coverage for an aged enrollee. However, once the adjustments are fully phased in, and depending on income and tax filing status, a beneficiary could now be responsible for 35, 50, 65, or 80 percent of the estimated total cost of Part B coverage, rather than 25 percent. The end result of the higher premium is that the Part B premium subsidy is reduced and less general revenue financing is required for beneficiaries with higher income because they are paying a larger share of the total cost with their premium. That is, the premium subsidy will continue to be approximately 75 percent for beneficiaries with income below the applicable income thresholds, but will be reduced for beneficiaries with income above these thresholds. The MMA specified that there be a 5-year transition to full implementation of this provision. However, the Deficit Reduction Act of 2005 (Pub. L. 109–171) (DRA) modified the transition to a 3-year period.

Section 4732(c) of the BBA added section 1933(c) of the Act, which required the Secretary to allocate money from the Part B trust fund to the State Medicaid programs for the purpose of providing Medicare Part B premium assistance from 1998 through 2002 for the low-income Medicaid beneficiaries who qualify under section 1933 of the Act. This allocation, while not a benefit expenditure, was an expenditure of the trust fund and was included in calculating the Part B actuarial rates through 2002. For 2003, 2004, 2005, and 2006, the expenditure was made from the trust fund because the allocation was temporarily extended. However, because the extension occurred after the Part B financing was determined, the allocation was not included in the calculation of the financing rates. For 2007, the allocation has been temporarily extended and is included in the calculation of the financing rates.

A further provision affecting the calculation of the Part B premium is section 1839(f) of the Act, as amended by section 211 of the Medicare Catastrophic Coverage Act of 1988 (MCCA 88) (Pub. L. 100–360). (The Medicare Catastrophic Coverage Repeal Act of 1989 (Pub. L. 101–234) did not repeal the revisions to section 1839(f) made by MCCA 88.) Section 1839(f) of the Act referred to as the "hold-harmless" provision, provides that if an individual is entitled to benefits under section 202 or 223 of the Act (the Old-Age and Survivors Insurance Benefit and the Disability Insurance Benefit, respectively) and has the Part B premiums deducted from these benefit payments, the premium increase will be reduced, if necessary, to avoid causing a decrease in the individual's net monthly payment. This decrease in payment occurs if the increase in the individual's social security benefit due to the cost-of-living adjustment under section 215(i) of the Act is less than the increase in the premium. Specifically, the reduction in the premium amount applies if the individual is entitled to benefits under section 202 or 223 of the Act for November and December of a particular year and the individual's Part B premiums for December and the following January are deducted from the respective month's section 202 or 223 benefits. The "hold-harmless" provision does not apply to beneficiaries who are required to pay an income-related monthly adjustment amount.

A check for benefits under section 202 or 223 of the Act is received in the month following the month for which the benefits are due. The Part B premium that is deducted from a particular check is the Part B payment for the month in which the check is received. Therefore, a benefit check for November is not received until December, but has December's Part B premium deducted from it.

Generally, if a beneficiary qualifies for hold-harmless protection, that is, if the beneficiary was in current payment status for November and December of the previous year, the reduced premium for the individual for that January and for each of the succeeding 11 months for which he or she is entitled to benefits, under section 202 or 203 of the Act, is the greater of the following:

- The monthly premium for January reduced as necessary to make the December monthly benefits, after the deduction of the Part B premium for January, at least equal to the preceding November's monthly benefits, after the deduction of the Part B premium for December.
- The monthly premium for that individual for that December.

In determining the premium limitations under section 1839(f) of the Act, the monthly benefits to which an individual is entitled under section 202 or 223 of the Act do not include retroactive adjustments or payments and deductions on account of work. Also, once the monthly premium amount is established under section 1839(f) of the Act, it will not be changed during the year even if there are retroactive adjustments or payments and deductions on account of work that apply to the individual's monthly benefits.

Individuals who have enrolled in Part B late or who have reenrolled after the termination of a coverage period are subject to an increased premium under section 1839(b) of the Act. The increase is a percentage of the premium and is based on the new premium rate before any reductions under section 1839(f) of the Act are made.

II. Provisions of This Notice

A. Notice of Medicare Part B Monthly Actuarial Rates, Monthly Premium Rates, and Annual Deductible

The Medicare Part B monthly actuarial rates applicable for 2007 are $187.00 for enrollees age 65 and over and $197.30 for disabled enrollees under age 65. Section II.B. of this notice, presents the actuarial assumptions and bases from which these rates are derived. Listed below are the 2007 Part B monthly premium rates to be paid by beneficiaries who file an individual tax return (including those who are single, head of household, qualifying widow(er) with dependent child, or married filing separately who lived apart from their spouse for the entire taxable year), or a joint tax return.

Beneficiaries who file an individual tax return with income	Beneficiaries who file a joint tax return with income	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $80,000	Less than or equal to $160,000	$0.00	$93.50
Greater than $80,000 and less than or equal to $100,000.	Greater than $160,000 and less than or equal to $200,000.	12.50	106.00
Greater than $100,000 and less than or equal to $150,000.	Grater than $200,000 and less than or equal to $300,00.	31.20	124.70

Beneficiaries who file an individual tax return with income	Beneficiaries who file a joint tax return with income	Income-related monthly adjustment amount	Total monthly premium amount
Greater than $150,000 and less than or equal to $200,000.	Greater than $300,000 and less than or equal to $400,000.	49.90	143.40
Greater than $200,000	Greater than $400,000	68.60	162.10

In addition, the monthly premium rates to be paid by beneficiaries who are married and lived with their spouse at any time during the taxable year, but file a separate tax return from their spouse, are listed below.

Beneficiaries who are married and lived with their spouse at any time during the year, but file a separate tax return from their spouse	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $80,000	$0.00	$93.50
Greater than $80,000 and less than or equal to $120,000	49.90	143.40
Greater than $120,000	68.60	162.10

The Part B annual deductible for 2007 is $131.00 for all beneficiaries.

B. Statement of Actuarial Assumptions and Bases Employed in Determining the Monthly Actuarial Rates and the Monthly Premium Rates for Part B Beginning January 2007

1. Actuarial Status of the Part B Account in the Supplementary Medical Insurance Trust Fund

Under the statute, the starting point for determining the standard monthly premium is the amount that would be necessary to finance Part B on an incurred basis. This is the amount of income that would be sufficient to pay for services furnished during that year (including associated administrative costs) even though payment for some of these services will not be made until after the close of the year. The portion of income required to cover benefits not paid until after the close of the year is added to the trust fund and used when needed.

The premium rates are established prospectively and are, therefore, subject to projection error. Additionally, legislation enacted after the financing was established, but effective for the period in which the financing is set, may affect program costs. As a result, the income to the program may not equal incurred costs. Therefore, trust fund assets must be maintained at a level that is adequate to cover a moderate degree of variation between actual and projected costs, and the amount of incurred, but unpaid, expenses. Numerous factors determine what level of assets is appropriate to cover a moderate degree of variation between actual and projected costs. The two most important of these factors are: (1) The difference from prior years between the actual performance of the program and estimates made at the time financing was established; and (2) the expected relationship between incurred and cash expenditures. Both factors are analyzed on an ongoing basis, as the trends vary over time.

Table 1 summarizes the estimated actuarial status of the trust fund as of the end of the financing period for 2005 and 2006.

TABLE 1.—ESTIMATED ACTUARIAL STATUS OF THE PART B ACCOUNT IN THE SUPPLEMENTAL MEDICAL INSURANCE TRUST FUND AS OF THE END OF THE FINANCING PERIOD

Financing period ending	Assets (millions)	Liabilities (millions)	Assets less liabilities (millions)
Dec. 31, 2005	$24,008	$10,386	$13,622
Dec. 31, 2006	29,605	7,498	22,107

2. Monthly Actuarial Rate for Enrollees Age 65 and Older

The monthly actuarial rate for enrollees age 65 and older is one-half of the sum of monthly amounts for: (a) The projected cost of benefits; and (b) administrative expenses for each enrollee age 65 and older, after adjustments to this sum to allow for interest earnings on assets in the trust fund and an adequate contingency margin. The contingency margin is an amount appropriate to provide for a moderate degree of variation between actual and projected costs and to amortize any surplus or unfunded liabilities.

The monthly actuarial rate for enrollees age 65 and older for 2007 is determined by first establishing per-enrollee cost by type of service from program data through 2005 and then projecting these costs for subsequent years. The projection factors used for financing periods from January 1, 2004 through December 31, 2007 are shown in Table 2.

As indicated in Table 3, the projected monthly rate required to pay for one-half of the total of benefits and administrative costs for enrollees age 65 and over for 2007 is $177.83. The monthly actuarial rate of $187.00 also provides an adjustment of −$1.86 for interest earnings and $11.03 for a contingency margin. Based on current estimates, the assets are not sufficient to cover the amount of incurred, but unpaid, expenses and to provide for a moderate degree of variation between actual and projected costs. Thus, a positive contingency margin is needed to increase assets to a more appropriate level. This situation has arisen primarily due to faster than expected expenditure growth, along with the enactment of the Consolidated Appropriations Resolution

(Pub. L. 108–7) in February 2003, the MMA in December 2003, and the DRA in February 2006. Each of these three legislative packages was enacted after the establishment of the Part B premium (for 2003, 2004, and 2006, respectively). Because each Act raised Part B expenditures subsequent to the setting of the premium, total Part B revenues from premiums and general fund transfers have been inadequate to cover total costs. As a consequence, the assets of the Part B account in the Supplementary Medical Insurance trust fund were drawn on to cover the shortfall. Therefore, the remaining level of assets is inadequate for contingency purposes.

The contingency margin included in establishing the 2006 actuarial rate and beneficiary premiums was intended to achieve significant progress towards restoring the assets to an adequate level. As noted previously, the subsequent enactment of the DRA increased Part B expenditures and thereby limited the growth in Part B account assets, with the result that the intended progress was not achieved. In an effort to balance the financial integrity of the Part B account with the increase in the Part B premium, the financing rates for 2007 are set to increase the asset level in the Part B account to the fully adequate level at the end of 2007 under current law (that is, in the absence of further legislation).

3. Monthly Actuarial Rate for Disabled Enrollees

Disabled enrollees are those persons under age 65 who are enrolled in Part B because of entitlement to social security disability benefits for more than 24 months or because of entitlement to Medicare under the end-stage renal disease (ESRD) program. Projected monthly costs for disabled enrollees (other than those with ESRD) are prepared in a fashion parallel to the projection for the aged using appropriate actuarial assumptions (see Table 2). Costs for the ESRD program are projected differently because of the different nature of services offered by the program.

As shown in Table 4, the projected monthly rate required to pay for one-half of the total of benefits and administrative costs for disabled enrollees for 2007 is $201.12. The monthly actuarial rate of $197.30 also provides an adjustment of −$3.92 for interest earnings and $0.10 for a contingency margin. Based on current estimates, the assets associated with the disabled Medicare beneficiaries are sufficient to cover the amount of incurred, but unpaid, expenses and to provide for a moderate degree of variation between actual and projected costs. Thus, a minimal contingency margin is needed to maintain assets at an appropriate level.

4. Sensitivity Testing

Several factors contribute to uncertainty about future trends in medical care costs. It is appropriate to test the adequacy of the rates using alternative assumptions. The results of those assumptions are shown in Table 5. One set represents program cost increases that are lower and, therefore, more optimistic than the current estimate. The other set represents increases that are higher and, therefore, more pessimistic than the current estimate. The values for the alternative assumptions were determined from a statistical analysis of the historical variation in the respective increase factors.

Table 5 indicates that, under the assumptions used in preparing this report, the monthly actuarial rates would result in an excess of assets over liabilities of $32,807 million by the end of December 2007. This amounts to 17.3 percent of the estimated total incurred expenditures for the following year. Assumptions that are somewhat more pessimistic (and that therefore test the adequacy of the assets to accommodate projection errors) produce a surplus of $13,579 million by the end of December 2007, which amounts to 6.4 percent of the estimated total incurred expenditures for the following year. Under fairly optimistic assumptions, the monthly actuarial rates would result in a surplus of $43,867 million by the end of December 2007, or 26.2 percent of the estimated total incurred expenditures for the following year.

The above analysis indicates that the premium and general revenue financing established for 2007, together with existing Part B account assets, would be adequate to cover estimated Part B costs for 2007 under current law, even if actual costs prove to be somewhat greater than expected.

5. Premium Rates and Deductible

As determined pursuant to section 1839 of the Act, listed below are the 2007 Part B monthly premium rates to be paid by beneficiaries who file an individual tax return (including those who are single, head of household, qualifying widow(er) with dependent child, or married filing separately who lived apart from their spouse for the entire taxable year), or a joint tax return.

Beneficiaries who file an individual tax return with income	Beneficiaries who file a joint tax return with income	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $80,000	Less than or equal to $160,000	$0.00	$93.50
Greater than $80,000 and less than or equal to $100,000.	Greater than $160,000 and less than or equal to $200,000.	12.50	106.00
Greater than $100,000 and less than or equal to $150,000.	Greater than $200,000 and less than or equal to $300,000.	31.20	124.70
Greater than $150,000 and less than or equal to $200,000.	Greater than $300,000 and less than or equal to $400,000.	49.90	143.40
Greater than $200,000	Greater than $400,000	68.60	162.10

In addition, the monthly premium rates to be paid by beneficiaries who are married and lived with their spouse at any time during the taxable year, but file a separate tax return from their spouse, are listed below.

Beneficiaries who are married and lived with their spouse at any time during the year, but file a separate tax return from their spouse	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $80,000	$0.00	$93.50
Greater than $80,000 and less than or equal to $120,000	49.90	143.40

Beneficiaries who are married and lived with their spouse at any time during the year, but file a separate tax return from their spouse	Income-related monthly adjustment amount	Total monthly premium amount
Greater than $120,000	68.60	162.10

Also, as specified by section 1833(b) of the Act, the annual deductible for 2007 is $131.00 for all beneficiaries.

TABLE 2.—PROJECTON FACTORS [1] 12-MONTH PERIOD ENDING DECEMBER 31 OF 2004–2007

[In percent]

Calendar year	Physician's services		Durable medical equipment	Carrier lab [4]	Other carrier services [5]	Outpatient hospital	Home health agency	Hospital lab [6]	Other intermediary services [7]	Managed care
	Fees [2]	Residual [3]								
Aged:										
2004	3.8	6.0	−0.4	7.7	7.7	11.1	14.6	7.4	15.5	11.4
2005	2.1	3.7	1.4	7.0	3.8	8.7	10.3	6.1	14.7	9.7
2006	0.2	5.8	7.4	7.8	10.7	12.5	8.0	14.0	13.2	10.1
2007	−7.2	7.5	3.7	5.9	12.8	10.1	8.1	4.0	−2.6	0.8
Disabled:										
2004	3.8	5.9	0.4	9.3	14.0	12.3	14.8	9.5	2.1	16.0
2005	2.1	3.9	3.2	7.9	10.0	9.4	9.6	5.9	10.1	3.4
2006	0.2	3.8	7.3	6.3	2.2	11.2	8.1	12.3	13.2	7.8
2007	−7.2	7.4	3.6	5.7	11.3	9.9	8.4	3.8	−3.4	3.4

[1] All values for services other than managed care are per fee-for-service enrollee. Managed care values are per managed care enrollee.
[2] As recognized for payment under the program.
[3] Increase in the number of services received per enrollee and greater relative use of more expensive services.
[4] Includes services paid under the lab fee schedule furnished in the physician's office or an independent lab.
[5] Includes physician-administered drugs, ambulatory surgical center facility costs, ambulance services, parenteral and enteral drug costs, supplies, etc.
[6] Includes services paid under the lab fee schedule furnished in the outpatient department of a hospital.
[7] Includes services furnished in dialysis facilities, rural health clinics, federally qualified health centers, rehabilitation and psychiatric hospitals, etc.

TABLE 3.—DERIVATION OF MONTLY ACTUARIAL RATE FOR ENROLLEES AGE 65 AND OVER FOR FINANCING PERIODS ENDING DECEMBER 31, 2004 THROUGH DECEMBER 31, 2007

	Financing periods			
	CY 2004	CY 2005	CY 2006	CY 2007
Covered services (at level recognized):				
Physician fee schedule	$76.19	$79.78	$81.55	$79.18
Durable medical equipment	9.65	9.67	10.02	10.12
Carrier lab [1]	3.44	3.64	3.79	3.91
Other carrier services [2]	18.96	19.46	20.77	22.81
Outpatient hospital	26.60	28.58	31.03	33.26
Home health	6.66	7.26	7.56	7.96
Hospital lab [3]	2.69	2.83	3.11	3.15
Other intermediary services [4]	10.98	12.45	13.59	12.88
Managed care	22.39	26.16	34.15	38.32
Total services	177.56	189.82	205.57	211.59
Cost-sharing:				
Deductible	−4.07	−4.47	−5.05	−5.33
Coinsurance	−30.83	−31.97	−32.68	−32.32
Total benefits	142.65	153.38	167.85	173.93
Administrative expenses	3.06	3.39	3.48	3.90
Incurred expenditures	145.72	156.77	171.33	177.83
Value of interest	−1.63	−1.28	−1.30	−1.86
Contingency margin for projection error and to amortize the surplus or deficit	−10.88	0.91	6.87	11.03
Monthly actuarial rate	133.20	156.40	176.90	187.00

[1] Includes services paid under the lab fee schedule furnished in the physician's office or an independent lab.
[2] Includes physician-administered drugs, ambulatory surgical center facility costs, ambulance services, parenteral and enteral drug costs, supplies, etc.
[3] Includes services paid under the lab fee schedule furnished in the outpatient department of a hospital.
[4] Includes services furnished in dialysis facilities, rural health clinics, federally qualified health centers, rehabilitation and psychiatric hospitals, etc.

TABLE 4.—DERIVATION OF MONTHLY ACTUARIAL RATE FOR DISABLED ENROLLEES FINANCING PERIODS ENDING DECEMBER 31, 2004 THROUGH DECEMBER 31, 2007

	Financing periods			
	CY 2004	CY 2005	CY 2006	CY 2007
Covered services (at level recognized):				
Physician fee schedule	$77.90	$82.21	$84.21	$82.95
Durable medical equipment	16.41	16.90	17.87	18.29
Carrier lab [1]	4.17	4.47	4.69	4.90
Other carrier services [2]	22.66	24.87	25.26	27.81
Outpatient hospital	35.79	38.74	42.57	46.22
Home health	5.40	5.88	6.25	6.70
Hospital lab [3]	4.10	4.30	4.76	4.88
Other intermediary services [4]	37.40	39.75	43.99	41.65
Managed care	11.09	12.56	16.38	19.05
Total services	214.92	229.69	245.98	252.44
Cost-sharing:				
Deductible	−3.79	−4.15	−4.71	−4.98
Coinsurance	−44.22	−46.39	−48.23	−50.13
Total benefits	166.91	179.14	193.03	197.34
Administrative expenses	[5] 9.16	3.83	3.76	3.78
Incurred expenditures	176.07	182.98	196.79	201.12
Value of interest	−1.37	−2.35	−2.86	−3.92
Contingency margin for projection error and to amortize the surplus or deficit	0.80	11.18	9.77	0.10
Monthly actuarial rate	175.50	191.80	203.70	197.30

[1] Includes services paid under the lab fee schedule furnished in the physician's office or an independent lab.
[2] Includes physician-administered drugs, ambulatory surgical center facility costs, ambulance services, parenteral and enteral drug costs, supplies, etc.
[3] Includes services paid under the lab fee schedule furnished in the outpatient department of a hospital.
[4] Includes services furnished in dialysis facilities, rural health clinics, federally qualified health centers, rehabilitation and psychiatric hospitals, etc.
[5] Includes payment of estimated contingent liability payable to States (to reimburse them for payments they have made on behalf of beneficiaries) for probable unasserted claims that resulted from processing errors where incorrect Medicare eligibility determinations were made.

TABLE 5.—ACTUARIAL STATUS OF THE PART B ACCOUNT IN THE SMI TRUST FUND UNDER THREE SETS OF ASSUMPTIONS FOR FINANCING PERIODS THROUGH DECEMBER 31, 2007

As of December 31	2005	2006	2007
This projection:			
Actuarial status (in millions):			
Assets	$24,008	$29,605	$39,921
Liabilities	10,386	7,498	7,114
Assets less liabilities	13,622	22,107	32,807
Ratio (in percent) [1]	8.1	12.5	17.3
Low cost projection:			
Actuarial status (in millions):			
Assets	24,008	29,605	50,192
Liabilities	10,386	6,684	6,325
Assets less liabilities	13,622	22,921	43,867
Ratio (in percent) [1]	8.5	14.2	26.2
High cost projection:			
Actuarial status (in millions):			
Assets	24,008	29,605	21,464
Liabilities	10,386	8,270	7,885
Assets less liabilities	13,622	21,336	13,579
Ratio (in percent) [1]	7.7	11.1	6.4

[1] Ratio of assets less liabilities at the end of the year to the total incurred expenditures during the following year, expressed as a percent.

III. Regulatory Impact Analysis

We have examined the impact of this notice under the Executive Order 12866 (September 1993, Regulatory Planning and Review) and the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety

effects, distributive impacts, and equity).

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6 million to $29 million in any 1-year.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. We have determined that this notice will not have a significant effect on a substantial number of small entities or on the operations of a substantial number of small rural hospitals. Therefore, we are not preparing analyses for either the RFA or section 1102(b) of the Act.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any proposed or final rule that contains mandates that may result in the expenditure in any one year by State, local, and tribal governments, or by the private sector, of $100 million in 1995 dollars. This notice contains no mandates for expenditures by State, local, or tribal governments or the private sector. Accordingly, it does not trigger the threshold set under UMRA.

Executive Order 13132 establishes certain requirements that an agency must meet when it publishes a proposed rule (and subsequent final rule) that imposes substantial direct compliance costs on State and local governments, preempts State law, or otherwise has Federalism implications. We have determined that this notice does not significantly affect the rights, roles, and responsibilities of States.

This notice announces that the monthly actuarial rates applicable for 2007 are $187.00 for enrollees age 65 and over and $197.30 for disabled enrollees under age 65. It also announces the 2007 monthly Part B premium rates to be paid by beneficiaries who file an individual tax return (including those who are single, head of household, qualifying widow(er) with a dependent child, or married filing separately who lived apart from their spouse for the entire taxable year), or a joint tax return.

Beneficiaries who file an individual tax return with income	Beneficiaries who file a joint tax return with income	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $80,000	Less than or equal to $160,000	$0.00	$93.50
Greater than $80,000 and less than or equal to $100,000.	Greater than $160,000 and less than or equal to $200,000.	12.50	106.00
Greater than $100,000 and less than or equal to $150,000.	Greater than $200,000 and less than or equal to $300,000.	31.20	124.70
Greater than $150,000 and less than or equal to $200,000.	Greater than $300,000 and less than or equal to $400,000.	49.90	143.40
Greater than $200,000	Greater than $400,000	68.60	162.10

In addition, the monthly premium rates to be paid by beneficiaries who are married and lived with their spouse at any time during the taxable year, but file a separate tax return from their spouse, are also announced and listed below.

Beneficiaries who are married and lived with their spouse at any time during the year, but file a separate tax return from their spouse	Income-related monthly adjustment amount	Total monthly premium amount
Less than or equal to $80,000	$0.00	$93.50
Greater than $80,000 and less than or equal to $120,000	49.90	143.40
Greater than $120,000	68.60	162.10

The Part B deductible for calendar year 2007 is $131.00. The standard Part B premium rate of $93.50 is 5.6 percent higher than the $88.50 premium rate for 2006. We estimate that this increase will cost approximately 41 million Part B enrollees about $2.5 billion for 2007. The monthly impact on the beneficiaries who are required to pay a higher premium for 2007 because their incomes exceed specified thresholds is $12.50, $31.20, $49.90, or $68.60, which is in addition to the standard monthly premium. Therefore, this notice is a major rule as defined in Title 5, United States Code, section 804(2) and is an economically significant rule under Executive Order 12866.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

IV. Waiver of Proposed Notice and Comment

The Medicare statute requires the publication of the monthly actuarial rates and the Part B premium amounts in September. We ordinarily use general notices, rather than notice and comment rulemaking procedures, to make such announcements. In doing so, we note that, under the Administrative Procedure Act, interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice are excepted from the requirements of notice and comment rulemaking.

We considered publishing a proposed notice to provide a period for public comment. However, we may waive that procedure if we find, for good cause, that prior notice and comment are impracticable, unnecessary, or contrary to the public interest. We find that the procedure for notice and comment is unnecessary because the formula used to calculate the Part B premium and the income-related monthly adjustment amounts are statutorily directed and we can exercise no discretion in applying

those formulas. Moreover, the statute establishes the time period for which the premium rates will apply, and delaying publication of the Part B premium rate such that it would not be published before that time would be contrary to the public interest. Therefore, we find good cause to waive publication of a proposed notice and solicitation of public comments.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 11, 2006.

Mark B. McClellan,

Administrator, Centers for Medicare & Medicaid Services.

Approved: September 12, 2006.

Michael O. Leavitt,

Secretary.

[FR Doc. 06–7709 Filed 9–12–06; 4:00 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review: Comment Request

Title: Tribal Temporary Assistance for Needy Families (TANF) Program Data Reporting Instructions and Requirements.

OMB No.: 0970–0215.

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act as amended by Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)) mandates that federally recognized Indian Tribes with an approved Tribal TANF program collect and submit to the Secretary of the Department of Health and Human Services data on the recipients served by the Tribes' programs. This information includes both aggregated and disaggregated data on case characteristics and individual characteristics. In addition, Tribes that are subject to a penalty are allowed to provide reasonable cause justifications as to why a penalty should not be imposed or may develop and implement corrective compliance procedures to eliminate the source of the penalty. Finally, there is an annual report, which requires the Tribes to describe program characteristics. All of the above requirements are currently approved by OMB and the Administration for Children and Families is simply proposing to extend them without any changes.

Respondents: Indian Tribes.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Final Tribal TANF Data Report	56	4	451	101,024
Tribal TANF Annual Report	56	1	40	2,240
Tribal TANF Reasonable Cause/Corrective Action Documentation Process	56	1	60	3,360

Estimated Total Annual Burden Hours: 106,624.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the Information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for ACF; E-mail address: *Katherine_T._Astrich@omb.eop.gov.*

Dated: September 12, 2006.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 06–7727 Filed 9–15–06; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice

The National Institute on Aging and several other Institutes of the National Institutes of Health will hold a conference entitled "Conference on Alzheimer's Disease: Setting the Research Agenda a Century after Auguste D" on October 26–27, 2006. The purpose of the conference is to discuss future directions for the NIH Alzheimer's disease research agenda. The focus of the conference will be on discussing the research issues that must be addressed in order to provide more efficacious diagnostics and therapeutics to patients and their families.

The conference will include a series of 30 minute presentations by experts in covering a broad spectrum of Alzheimer's disease research. The speakers will provide an overview of where research in a particular field is now and discuss what the critical questions and issues are that must be addressed to move the field forward.

Persons interested in attending the conference should register at: *http://www.tech-res-intl.com/nia/alzheimers_conference/default.htm.*

Registration is free but seating is limited. The Web site also provides information about hotel accommodations.

Dated: September 12, 2006.

Neil Buckholtz,

Chief, Dementias of Aging Branch, Neuroscience and Neuropsychology of Aging Program, National Institute on Aging, National Institutes of Health.

[FR Doc. 06–7732 Filed 9–15–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Special Emphasis Panel; Research and Clinical Neuroscience Training.

Date: September 27, 2006.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Yong Yao, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9606, Bethesda, MD 20892–9606; 301–443–6102; *yyao@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: September 11, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–7733 Filed 9–15–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Proposed Collection; Comment Request; Passenger List/Crew List

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Bureau of Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Passenger List/Crew List (Form I–418). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before November 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Bureau of Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Passenger List/Crew List.

OMB Number: 1651–0103.

Form Number: Form I–418.

Abstract: The Form I–418 is used by masters, owners or agents of vessels to comply with the requirements of Sections 231 and 251 of the Immigration and Nationality Act.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Responses: 95,000.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 95,000.

Estimated Total Annualized Cost on the Public: N/A.

Dated: September 11, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. E6–15448 Filed 9–15–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Proposed Collection; Comment Request; Administrative Rulings

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Bureau of Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Administrative Rulings. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before November 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Bureau of Customs

and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Administrative Rulings.

OMB Number: 1651–0085.

Form Number: N/A.

Abstract: This collection is necessary in order for CBP to respond to requests by importers and other interested persons for the issuance of administrative rulings with respect to the interpretation of CBP laws and prospective and current transactions.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses/ Institutions.

Estimated Number of Respondents: 12,200.

Estimated Time Per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 128,000.

Estimated Total Annualized Cost on the Public: N/A.

Dated: September 11, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. E6–15450 Filed 9–15–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Proposed Collection; Comment Request; Application To Establish Centralized Examination Station

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Bureau of Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application to Establish Centralized Examination Station. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before November 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the Bureau of Customs and Border Protection, *Attn.:* Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Application to Establish Centralized Examination Station.

OMB Number: 1651–0061.

Form Number: N/A.

Abstract: If a port director decides their port needs one or more Centralized Examination Stations (CES), they solicit applications to operate a CES. The information contained in the application will be used to determine the suitability of the applicant's facility, the fairness of his fee structure, his knowledge of cargo handling operations and his knowledge of CBP procedures.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 50.

Estimated Time Per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 100.

Estimated Total Annualized Cost on the Public: N/A.

Dated: September 11, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. E6–15452 Filed 9–15–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Proposed Collection; Comment Request; Delivery Ticket

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Bureau of Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information

collection requirement concerning the Delivery Ticket (Form 6043). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before November 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Bureau of Customs and Border Protection, *Attn.*: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Delivery Ticket.

OMB Number: 1651–0081.

Form Number: Form-6043.

Abstract: This collection is intended to cover a warehouse proprietor's receipt of transport to the warehouse from custody of the arriving carrier.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses/ Institutions.

Estimated Number of Respondents: 200.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 6,600.

Estimated Total Annualized Cost on the Public: N/A.

Dated: September 11, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. E6–15454 Filed 9–15–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Proposed Collection; Comment Request; Aircraft/Vessel Report

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Bureau of Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Aircraft/Vessel Report (Form I–92). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before November 17, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to the Bureau of Customs and Border Protection, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Bureau of Customs and Border Protection, Attn.: Tracey Denning, Room 3.2.C, 1300 Pennsylvania Avenue, NW., Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Aircraft/Vessel Report.

OMB Number: 1651–0102.

Form Number: Form I–92.

Abstract: The Form I–92 is part of manifest requirements of Sections 231 and 251 of the Immigration and Nationality Act.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Responses: 720,000.

Estimated Time per Respondent: 11 minutes.

Estimated Total Annual Burden Hours: 129,600.

Estimated Total Annualized Cost on the Public: N/A.

Dated: September 11, 2006.

Tracey Denning,

Agency Clearance Officer, Information Services Branch.

[FR Doc. E6–15455 Filed 9–15–06; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

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

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed continuing information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning Excess Federal Real Property Program application.

SUPPLEMENTARY INFORMATION: The purpose of the Excess Federal Real Property Program is to convey at no cost to State and local governments excess Federal real property that the Federal Emergency Management Agency (FEMA) determines can be used for emergency management response purposes in perpetuity. The Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 553, (formerly 40 U.S.C. 484(p)), authorizes the Administrator of the General Services Administration (GSA) to transfer or convey (without monetary consideration) Federal real and related surplus property needed for emergency management response purposes, including fire rescue services. GSA's implementing regulations are contained in 41 CFR part 1201–47.

Collection of Information

Title: Excess Federal Real Property Program Application.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 1660–0080.

Form Number: FF 60–25.

Abstract: GSA provides announcements to FEMA and to State, local and Tribal governments concerning available Federal surplus real property for emergency management response use purposes including fire and rescue services. An applicant must notify the disposal agency such as GSA Regional and Headquarters offices, the Department of Defense (DOD) Base Realignment Closure (BRAC) Offices, and FEMA Regional and Headquarters offices of its intent to acquire the property. The notification should occur within 20 days after notification of property availability. States, the District of Columbia, any territory or possession of the United States, or any political subdivision or instrumentality thereof, may apply for the transfer or conveyance of surplus real property for emergency management response use purposes. An applicant must formally submit a completed Excess Federal Real Property Program application including supporting documentation to FEMA. After receiving this information, FEMA will then determine if the requested excess Federal real property is required for emergency management response use. The application processes designed to ensure that the applicant's proposed use of the Federal real property is for emergency management use as an integral part of applicable State, local and Tribal government plans. The completed application form is designed to ensure that the applicant conforms to GSA and DOD regulatory conditions.

Affected Public: State, local or Tribal government.

Estimated Total Annual Burden Hours: 3.

ANNUAL BURDEN HOURS

Project/activity (survey, form(s), focus group, worksheet, etc.)	Number of respondents (A)	Frequency of responses (B)	Burden hours per respondent (C)	Annual responses (A×B)	Total annual burden hours (A×B×C)
Excess Federal Real Property Application	1	1	3	1	3
Total	1	1	3	1	3

Estimated Cost: $150.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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. Comments must be submitted on or before November 17, 2006.

ADDRESSES: Interested persons should submit written comments to Chief, Records Management and Privacy Section, Information Resources Management Branch, Information Technology Services Division, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Paul Tertell, Branch Chief, Real Property Facilities Management, Federal Emergency Management Agency, Department of Homeland Security, Room 505 C St., SW., Washington, DC 20472 or at 202–646–3935 for additional information. You may contact the Records Management Branch for copies of the proposed collection of information at facsimile number (202) 646–3347 or e-mail address: *FEMA-Information-Collections@dhs.gov.*

Dated: September 6, 2006.

John A. Sharetts-Sullivan,

Chief, Records Management & Privacy Section, Information Resource Management Branch, Information Technology Services Division.

[FR Doc. E6–15463 Filed 9–15–06; 8:45 am]

BILLING CODE 9110–07–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1660–DR]

Arizona; 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 Arizona (FEMA–1660–DR), dated September 7, 2006, and related determinations.

DATES: *Effective Date:* September 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 September 7, 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 Arizona resulting from severe storms and flooding during the period of July 25 to August 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 Arizona.

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, 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 Director, under Executive Order 12148, as amended, Michael L. Karl, 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 Arizona to have been affected adversely by this declared major disaster:

Pima and Pinal Counties, the Gila River Indian Community within Pinal County, and the Tohono O'Odham Nation within Pima and Pinal Counties for Public Assistance.

All counties within the State of Arizona 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,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–15465 Filed 9–15–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1658–DR]

Texas; Amendment No. 4 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 Texas (FEMA–1658–DR), dated August 15, 2006, and related determinations.

DATES: *Effective Date:* September 12, 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 the incident period for this declared disaster is now July 27, 2006, through and including August 25, 2006, and the incident type is now severe storms and flooding.

(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,

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

[FR Doc. E6–15464 Filed 9–15–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers

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

ACTION: Notice.

SUMMARY: Each year FEMA is required by the Write-Your-Own ("WYO") program Financial Assistance/Subsidy Arrangement ("Arrangement") to notify the private insurance companies ("Companies") and make available to the Companies the terms for subscription or re-subscription to the Arrangement. In keeping with that requirement, this notice provides the terms to the Companies to subscribe or re-subscribe to the Arrangement.

FOR FURTHER INFORMATION CONTACT: Edward L. Connor, FEMA, 500 C Street, SW., Washington, DC 20472, 202–646–3429 (Phone), 202–646–3445 (facsimile), or *Edward.Connor@dhs.gov* (e-mail).

SUPPLEMENTARY INFORMATION: Under the Arrangement, approximately 90 private sector property insurers issue flood insurance policies and adjust flood insurance claims under their own names based on the Arrangement with the Federal Insurance Administration (FIA) (44 CFR part 62, appendix A). The WYO insurers receive an expense allowance and remit the remaining premium to the Federal Government. The Federal Government pays WYO insurers for flood losses and pays loss adjustment expenses based on a fee schedule. Litigation costs, including court costs, attorney fees, judgments, and settlements, are paid by FIA based on submitted documentation. The Arrangement provides that under certain circumstances reimbursement for litigation costs will not be made. The complete Arrangement is published in 44 CFR part 62, appendix A.

Each year FEMA is required to publish in the **Federal Register** and make available to the Companies the terms for subscription or re-subscription to the Financial Assistance/Subsidy Arrangement. During the 2005–2006 Arrangement year FEMA published (70 FR 55915, Sept. 23, 2005) notice of the changes to the Arrangement. No changes have been made to the Arrangement since the publication of the previous notice.

During September 2006, FEMA will send a copy of the offer for the 2006–2007 Arrangement year, together with related materials and submission instructions, to all private insurance companies participating under the current 2005–2006 Arrangement. Any private insurance company not currently participating in the WYO Program but wishing to consider FEMA's offer for 2006–2007 may request a copy by writing: Federal Emergency Management Agency, Mitigation Division, Attn: WYO Program, 500 C Street, SW., Washington, DC 20472, or contact Edward Connor 202–646–3445 (facsimile), or *Edward.Connor@dhs.gov* (e-mail).

David I. Maurstad,

Federal Insurance Administrator, National Flood Insurance Program, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–15462 Filed 9–15–06; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-day notice of information collection under review: Application for Replacement Naturalization/Citizenship Document; Form N–565, OMB Control Number 1615–0091.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 17, 2006.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), USCIS, Director, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov*. When submitting comments by e-mail please make sure to add OMB Control Number 1615–0091 in the subject box. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a previously approved information collection.

(2) *Title of the Form/Collection:* Application for Replacement Naturalization/Citizenship Document.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form N–565. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form is used to apply for a replacement of a Declaration of Intention, Naturalization Certificate, Certificate of Citizenship or Repatriation Certificate, or to apply for a special certificate of naturalization as a U.S. citizen to be recognized by a foreign country.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 22,567 responses at 55 minutes (.916) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 20,671 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit the USCIS Web site at *http://uscis.gov/graphics/formfee/forms/pra/index.htm*. We may also be contacted at: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529, Telephone Number 202–272–8377.

Dated: September 13, 2006.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 06–7720 Filed 9–15–06; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Application for Waiver of Grounds of Inadmissibility, Form I–601, OMB Control Number 1615–0029.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 17, 2006.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Director, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352, or via e-mail at *rfs.regs@dhs.gov*. When submitting comments by e-mail, add the OMB Control Number 1615–0029 in the subject box.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Waiver of Grounds of Inadmissibility.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–601. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. The information collected on this form is used by U.S. Citizenship and Immigration Services (USCIS) to determine whether the applicant is eligible for a waiver of excludability under section 212 of the Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 3,000 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,500 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit USCIS Web site at *http://uscis.gov/graphics/formfee/forms/pra/index.htm*. We may also be contacted at USCIS, Regulatory Management Division, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529, telephone number 202–272–8377.

Dated: September 6, 2006.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 06–7721 Filed 9–15–06; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–64]

Notice of Submission of Proposed Information Collection to OMB; Standardized Form for "Race and Ethnic Data Collection"

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

All HUD program offices use this form when collecting information concerning the race and ethnicity of the populations intended to benefit from HUD funding as required by Title VI of the Civil Rights Act of 1964.

DATES: *Comments Due Date:* October 18, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2535–0113) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://hlannwp031.hud.gov/po/i/icbts/collectionsearch.cfm*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Standardized form for "Race and Ethnic Data Collection".

OMB Approval Number: 2535–0113.

Form Numbers: HUD–27061.

Description of the Need for the Information and Its Proposed Use: All HUD program offices use this form when collecting information concerning the race and ethnicity of the populations intended to benefit from HUD funding as required by Title VI of the Civil Rights Act of 1964.

Frequency of Submission: On occasion, quarterly and annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	1	1		1		1

Total Estimated Burden Hours: 1.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: September 12, 2006.

Lillian L. Deitzer,

Department Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E6–15387 Filed 9–15–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–62]

Notice of Submission of Proposed Information Collection to OMB; Real Estate Settlement Procedures Act (RESPA) Disclosures

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The Real Estate Settlement Procedures Act of 1974 (RESPA) requires settlement providers to give homebuyers certain disclosure information at and before settlement, and pursuant to the servicing of the loan and escrow account. This includes a Special Information Booklet, a Good Faith Estimate, an Initial Servicing Disclosure, the Form HUD–1 or Form HUD–1A, and when applicable an Initial Escrow Account Statement, an Annual Escrow Account Statement, an Escrow Account Disbursement Disclosure, an Affiliated Business Arrangement Disclosure, and a Servicing Transfer Disclosure.

DATES: *Comments Due Date:* October 18, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0265) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://hlannwp031.hud.gov/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Real Estate Settlement Procedures Act (RESPA) Disclosures.

OMB Approval Number: 2502–0265.

Form Numbers: HUD–1 and HUD–1A.

Description of the Need for the Information and Its Proposed Use: The Real Estate Settlement Procedures Act of 1974 (RESPA) require settlement providers to give homebuyers certain disclosure information at and before settlement, and pursuant to the servicing of the loan and escrow account.

Frequency of Submission: Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	20,000	154,646,000		.07		11,238,680

Total Estimated Burden Hours: 11,238,680

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: September 6, 2006.

Lillian L. Deitzer,

Department Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E6–15391 Filed 9–15–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Recovery Plan for *Phlox hirsuta* (Yreka Phlox)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the Recovery Plan for *Phlox hirsuta* (Yreka Phlox). This plant is a narrow endemic known only from the vicinity of the City of Yreka, Siskiyou County, California.

ADDRESSES: Printed copies of this recovery plan will be available in 4 to 6 weeks by request from the U.S. Fish and Wildlife Service, Yreka Fish and Wildlife Office, 1829 South Oregon Street, Yreka, California 96097 (telephone: 530–842–5763). An electronic copy of this recovery plan is now available at: *http://endangered.fws.gov/recovery/index.html#plans.*

FOR FURTHER INFORMATION CONTACT: Nadine R. Kanim, Senior Fish and Wildlife Biologist, (telephone: 530–842–5763), at the Yreka address above (telephone: 530–842–5763).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help

guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act (ESA) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the ESA requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Draft Recovery Plan for *Phlox hirsuta* (Yreka Phlox) was available for public comment from July 19, 2004, through October 18, 2004 (69 FR 43009). Information presented during the public comment period has been considered in the preparation of this final recovery plan, and is summarized in Appendix 8 of the recovery plan.

Phlox hirsuta was listed as endangered in 2000 (65 FR 5268). Critical habitat has not been designated for this species. *Phlox hirsuta* is endemic to serpentine soils, and is known from only five separate locations that are separated by a minimum of 0.55 miles (0.88 kilometers). Distribution of *Phlox hirsuta* within these occurrences ranges from scattered plants to numerous discrete suboccurrences that are found on lands owned and managed by the City of Yreka, the U.S. Forest Service, California Department of Transportation, industrial timber companies, and private landowners.

Phlox hirsuta is threatened by alteration or destruction of habitat resulting from residential development, logging, fire suppression activities, ongoing highway maintenance or construction activities, off-road vehicle use, illegal collection, and vandalism. Other threats include competition with exotic plants, herbicide application, grazing by domestic animals, inadequate existing regulatory mechanisms, and potential extirpation as a result of random events.

The objective of this recovery plan is to provide a framework for the recovery of *Phlox hirsuta* so that protection by the ESA is no longer necessary. This recovery plan establishes criteria necessary to accomplish downlisting and eventually delisting of *Phlox hirsuta*. The criteria for downlisting to threatened status are that: (1) Four occurrences (two of which must be the China Hill and Soap Creek Ridge occurrences) have secure permanent protection (legally-binding arrangements that ensure management for the benefit of *Phlox hirsuta* in perpetuity), and (2) a *Phlox hirsuta* seed bank and effective propagation techniques have been established. The criteria for delisting are: (1) The reclassification criteria for downlisting have been met, and (2) two additional occurrences have been located and permanently protected, or 10 years of demographic research and/or quantitative monitoring at four protected occurrences has indicated that plant population size has not declined more than 10 percent at any occurrence (total change between year 0 and year 10).

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 27, 2006.

Steve Thompson,

Manager, California/Nevada Operations Office, U.S. Fish and Wildlife Service.

[FR Doc. 06–7713 Filed 9–15–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Recovery Plan for the Newcomb's Snail *Erinna newcombi*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service ("we") announces the availability of a Recovery Plan for the Newcomb's snail (*Erinna newcombi*). This aquatic snail is listed as threatened (65 FR 4162) and is endemic to the Hawaiian Island of Kaua'i.

ADDRESSES: Copies of the Recovery Plan are available by request from the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, Hawaii 96850 (phone 808/792–9400); and the Hawaii State Library, 478 S. King Street, Honolulu, Hawaii 96813. An electronic copy of the recovery plan is available on the world wide Web at: *http://endangered.fws.gov/recovery/index.html#plans.*

FOR FURTHER INFORMATION CONTACT: Lorena Wada, Invertebrate Program Supervisor, at the above Pacific Islands Fish and Wildlife Office address.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program. The Endangered Species Act (16 U.S.C. 1531 *et seq.*) (Act) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Recovery plans help guide the recovery effort by describing actions considered necessary for the conservation of the species, establishing criteria for downlisting or delisting listed species, and estimating time and cost for implementing the measures needed for recovery.

Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. In fulfillment of this requirement, the Draft Recovery Plan for the Newcomb's Snail (*Erinna newcombi*) was available for public comment from March 24, 2004, through May 24, 2004 (69 FR 13868). Information presented during the public comment period has been considered in the preparation of this recovery plan, and is summarized in the appendix to the recovery plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions.

Newcomb's snail is an aquatic snail known to occur at 10 small locations in streams and springs located in 6 watersheds found in the mountainous interior of the Hawaiian Island of Kau'i. Newcomb's snail is a type of freshwater snail belonging to the lymnaeid family of snails. Adult Newcomb's snails are approximately 6 millimeters (0.25 inches) long and 3 millimeters (0.12 inches) wide. Three of the six watersheds containing sites where Newcomb's snails occur are privately owned; the remaining sites are located on State of Hawaii lands.

Some of the historical decline of the snail may be attributed to habitat loss and degradation through water diversion and well drilling. In addition, predation by alien species, natural disasters, and habitat alteration are threats that imperil the Newcomb's snail. Presently, Newcomb's snail faces an increased likelihood of extinction from naturally occurring events due to the small number of remaining populations and their limited distribution. Significant habitat destruction through reduction or

elimination of stream or spring flow could destroy an entire population of Newcomb's snail, and natural disasters such as hurricanes or catastrophic landslides could also destroy vital habitat.

The objective of this recovery plan is to ensure the long-term conservation, recovery, and eventual delisting of the species. This recovery will be accomplished through a variety of recovery actions including: (1) Conducting research on the population biology and life history of the Newcomb's snail; (2) analysis and potential prevention of predation and other forms of negative interspecific interactions that may limit or reduce Newcomb's snail populations; (3) assurance of adequate stream and spring flows to protect known and potential Newcomb's snail habitat; (4) making recovery of Newcomb's snail a part of other landscape conservation efforts, such as preservation of the structure and function of upland forests that maintain and regulate surface run-off to streams and act as areas of infiltration for ground water; (5) using initial recovery efforts and research to periodically validate recovery objectives; and (6) providing educational informational opportunities to build public support for conservation.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: May 4, 2006.

David J. Wesley,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. E6–15438 Filed 9–15–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NMNM 46832 and NMNM 46839]

Public Land Order No. 7670; Revocation of Secretarial Orders Dated August 17, 1907 and August 27, 1908; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes two Secretarial Orders in their entirety, which withdrew 240 acres of National Forest System land for use as an administrative site known as Station No. 34 or Baca Administrative Site.

DATES: *Effective Date:* September 18, 2006.

FOR FURTHER INFORMATION CONTACT: Gilda Fitzpatrick, BLM New Mexico State Office, 1474 Rodeo Road, Santa Fe, New Mexico 87502, 505–438–7597.

SUPPLEMENTARY INFORMATION: The Forest Service has determined that the withdrawals are no longer needed and has requested the revocation. The land will not be opened to surface entry or mining until completion of an analysis to determine if any of the land needs special designation.

Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

The Secretarial Orders dated August 17, 1907 and August 27, 1908, which withdrew National Forest System land for use as an administrative site known as Station No. 34 or Baca Administrative Site, are hereby revoked in their entirety.

Dated: August 30, 2006.

R. Thomas Weimer,

Assistant Secretary of the Interior.

[FR Doc. E6–15414 Filed 9–15–06; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–936–1430–ET; HAG–06–0146; WAOR–11331]

Public Land Order No. 7669; Extension of Public Land Order No. 6631; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order extends Public Land Order No. 6631 for an additional 20-year period. This extension is necessary to continue protection of the Bureau of Land Management's Split Rock Recreation Area.

DATES: *Effective Date:* November 28, 2006.

ADDRESSES: Bureau of Land Management, Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: William Schurger, Wenatchee Field Office, 509–665–2116, or Charles R. Roy, Bureau of Land Management Oregon/Washington State Office, 503–808–6189.

SUPPLEMENTARY INFORMATION: Copies of the original order containing the legal description of the land involved are available from the Bureau of Land Management Oregon/Washington State Office at the address above.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. Public Land Order No. 6631 (51 FR 43003, November 28, 1986), which withdrew 24.65 acres of public land from settlement, sale, location and entry under the general land laws, including the United States mining laws, to protect the Bureau of Land Management's Split Rock Recreation Area, is hereby extended for an additional 20-year period.

2. Public Land Order No. 6631 will expire on November 27, 2026, unless, as a result of a review conducted prior to the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (2000), the Secretary determines that the withdrawal shall be extended.

Dated: August 30, 2006.

R. Thomas Weimer,

Assistant Secretary of the Interior.

[FR Doc. E6–15409 Filed 9–15–06; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–933–5870–HN, DK–G06–0006]

Request for Public Nomination of Qualified Properties for Potential Purchase by the Federal Government in the State of Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal Land Transaction Facilitation Act of 2000, 43 U.S.C. 2303 (FLTFA), this notice provides the public the opportunity to nominate lands within the State of Idaho for possible acquisition by the Federal agencies identified below. Such lands must be (1) inholdings within a federally designated area or (2) lands that are adjacent to federally designated areas and contain exceptional resources.

DATES: Nominations may be submitted at any time following the publication of this notice.

ADDRESSES: Nominations should be mailed to the attention of the FLTFA Program Manager for the agency listed

below having jurisdiction over the adjacent federally designated area:

- Bureau of Land Management, Idaho State Office (ID 933), 1387 S. Vinnell Way, Boise, ID 83709.
- National Park Service, Pacific West Region, 909 1st Avenue, 5th Floor, Seattle, WA 98104.
- U.S. Fish and Wildlife Service, Pacific Region, 911 NE. 11th Avenue, Portland, OR 97232.
- USDA Forest Service, Northern Region, P.O. Box 7669, Missoula, MT 59807.
- USDA Forest Service, Intermountain Region, 324 25th St., Ogden, UT 84401.

FOR FURTHER INFORMATION CONTACT: Cathie Foster, FLTFA Program Manager, BLM Idaho State Office (ID 933), 1387 S. Vinnell Way, Boise, ID 83709, (208) 373–3863, or e-mail *cathie_foster@blm.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the FLTFA, the four agencies noted above are offering to the public the opportunity to nominate lands in the state of Idaho that meet FLTFA eligibility requirements for possible Federal acquisition. Under the provisions of FLTFA, only the following lands are eligible for nomination: (1) Inholdings within a federally designated area, or (2) lands that are adjacent to federally designated areas and contain exceptional resources.

An inholding is any right, title, or interest held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

A federally designated area is land that on July 25, 2000, was within the boundary of: a unit of the National Park System; a unit of the National Wildlife Refuge System; an area of the National Forest System designated for special management; a national monument, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, national natural landmark, or an area of critical environmental concern managed by the Bureau of Land Management; a wilderness or wilderness study area; or a component of the Wild and Scenic Rivers System or National Trails Systems. If you are not sure whether a particular area meets the statutory definition of a federally designated area in FLTFA, you should consult the statute or contact the BLM at the above address.

An exceptional resource refers to a resource of scientific, natural, historic, cultural, or recreational value that has been documented by a Federal, State, or local government authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency to maintain the resource for the benefit of the public.

Nominations meeting the above criteria may be submitted by any individual, group, or governmental body. If submitted by a party other than the landowner, the landowner must also sign the nomination to confirm their willingness to sell. Pursuant to FLTFA, nominations will only be considered eligible by the agencies if: (1) The nomination package is complete; (2) acquisition of the nominated land or interest in land would be consistent with an agency approved land use plan; (3) the land does not contain a hazardous substance and is not otherwise contaminated and would not be difficult or uneconomic to manage as Federal lands; and (4) acceptable title can be conveyed in accordance with Federal title standards. Priority will be placed on nominations for areas where there is no local or tribal government objection to Federal acquisition. Nominations may be made at any time following publication of this notice and will continue to be accepted for consideration during the life of the FLTFA, which ends on July 24, 2010, unless extended by Act of Congress.

Nominations may be made on forms available from the BLM at the above address. Requests for the forms may also be made by telephone, e-mail, or U.S. Postal Service mail.

The agencies will assess the nominations for public benefits and rank the nominations in accordance with the jointly prepared state-level Idaho Interagency Implementation Agreement and the national-level Memorandum of Understanding among the agencies. The nomination and identification of an inholding does not obligate the landowner to convey the property nor does it obligate the United States to acquire the property.

All Federal land acquisitions must be made at fair market value established by applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions.

Further information, including the required contents of a nomination package and details of the Idaho Interagency Implementation Agreement, may be obtained by contacting Cathie Foster at the aforementioned address and phone number.

Dated: August 9, 2006.

Jimmie Buxton,

Branch Chief, Lands, Minerals and Water Rights.

[FR Doc. E6–15410 Filed 9–15–06; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–06–5870–HN]

Request for Public Nomination of Qualified Properties for Potential Purchase by the Federal Government in the State of Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Request for Public Nomination of Qualified Properties for Potential Purchase by the Federal Government in the State of Wyoming.

SUMMARY: In accordance with the Federal Land Transaction Facilitation Act of 2000 (43 U.S.C. 2303) (FLTFA), this notice provides the public the opportunity to nominate lands within the State of Wyoming for possible acquisition by the Federal agencies identified below. Such lands must be (1) inholdings within a federally designated area or (2) lands that are adjacent to federally designated areas and contain exceptional resources.

DATES: Nominations may be submitted at any time following the publication of this notice.

ADDRESSES: Nominations should be mailed to the attention of the FLTFA Program Manager for the agency listed below having jurisdiction over the adjacent federally designated area:

- Bureau of Land Management, Wyoming State Office (WY–921), 5353 Yellowstone Road, Cheyenne, WY 82009.
- National Park Service, Intermountain Region, P.O. Box 728, Santa Fe, NM 87504–0728.
- U.S. Fish and Wildlife Service, Mountain Prairie Region, P.O. Box 25486, DFC, Lakewood, CO 80225–0486.
- USDA Forest Service, Rocky Mountain Region, P.O. Box 25127, Lakewood, CO 80225.
- USDA Forest Service, Intermountain Region, 324 25th St., Ogden, UT 84401.

FOR FURTHER INFORMATION CONTACT: Tamara J. Gertsch, FLTFA Program Manager, Bureau of Land Management (BLM), Wyoming State Office (WY–921), 5353 Yellowstone Road, Cheyenne, WY 82009, (307) 775–6115, or e-mail *Tamara_Gertsch@blm.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the FLTFA, the four agencies noted above are offering to the public at large the opportunity to nominate lands in the State of Wyoming that meet FLTFA eligibility requirements for possible Federal acquisition. Under the provisions of FLTFA, only the following lands are eligible for nomination: (1) Inholdings within a federally designated area, or (2) lands that are adjacent to federally designated areas and contain exceptional resources.

An inholding is any right, title, or interest held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

A federally designated area is land that on July 25, 2000, was within the boundary of: A unit of the National Park System; a unit of the National Wildlife Refuge System; an area of the National Forest System designated for special management; a national monument, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, national natural landmark, or an area of critical environmental concern managed by the Bureau of Land Management; a wilderness or wilderness study area; or a component of the Wild and Scenic Rivers System or National Trails Systems. If you are not sure whether a particular area meets the statutory definition of a federally designated area in FLTFA, you should consult the statute or contact the BLM at the above address.

An exceptional resource refers to a resource of scientific, natural, historic, cultural, or recreational value that has been documented by a Federal, State, or local government authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency to maintain the resource for the benefit of the public.

Nominations meeting the above criteria may be submitted by any individual, group, or governmental body. If submitted by a party other than the landowner, the landowner must also sign the nomination to confirm their willingness to sell. Pursuant to FLTFA, nominations will only be considered eligible by the agencies if: (1) The nomination package is complete; (2) acquisition of the nominated land or interest in land would be consistent with an agency approved land use plan; (3) the land does not contain a hazardous substance and is not otherwise contaminated and would not be difficult or uneconomic to manage as Federal lands; and (4) acceptable title can be conveyed in accordance with Federal title standards. Priority will be placed on nominations for areas where there is no local or tribal government objection to Federal acquisition. Nominations may be made at any time following publication of this notice and will continue to be accepted for consideration during the life of the FLTFA, which ends on July 24, 2010, unless extended by Act of Congress.

Nominations may be made on forms available from the BLM at the above address. Request for the forms may also be made by telephone, e-mail, or U.S. Postal Service mail.

The agencies will assess the nominations for public benefits and rank the nominations in accordance with the jointly prepared state-level Wyoming Interagency Implementation Agreement and the national-level Memorandum of Understanding among the agencies. The nomination and identification of an inholding does not obligate the landowner to convey the property nor does it obligate the United States to acquire the property.

All Federal land acquisitions must be made at fair market value established by applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions. Further information, including the required contents of a nomination package and details of the Wyoming Interagency Implementation Agreement, may be obtained by contacting Tamara Gertsch at the address and phone number noted above.

Donald A. Simpson,

Associate State Director, Wyoming.

[FR Doc. E6–15411 Filed 9–15–06; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

30 Day Notice of Intention To Request Clearance of Collection Information; Opportunity for Public Comment

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C., chapter 3507) and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) invites public comments on a revision of a currently approved information collection (OMB # 1024–0064).

DATES: Public comments on this proposed Information Collection Request (ICR) will be accepted October 18, 2006.

ADDRESSES: You may submit comments directly to the Desk Officer for the Department of the Interior, (OMB # 1024–0064), Office of Information and Regulatory Affairs, OMB, by fax at 202/395–6566, or by electronic mail at *oira_docket@omb.eop.gov*. The information collection may be viewed on-line at: *http://www2.nature.nps.gov/geology/mining/9a_text/htm*. and *http://www2.nature.nps.gov/geology/oil_and_gas/9b_text/htm*. For further information contact Edward O. Kassman, Jr., at 303–969–2146.

SUPPLEMENTARY INFORMATION: *Title:* NPS/Minerals Management Program/Mining Claims and Non-Federal Oil and Gas Rights.

OMB Number: 1024–0064.

Expiration Date of Approval: August 31, 2006.

Type of Request: Revision of a currently approved information collection.

Description of Need: The NPS regulates mineral development activities inside park boundaries on mining claims and on non-Federal oil and gas rights under regulations codified at 36 CFR Part 9, Subpart A ("9A regulations"), and 36 CFR Part 9, Subpart B ("9B Regulations"), respectively. The NPS promulgated both sets of regulations in the late 1970's. In the case of mining claims, the NPS promulgated the 9A regulations pursuant to congressional authority granted under the Mining in the Parks Act of 1976, 16 U.S.C. 1901 *et seq.*, and individual park enabling statutes. For non-Federal oil and gas rights, the NPS regulates development activities pursuant to authority under the NPS Organic Act of 1916, 16 U.S.C. 1 *et seq.*, and individual enabling statues. As directed by Congress, the NPS developed the regulations in order to protect park resources and visitor values from the adverse impacts associated with mineral development in park boundaries. NPS specifically requests comments on: (1) The need for information including whether the information has practical utility; (2) the accuracy of the reporting burden hour estimates; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of information collection on respondents, including the use of automated collection techniques or other forms of information technology.

It is the practice of the NPS to make all comments, including names and addresses of respondents who provide that information, available for public review following the conclusion of the NEPA process. Individuals may request that the NPS withhold their name and/or address from public disclosure. If you wish to do this, you must state this prominently at the beginning of your comments. Commentators using the Web site can make such a request by checking the box "keep my information private." NPS will honor such requests to the extent allowable by law, but you should be aware that NPS may still be required to disclose your name and address pursuant to the Freedom of Information Act.

Description of Respondents: ¼ medium to large publicly owned companies and ¾ private entities.

Estimated Annual Reporting Burden: 4224 hours.

Estimated Average Burden Hours per Response: 176 Hours.

Estimated Average Number of Respondents: 24 annually.

Estimated Frequency of Response: 24 annually.

Dated: September 17, 2006.

Leonard E. Stowe,

NPS, Information and Collection Clearance Officer.

[FR Doc. 06–7717 Filed 9–15–06; 8:45 am]

BILLING CODE 4312–52–M

DEPARTMENT OF THE INTERIOR

National Park Service

60-Day Notice of Intention To Request Clearance of Collection of Information; Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice and request for comments.

SUMMARY: Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the NPS invites comments on the need for gathering the information in the proposed survey (OMB #1024–XXXX).

DATES: Public comments will be accepted on or before November 17, 2006.

ADDRESSES: *Send Comments to:* Kirsten M. Leong, NPS SCEP Student, Department of Natural Resources, Cornell University, 306 Fernow Hall, Ithaca, NY 14853; Phone: 607–255–4136; e-mail: *kml47@cornell.edu.*

To Request a Draft of Proposed Collection of Information Contact: Kirsten M. Leong, NPS SCEP Student, Department of Natural Resources, Cornell University, 306 Fernow Hall, Ithaca, NY 14853; Phone: 607–255–4136; e-mail: *kml47@cornell.edu.*

FOR FURTHER INFORMATION CONTACT: Margaret Wild, Biological Resource Management Division, 1201 Oakridge Dr., Suite 200, Fort Collins, CO 80525; Phone: 970–225–3593; e-mail: *Margaret_Wild@nps.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Identifying Capacity for Local Community Participation in Wildlife Management Planning: White-tailed Deer in Northeastern NPS Units.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of Request: New collection.

Description of Need: NPS and DOI policies have begun to place more emphasis on civic engagement and public participation in park management (NPS Director's Order 75A), as well as communication and collaboration with local communities (NPS Director's Order 52A. Discussions with NPS natural resource managers indicate a need for tools to better understand local community residents and ways to engage them in management and planning, especially in situations where local communities may be impacted by NPS management decisions.

Biological studies have been conducted on white-tailed deer (*Odocoileus virginianus*) in park units of the northeastern U.S. for over two decades to determine deer population density, movement, and impact on park resources. Because deer biology has been relatively well-studied in parks, management issues related to deer were chosen as a model system to study the ways in which input from local stakeholders can affect wildlife management planning. Five sites were chosen to represent various stages of deer-issue maturity and amount of outreach efforts related to these issues: The Potomac Gorge area of Chesapeake and Ohio Canal National Historical Park; Fire Island National Seashore; Morristown National Historical Park; Prince William Forest Park; and Valley Forge National Historical Park. Fire Island National Seashore is the only park identified with a long history of deer issues and experience with deer outreach activities. Valley Forge National Historical Park and Morristown National Historical Park represent parks with a long history of deer issues and limited deer outreach activities. Prince William Forest Park and Chesapeake and Ohio National Historical Park (Potomac Gorge area) represent parks with relatively young deer issues and relatively few outreach activities related to deer. No parks with young deer issues and many deer outreach activities were identified.

This study will focus on residents of communities near these parks, using a mail-back survey to describe and understand their opinions and experiences related to the role of parks in deer and other wildlife management, their understanding of deer issues and ways to address them in parks, and the influence of public input in wildlife management in parks. Follow-up telephone interviews with non-respondents (up to 100 per park) will be conducted to assess non-response bias. This information will assist park staff in improving communication with the public in the event that these parks consider managing impacts related to deer in the future. However, any formal management that is considered will be subject to public input requirements of the National Environmental Policy Act (NEPA, 42 U.S.C. 4231 *et seq.*). Therefore, research associated with this study should not be considered equivalent to public scoping related to a NEPA process. In addition, insights from this study will enhance NPS ability to respond to other natural resource management issues that involve local communities. Comments are invited on: (1) The practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

Automated data collection: This information will be primarily collected via mail-back questionnaire. Telephone interviews will be conducted with a small number of non-respondents to the mail survey. No automated data collection will take place.

Description of respondents: Residents of communities near: the Potomac Gorge area of Chesapeake and Ohio Canal National Historical Park; Fire Island National Seashore; Morristown National Historical Park; Prince William National Historical Park; and Valley Forge National Historical Park.

Estimated average number of respondents: 2,500 (2,000 respondents for mail survey; 500 respondents for telephone interviews).

Estimated average number of responses: 2,500 (2,000 respondents for

mail survey; 500 respondents for telephone interviews).

Estimated average burden hours per response: ⅓ hour for mail survey respondents; 1/12 hour for follow-up telephone interview respondents.

Frequency of Response: 1 time per respondent.

Estimated annual reporting burden: 709 hours.

Dated: September 7, 2006.

Leonard E. Stowe,

NPS, Information Collection Clearance Officer.

[FR Doc. 06–7719 Filed 9–15–06; 8:45 am]

BILLING CODE 4312–52–M

DEPARTMENT OF INTERIOR

National Park Service

Legislative Environmental Impact Statement on Gull Egg Harvest by the Huna Tlingit in Glacier Bay National Park

AGENCY: National Park Service, Interior.

ACTION: Notice of intent to prepare a Legislative Environmental Impact Statement.

SUMMARY: The National Park Service (NPS) is preparing a Legislative Environmental Impact Statement (LEIS) on the potential harvest of gull eggs by the Huna Tlingit in Glacier Bay National Park. The purpose of the LEIS is to respond to Section 4 of the Glacier Bay National Park Resource Management Act of 1999 (Pub. L. 106–455) which requires the Secretary of Interior, in consultation with local residents, to assess whether sea gull eggs can be collected in the park on a limited basis without impairing the biological sustainability of the gull population in the park. The Act further requires that if the study determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the gull population in the park, the Secretary shall submit recommendations for legislation to Congress.

The proposed action alternative will include harvesting glaucous-winged gull (*Larus glaucescens*) eggs by tribal members of the Hoonah Indian Association (HIA) under a traditional harvest strategy cooperatively produced by NPS and HIA The traditional harvest strategy would outline the methods by which eggs could be harvested, harvest limits, and monitoring actions that would be implemented to ensure that park purposes and values would remain unimpaired. A second alternative will consider more limited egg harvest opportunities. A no action alternative, which would continue to preclude egg harvest throughout the park will also be included in the LEIS.

Scoping: The National Park Service seeks input from interested groups, organizations, individuals and government agencies. Written and verbal scoping comments are being solicited. Further information on this LEIS process is available by contacting the National Park Service at Glacier Bay National Park and Preserve.

Our practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, *etc.*, but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

The LEIS is being prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4331 *et seq.*) and its implementing regulations at 40 CFR part 1500 and the process for proposals for legislation (40 CFR 1506.8).

DATES: Comments concerning the scope of this project should be received on or before November 17, 2006. The draft LEIS is projected to be available in early 2007. Submit electronic comments to *http://parkplanning.nps.gov*. Written comments may be mailed to the address provided below.

FOR FURTHER INFORMATION CONTACT: Mary Beth Moss, Project Manager, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, AK 99826. Telephone (907) 945–3545 x31, Fax (907) 945–3703.

SUPPLEMENTARY INFORMATION: Glacier Bay National Park is the traditional homeland of the Huna Tlingit people. The Huna Tlingit harvested eggs at gull rookeries in Glacier Bay, including the large nesting site on South Marble Island, prior to the park being established in 1925. Until recently, the Migratory Bird Treaty Act prohibited the harvest of gull eggs, and by statute and NPS regulations, harvest is still precluded within park boundaries. Legislation is necessary to authorize the collection of sea gull eggs in the park, and regulations would need to be promulgated to implement the gull egg collection program in accordance with the provisions of Section 4 of Pub. L. 106–455.

Dated: August 9, 2006.

Victor Knox,

Acting Regional Director, Alaska.

[FR Doc. 06–7716 Filed 9–15–06; 8:45 am]

BILLING CODE 4312–HX–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of the Record of Decision for the Environmental Impact Statement on the South Denali Implementation Plan, Denali National Park and Preserve, AK

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of the Record of Decision for the Environmental Impact Statement on the South Denali Implementation Plan.

SUMMARY: The National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the Environmental Impact Statement on the South Denali Implementation Plan, Denali National Park and Preserve, Alaska.

This Record of Decision documents the decision by the NPS, in cooperation with the State of Alaska and Matanuska-Susitna Borough to adopt the *South Denali Implementation Plan. The Final South Denali Implementation Plan and Environmental Impact Statement* (FEIS) was prepared cooperatively by the National Park Service, the State of Alaska, and the Matanuska-Susitna Borough to provide specific direction for expanded visitor facilities and recreational opportunities in the South Denali region until 2021. South Denali is defined to include the local communities, the Petersville Road corridor, the western section of Denali State Park, the northern part of the Peters Hills, lands east of the Peters Hills to the eastern boundary of Denali State Park, and the Parks Highway corridor from Rabideaux Creek north through the state park.

The NPS selected Alternative C, as described in the FEIS. Of the two action alternatives, this alternative best meets the objectives of the plan for resource

protection, increasing quality recreational and access opportunities, and preserving quality of life values in local communities. The ROD briefly discusses the background for the planning effort, summarizes public involvement during the planning process, states the decision and discusses the basis for it, describes other alternatives considered, specifies the environmentally preferable alternative, and identifies measures adopted to minimize potential environmental harm.

ADDRESSES: The ROD can be found online at the NPS Planning, Environmental and Public Comment Web site at *http://parkplanning.nps.gov/index.cfm.* Copies of the ROD are available on request from: Miriam Valentine, National Park Service, Talkeetna Ranger Station, P.O. Box 588, Talkeetna, Alaska, 99676. Telephone: (907) 733–9102.

FOR FURTHER INFORMATION CONTACT: Mike Tranel, Chief of Planning, National Park Service, Denali National Park and Preserve, 240 West 5th Avenue, Anchorage, Alaska 99501. Telephone: (907) 644–3611.

SUPPLEMENTARY INFORMATION: The NPS prepared an EIS, as required, under the National Environmental Policy Act (NEPA) of 1969 and Council of Environmental Quality regulations (40 CFR part 1500).

A Notice of Intent to prepare an environmental impact statement, published in the **Federal Register** in February 2004 (69 FR 72513), formally initiated the NPS planning and EIS effort. A Draft EIS was issued in September 2005 (70 FR 55414). A **Federal Register** notice announcing the availability of the Final EIS was published by the U.S. Environmental Protection Agency on May 5, 2006, commencing the required 30-day no-action period (71 FR 26498). The Final EIS describes and analyzes the environmental impacts of two action alternatives and a no-action alternative.

The NPS selected Alternative C, as described in the Final EIS. The emphasis of the selected alternative is to enhance access and recreational opportunities throughout the South Denali region for a variety of visitors, including Alaskans, independent travelers, and package tour travelers, while at the same time protecting the important resource and community values in the area, including the rural lifestyle of local residents.

Major actions of the selected alternative include:

- Provide a new destination and additional visitor opportunities in the South Denali region. New facilities will offer easily accessible visitor opportunities along the state's main highway between Anchorage and Fairbanks. The visitor center will provide visitors an intimate setting and facilitate their connection to the landscape and natural resources. It will offer a range of opportunties for learning and recreating, and it will provide visitors of various abilities a chance to experience alpine and subarctic tundra environments and opportunities to view Mount McKinley and the Alaska Range. Opportunities to view wildlife exist as well as opportunities to spend a day or more at the visitor center or in the surrounding area.

- Offer a wide variety of high-quality recreation opportunities throughout the South Denali region for a variety of visitors. Visitors traveling in groups and those traveling independently can benefit from the options offered. Some, and perhaps all, of the facilities and opportunities should be attractive to Alaska residents who recreate in the South Denali region. The new Parks Highway visitor center will provide information, orientation, interpretive programs, and shelter to visitors. Public use cabins, trail systems for a wide variety of user groups, and camping facilities will provide options for visitors to experience the landscape in remote as well as in easily accessible settings. New trails, parking areas, boat launch, and potential docking facility will provide increased access to rivers and public lands in the South Denali region. Together these developments should accommodate the visitor growth anticipated for the South Denali region over the next 15 to 20 years.

- Create economic and employment opportunities for local residents through establishment of a new visitor destination. Residents of south central Alaska, in particular, will benefit from improved recreational access with this alternative. Rural character may be negatively affected, particularly for the community of Trapper Creek. Negative impacts will be partially mitigated by measures in the plan to protect the scenic qualities of adjacent road corridors. The agencies will continue to address local interests by seeking public input during future planning and implementation efforts.

Dated: July 31, 2006.

Victor Knox,

Acting Regional Director.

[FR Doc. 06–7714 Filed 9–15–06; 8:45 am]

BILLING CODE 4310–PF–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability for the Record of Decision on the Final Environmental Impact Statement for the Stream Management Plan, Herbert Hoover National Historic Site, West Branch, IA

AGENCY: National Park Service, Department of the Interior.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of the Record of Decision (ROD) on the final Environmental Impact Statement (EIS) for the Stream Management Plan, Herbert Hoover National Historic Site (Site), West Branch, Iowa. The Midwest Regional Director approved the ROD for this final EIS on August 1, 2006. Specifically, the Site will adopt and implement actions described under Alternative E, the preferred alternative, in the final EIS. Under the selected action, the primary strategy entails the restoration of the function of the stream corridor and a floodwater detention area in the upstream portion of the Park.

The EIS considered and evaluated five alternatives to the selected action. A full range of foreseeable environmental consequences was assessed. The overriding concern expressed by the Site and the public during the development of this action was the protection of fundamental resources and values of the Site. Alternative E—Provide 50-Year Flood Protection—is the selected alternative since it best meets the objectives of the Site. The preferred alternative will not result in the impairment of resources and values.

The ROD includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, the rationale for why the selected action is the environmentally preferred alternative, a finding of no impairment of Site resources and values, and an overview of public involvement in the decisionmaking process.

FOR FURTHER INFORMATION CONTACT: Superintendent, Stream Management Plan Record of Decision, Herbert Hoover National Historic Site, P.O. Box 607, West Branch, Iowa 52358, or by calling 319–643–2541. Copies of the final EIS and ROD are available upon request from the above address.

Dated: August 1, 2006.

Ernest Quintana,

Regional Director, Midwest Region.

[FR Doc. 06–7715 Filed 9–15–06; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 12, 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 each ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor (DOL). To obtain documentation, contact Ira Mills on 202–693–4122 (this is not a toll-free number) or E-Mail: *mills.ira@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL, 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: Bureau of Labor Statistics.

Type of Review: Extension without change of a currently approved collection.

Title: International Price Program (IPP)/U.S. Export Price Indexes.

OMB Number: 1220–0025.

Frequency: Quarterly; Monthly.

Affected Public: Business or other for-profit.

Number of Respondents: 2,700.

Number of Annual Responses: 18,410.

Total Burden Hours: 11,871.

Estimated Time per Response: Initial response rate is 1 hour and the follow-up response rate is 9 minutes.

Total annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: The price data collected by the IPP is used to produce indexes which measure, on a monthly basis, changes in transaction prices of goods and services exported from or imported into the U.S. This published data is in turn used to deflate import and export trade statistics, deflate the foreign trade component of the GDP, determine monetary and fiscal policy, negotiate trade agreements, and determine trade and commercial policy. The respondents are establishments conducting import/export trade and receive no compensation for their participation. The IPP survey is voluntary.

Agency: Bureau of Labor Statistics.

Type of Review: Extension without change of a currently approved collection.

Title: International Price Program (IPP) U.S. Import Product Information.

OMB Number: 1220–0026.

Frequency: Quarterly; Monthly.

Affected Public: Business or other for-profit.

Number of Respondents: 3,700.

Number of Annual Responses: 25,680.

Total Burden Hours: 17,409.

Estimated Time per Response: Initial response rate is 1 hour and the follow-up response rate is 9 minutes.

Total annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: The price data collected by the IPP is used to produce indexes which measure, on a monthly basis, changes in transaction prices of goods and services exported from or imported into the U.S. This published data is in turn used to deflate import and export trade statistics, deflate the foreign trade component of the GDP, determine monetary and fiscal policy, negotiate trade agreements, and determine trade and commercial policy. The respondents are establishments conducting import/export trade and receive no compensation for their participation. The IPP survey is voluntary.

Ira L. Mills,

Departmental Clearance Officer/Team Leader.

[FR Doc. E6–15439 Filed 9–15–06; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL CREDIT UNION ADMINISTRATION

Information Collection Notice Related To Rule for Identity Theft Red Flags and Address Discrepancies Under Fair and Accurate Transactions Act of 2003

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: As directed by the Office of Management and Budget (OMB), the NCUA is publishing this supplementary notice and request for comments on a new, rule-related information collection that is part of an inter-agency regulation issued July 18, 2006 to implement provisions in the Fair and Accurate Credit Transactions Act of 2003 (FACTA). NCUA expects this collection to be under review at OMB shortly.

DATES: Comments will be accepted until October 18, 2006.

ADDRESSES: Interested parties are invited to submit written comments to the NCUA Clearance Officer and OMB Desk Officer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, Fax No. 703–837–2861, *E-mail: mcnamara@ncua.gov*.

OMB Desk Officer: Mr. Mark Menchik, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725–17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Regina Metz, Staff Attorney, Office of General Counsel, at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Background

The NCUA, along with the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the Federal Trade Commission (the Agencies), published a proposed rule on July 18, 2006, to implement sections 114 and 315 of the FACTA by proposing guidelines for identifying patterns, practices and specific forms of activity indicative of possible identity theft. 71 FR 40785 (July 18, 2006). The Agencies also proposed joint regulations that would require financial institutions and creditors to establish policies and procedures to implement the guidelines,

including assessing the validity of address change requests.

Paperwork Reduction Act

Under the Paperwork Reduction Act, the Agencies may not conduct or sponsor an information collection unless it displays a currently valid OMB control number. NCUA is requesting comment on a proposed information collection. This notice supplements the notice previously published at 71 FR 40785 (July 18, 2006).

Title of Information Collection: Identity Theft Red Flags and Address Discrepancies under FACTA.

Frequency of Response: On occasion.

Affected Public: Credit unions.

Abstract: NCUA, along with the other agencies, are proposing regulations requiring credit unions to establish reasonable policies and procedures to address the risk of identity theft and to assess the validity of a request for a change of address under certain circumstances. The proposed regulation would require creation of an identity theft program and report to a board of directors at least annually on compliance with the proposed regulation. Staff must be trained to implement the program and issuers of credit and debit cards would be required to establish policies and procedures to assess the validity of a change of address request, including notification to the cardholder.

Estimated burden: NCUA and the other Agencies estimate it will initially take 25 hours to create a program as required by the proposed regulation, 4 hours to prepare an annual report, and 2 hours to train staff. It is estimated that credit and debit card issuers will require an additional 4 hours to develop policies and procedures regarding assessment of the validity of a change of address request.

Number of respondents: 5,245.

Estimated time per response: 39 hours.

Training: 2 hours.

Policies and procedures for assessment of validity of changes of address: 4 hours.

Policies and procedures to respond to notices of address discrepancy: 4 hours.

Total estimated annual burden: 204,555.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the NCUA's and the Agencies' functions including whether the information has practical utility;

(b) The accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used.

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the information collection on respondents including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start up costs and costs of operation, maintenance, and purchase of service to provide information.

By the National Credit Union Administration Board on September 12, 2006.

Mary Rupp,

Secretary of the Board.

[FR Doc. E6–15403 Filed 9–15–06; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting

TIME AND DATE: 10 a.m., Thursday, September 21, 2006.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. *Final Rule:* Part 745 of NCUA's Rules and Regulations, Share Insurance Coverage.

RECESS: 10:45 a.m.

TIME AND DATE: 11 a.m., Thursday, September 21, 2006.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. *One (1) Insurance Appeal.* Closed pursuant to Exemptions (4) and (6).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304.

Mary Rupp,

Secretary of the Board.

[FR Doc. 06–7764 Filed 9–14–06; 3:28 pm]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services, Sunshine Act Meeting of the National Museum and Library Services Board

AGENCY: Institute of Museum and Library Services (IMLS), NFAH.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the agenda of the forthcoming meeting of the National Museum and Library Services Board. This notice also describes the function of the Board. Notice of the meeting is required under the Sunshine in Government Act.

TIME AND DATE: Wednesday, September 27, 2006 from 3:30 p.m. to 5 p.m.

AGENDA: Committee Meetings of the Ninth National Museum and Library Service Board Meeting:

3:30 p.m.–5 p.m.: Meetings of the Committees on Partnerships & Government Affairs and Policy & Planning

I. Staff Reports

II. Other Business

PLACE: The meetings will be held in the Board room and Karen Smith Committee room at the Institute of Museum and Library Services, 1800 M Street, NW., 9th Floor, Washington, DC 20036. Telephone: (202) 653–4676.

TIME AND DATE: Thursday, September 28, 2006, from 9 a.m. to 1 p.m.

AGENDA: Ninth National Museum and Library Services Board Meeting:

I. Welcome
II. Approval of Minutes
III. Program Reports
IV. Committee Reports
V. Board Program: Digital Humanities Initiative
VI. Adjournment

PLACE: The meeting will be held in the Board room at the Institute of Museum and Library Services, 1800 M Street, NW., 9th Floor, Washington, DC 20036. Telephone: (202) 653–4676.

FOR FURTHER INFORMATION CONTACT: Elizabeth Lyons, Special Events and Board Liaison, Institute of Museum and Library Services, 1800 M Street, NW., 9th Floor, Washington, DC 20036. Telephone: (202) 653–4676.

SUPPLEMENTARY INFORMATION: The National Museum and Library Services Board is established under the Museum and Library Services Act, 20 U.S.C. Section 9101 *et seq.* The Board advises the Director of the Institute on general policies with respect to the duties, powers, and authorities related to Museum and Library Services.

If you need special accommodations due to a disability, please contact; Institute of Museum and Library Services, 1800 M Street, NW., 9th Fl., Washington, DC 20036. Telephone: (202) 653–4676; TDD (202) 653–4699 at least seven (7) days prior to the meeting date.

Dated: September 12, 2006.
Kate Fernstrom,
Chief of Staff.
[FR Doc. 06–7753 Filed 9–14–06; 1:26 pm]
BILLING CODE 7036–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–250]

Florida Power and Light Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–31, issued to Florida Power and Light Company (the licensee), for operation of the Turkey Point Nuclear Plant, Unit 3, located in Miami-Dade County, Florida.

The proposed amendment would revise Technical Specifications (TSs) ¾.1.3.1, ¾.1.3.2, ¾.1.3.5, and ¾.1.3.6 to allow the use of an alternate method of determining rod position for the control rod M–6, which has an inoperable rod position indicator (RPI), until repairs can be conducted but no later than the next outage, which is scheduled for fall 2007.

The proposed amendment also includes administrative changes to remove the existing notes regarding the RPI of the Unit 4 Rod F–8. The RPI system for F–8 was repaired during Unit 4 refueling operations in 2005; thus, the associated TS revisions are no longer in effect.

The reason for the exigency is the unanticipated failure of the Turkey Point Unit 3 Analog RPI for control rod M–6 in Control Rod Bank C. Additionally, there is a concern that exercising the movable incore detectors every 8 hours (90 times per month) to comply with the compensatory actions required by the current Action Statement a. of TS 3.1.3.2 will result in excessive wear.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to Title 10, Code of Federal Regulations (10 CFR), Section 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed change provides an alternative method for verifying rod position of one control rod. The proposed change meets the intent of the current specification in that it ensures verification of position of the control rod once every eight (8) hours. The proposed change provides only an alternative method of monitoring control rod position and does not change the assumption or results of any previously evaluated accident.

Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. As described above, the proposed change provides only an alternative method of determining the position of one control rod. No new accident initiators are introduced by the proposed alternative manner of performing rod position verification. The proposed change does not affect the reactor protection system or the reactor control system. Hence, no new failure modes are created that would cause a new or different kind of accident from any accident previously evaluated.

Therefore, operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a Significant reduction in a margin of safety?

No. The bases of Specification 3.1.3.2 state that the operability of the rod position indicators is required to determine control rod positions and thereby ensure compliance with the control rod alignment and insertion limits. The proposed change does not alter the requirement to determine rod position but provides an alternative method for determining the position of the affected rod. As a result, the initial conditions of the accident analysis are preserved and the consequences of previously analyzed accidents are unaffected.

Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding

must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner/requestor is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petitioner/requestor must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)–(viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *HEARINGDOCKET@NRC.GOV;* or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to M.S. Ross, Managing Attorney, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated September 8, 2006, which is available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 11th day of September 2006.

For the Nuclear Regulatory Commission.

Douglas V. Pickett,

Project Manager, Plant Licensing Branch II–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E6–15415 Filed 9–15–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–03795]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 06–07522–01, for Termination of the License and Unrestricted Release of United Technologies Corporation's Facility in East Hartford, CT

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT: Bryan A. Parker, Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone 404–562–4728; fax number 610–337–5269; or by e-mail: *bap@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 06–07522–01. This license is held by United Technologies Corporation (the Licensee) for its United Technologies Research Center located at 411 Silver Lane, East Hartford, Connecticut (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use and termination of the NRC license. The Licensee requested this action in a letter dated September 15, 2004. The license authorized use of licensed materials at other United Technologies Corporation facilities and temporary job sites anywhere in the United States where the NRC maintains jurisdiction; however, all use of unsealed radioactive materials under the license occurred at the East Hartford Facility. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the Licensee's September 15, 2004, license amendment request, resulting in release of the Facility for unrestricted use and termination of the NRC license. License No. 06–07522–01 was issued in 1961, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use unsealed byproduct material for purposes of conducting research and development activities on laboratory bench tops and in hoods. No outdoor areas were affected by the use of licensed materials.

The Facility was built over the period of the 1940s to 1980s in an industrial area. The affected areas consist of laboratory space in three buildings totaling approximately 13,500 square feet.

In June 2002, the Licensee ceased licensed activities and initiated a survey and decontamination of the Facility. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with its NRC-approved operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release and license termination.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility, and seeks the unrestricted use of its Facility and the termination of the NRC materials license. Termination of its license would end the Licensee's obligation to pay annual license fees to the NRC for this license.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facility shows that such activities involved use of a number of radionuclides with half-lives greater than 120 days. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Licensee conducted a final status survey in July 2002, with some followup surveys in March 2003. These surveys covered several rooms and areas within Buildings D, G, and H of the Facility. The final status survey report was attached to the Licensee's amendment request dated September 15, 2004. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG–1757, "Consolidated NMSS Decommissioning Guidance," Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLS), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities" (NUREG–1496) Volumes 1–3 (ML042310492, ML042320379, and ML042330385). The staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use and the termination of the NRC materials license is in compliance with 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity at the Facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release and license termination. Additionally, denying the amendment request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

Conclusion

The NRC staff has 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

NRC provided a draft of this Environmental Assessment to the State of Connecticut's Department of Environmental Protection for review on June 12, 2006. On August 18, 2006, the State of Connecticut's Department of Environmental Protection responded by electronic mail. The State agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers (as applicable):

1. NRC License No. 06–07522–01 inspection and licensing records.
2. License Termination Request with attached NRC Form 314 dated September 15, 2004 and Final Radiological Status Report for United Technologies Corporation, 411 Silver Lane, East Hartford, Connecticut, dated June 18, 2004 [ADAMS Accession No. ML042670211].
3. Letter of Additional Information to Support Final Status Survey, dated November 3, 2005 [ADAMS Accession No. ML053250520].
4. Letter of Additional Information to Support Final Status Survey, dated December 6, 2005 [ADAMS Accession No. ML053560247].
5. NUREG–1757, "Consolidated NMSS Decommissioning Guidance;"
6. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination;"
7. Title 10, Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;"
8. NUREG–1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities."

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*. These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at King of Prussia, Pennsylvania, this 6th day of September 2006.

For the Nuclear Regulatory Commission.

James P. Dwyer,

Chief, Commercial R&D Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. E6–15421 Filed 9–15–06; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Form 13F; SEC File No. 270–22; OMB Control No. 3235–0006.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension and approval of the collection of information described below.

Section 13(f)[1] of the Securities Exchange Act of 1934[2] (the "Exchange Act") empowers the Commission to: (1) Adopt rules that create a reporting and disclosure system to collect specific information; and (2) disseminate such information to the public. Form 13f–1[3] under the Exchange Act requires institutional investment managers that exercise investment discretion over accounts—having in the aggregate a fair market value of at least $100,000,000 of exchange-traded or NASDAQ-quoted equity securities—to file quarterly reports with the Commission on Form 13F.

The information collection requirements apply to institutional investment managers that meet the $100 million reporting threshold. Section 13(f)(5) of the Exchange Act defines an "institutional investment manager" as any person, other than a natural person, investing in or buying and selling securities for its own account, and any person exercising investment discretion with respect to the account of any other person. Form 13F under the Exchange

[1] 15 U.S.C. 78m(f).
[2] 15 U.S.C. 78a *et seq.*
[3] 17 CFR 240.13f–1.

Act defines "investment discretion" for purposes of Form 13F reporting.

The reporting system required by Section 13(f) of the Exchange Act is intended, among other things, to create in the Commission a central repository of historical and current data about the investment activities of institutional investment managers, and to improve the body of factual data available to regulators and the public.

The Commission staff estimates that 3,378 respondents make approximately 13,512 responses under the rule each year. The staff estimates that on average, Form 13F filers spend 98.8 hours/year to prepare and submit the report. In addition, the staff estimates that 336 respondents file approximately 1,344 amendments each year. The staff estimates that on average, Form 13F filers spend 4 hours/year to prepare and submit amendments to Form 13F. The total annual burden of the rule's requirements for all respondents therefore is estimated to be 335,090 hours ((3,378 filers × 98.8 hours) + (336 filers × 4 hours)).

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or e-mail to: *David_Rostker@omb.eop.gov,* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 11, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–15449 Filed 9–15–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submissions for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extensions:

Form 18; OMB Control No. 3235–0121; SEC File No. 270–105.

Form F–80; OMB Control No. 3235–0404; SEC File No. 270–357.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Form 18 (17 CFR 249.218) is used for the registration of securities of any foreign government or political subdivision on a U.S. exchange. The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of the information. The information provided is mandatory and all information is made available to the public upon request. Form 18 takes approximately 8 hours per response and is filed by approximately 5 respondents for a total of 40 annual burden hours. It is estimated that 100% of the total reporting burden is prepared by the company.

Form F–80 (17 CFR 239.41) is used by large publicly traded Canadian foreign private issuers registering securities offered in business combinations and exchange offers. The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of the information. The information provided is mandatory and all information is made available to the public upon request. Form F–80 takes approximately 2 hours per response and is filed by 4 issuers for a total annual burden of 8 hours. The estimated burden of 2 hours per response was based upon the amount of time necessary to compile the registration statement using the existing Canadian prospectus plus any additional information required by the Commission.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia, 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 11, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–15453 Filed 9–15–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form SB–1; OMB Control No. 3235–0423; SEC File No. 270–374.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Small business issuers use Form SB–1 (17 CFR 239.9), as defined in Rule 405 (17 CFR 230.405) of the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a *et seq.*), to register up to $10 million of securities to be sold for cash, if they have not registered more than $10 million in securities offerings in any continuous 12-month period, including the transaction being registered. The information to be collected is intended to ensure the adequacy of information available to investors in the registration of securities and assures public availability of the information. The

information provided is mandatory. All information provided to the Commission is available to the public for review. Approximately 17 respondents file Form SB–1 annually at an estimated 708 hours per response for a total annual burden of 12,036 hours. We further estimate that 25% of the total burden (3,009 hours) is prepared by the company and the remaining 75% of the total burden hours is prepared by outside counsel retained by the company.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson 6432 General Green Way, Alexandria, Virginia 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 11, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–15458 Filed 9–15–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17f–2(a); SEC File No. 270–34; OMB Control No. 3235–0034.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17f–2 (17 CFR 240.17f–2) of the Securities Exchange Act of 1934 (17 U.S.C. 78a *et seq.*) requires that securities professionals be fingerprinted. This requirement serves to identify security risk personnel, to allow an employer to make fully informed employment decisions, and to deter possible wrongdoers from seeking employment in the securities industry. Partners, directors, officers, and employees of exchanges, brokers, dealers, transfer agents, and clearing agencies are included.

It is estimated that 10,000 respondents will submit fingerprint cards. It is also estimated that each respondent will submit 55 fingerprint cards. The staff estimates that the average number of hours necessary to comply with the Rule 17f–2(a) is one-half hour. The total burden is 275,000 hours for respondents. The average cost per hour is approximately $50. Therefore, the total cost of compliance for respondents is $13,750,000.

Written 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 estimates 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.*

Dated: September 11, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–15459 Filed 9–15–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54420; File No. SR–NASDAQ–2006–033]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Eliminate Certain Transitional Corporate Governance Rules

September 11, 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 August 25, 2006, The NASDAQ Stock Market LLC ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. Nasdaq has designated the proposed rule change as one constituting a non-controversial rule change under Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to eliminate certain transitional provisions of its Rules that have expired and to clarify the applicability of Nasdaq Rule 4320(a). Nasdaq proposes to implement the proposed rule change immediately.

The text of the proposed rule change is available on Nasdaq's Web site at *http://www.nasdaq.com,* at Nasdaq'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, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B,

[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).

and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to delete Nasdaq Rules 4200–1 and 4350–1 and to amend Nasdaq Rule 4350(a)(5) and IM 4350–6 to remove transitional rules that are no longer applicable to any listed companies. The rules replacing these provisions were fully phased-in as of December 31, 2005. In addition, Nasdaq proposes to modify Nasdaq Rule 4320(a) to clarify the applicability of that section to newly-issued securities. This rule currently excludes a "newly issued security" from the registration requirements contained in Rule 4320(a).[5] Nonetheless, pursuant to Section 12(a) of the Act,[6] all securities must be registered under, or subject to an exemption from, Section 12(b) [7]to be listed on Nasdaq. As a result, Nasdaq proposes to eliminate this exclusion, consistent with the comparable provision of Rule 4310(a).[8]

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[9] in general, and with Section 6(b)(5) of the Act,[10] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Nasdaq believes the proposed rule change clarifies its rules.

[5] Nasdaq Rule 4320(a) currently provides that a security of a non-Canadian foreign issuer or an American Depositary Receipt or similar security issued in respect of a security of a foreign issuer, "other than a newly issued security," shall be considered or listing on Nasdaq provided that, among other things, it is: (1) Registered pursuant to Section 12(b) of the Act; or (2) subject to an exemption issued by the Commission that permits the listing of the security notwithstanding its failure to be registered pursuant to Section 12(b).

[6] 15 U.S.C. 78*l*(a).

[7] 15 U.S.C. 78*l*(b).

[8] Nasdaq Rule 4310(a) currently provides that a security of a domestic or Canadian issuer shall be considered for listing on Nasdaq provided that, among other things, it is: (1) Registered pursuant to Section 12(b) of the Act; or (2) subject to an exemption issued by the Commission that permits the listing of the security notwithstanding its failure to be registered pursuant to Section 12(b).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12]

Nasdaq has requested that the Commission waive the 30-day pre-operative period requirement for "non-controversial" proposals because the provisions to be deleted have no current application, and the proposed changes to the rule text merely clarify the existing text. In light of the foregoing, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission has determined to waive the operative delay, and the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act,[13] and Rule 19b–4(f)(6) thereunder,[14] with no operative delay.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

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–NASDAQ–2006–033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2006–033. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of Nasdaq. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2006–033 and should be submitted on or before October 10, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Nancy M. Morris,

Secretary.

[FR Doc. E6–15441 Filed 9–15–06; 8:45 am]

BILLING CODE 8010–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54421; File No. SR–NASDAQ–2006–011]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Granting Approval to Proposed Rule Change To Modify the Cure Period Available to an Issuer That Loses an Independent Director or Audit Committee Member

September 11, 2006.

On May 23, 2006, The Nasdaq Stock Market LLC ("Nasdaq") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify the cure period available to a listed issuer that loses an independent director or audit committee member. The proposed rule change was published for comment in the **Federal Register** on June 14, 2006.[3] The Commission received two comment letters on the proposal.[4] This order approves the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[5] and, in particular, Section 6(b)(5) of the Act.[6]

Nasdaq Rule 4350, among other things, requires each listed issuer to have a majority of independent directors on its board and an audit committee that consists of at least three independent members and meets other composition requirements. The rule also includes provisions affording a cure period for an issuer that fails to comply with the majority independent board requirement, either because a vacancy arises on the board or because a board member ceases to be independent for reasons outside the member's reasonable control, as well as for an issuer that fails to comply with the audit committee composition requirement because a vacancy arises on the audit committee. The cure period lasts until the earlier of the company's next annual shareholders' meeting or one year from the date of the event that caused the non-compliance.[7] The proposed rule change would provide that if the annual shareholders meeting occurs no later than 180 days following the event that caused the failure to comply with the majority independent board requirement or the audit committee composition requirement, the issuer will instead have 180 days from the event to regain compliance.

The Commission notes that, under the current rule, an issuer that falls out of compliance shortly after its annual meeting is granted a cure period of nearly one year to regain compliance, and believes that the proposal to grant a cure period of 180 days to an issuer that falls out of compliance within 180 days before its annual meeting helps to address an anomaly in Nasdaq's qualitative listing requirements and should afford such an issuer a reasonable amount of time to find a new director.[8]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR–NASDAQ–2006–011) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Nancy M. Morris,

Secretary.

[FR Doc. E6–15446 Filed 9–15–06; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 53941 (June 5, 2006), 71 FR 34408.

[4] *See* letters to Nancy M. Morris, Secretary, Commission, from Sharon H. Lachman, Regulatory Counsel, America's Community Bankers, dated July 5, 2006, and from Society of Corporate Secretaries and Governance Professionals, Carol Hayes, Chair, Listing Standards Committee, received by e-mail July 5, 2006. Both comment letters supported the proposed rule change.

[5] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f(b)(5).

[7] This cure period comports with language in Rule 10A–3 under the Act, 17 CFR 240.10A–3, which states that a national securities exchange may provide a cure period to allow a member of an audit committee who ceases to be independent through reasons outside the member's reasonable control to remain on the audit committee "until the earlier of the next annual shareholders meeting of the listed issuer or one year from the occurrence of the event that caused the member to be no longer independent," subject to the condition that the issuer notify the applicable exchange. 17 CFR 240.10A–3(a)(3).

[8] The Commission notes that, as indicated by Nasdaq in its proposal, the 180-day period would not apply to allow a director on an issuer's audit committee who ceases to be independent to remain on the committee beyond the period contemplated in Rule 10A–3(a)(3) under the Act, 17 CFR 240.10A–3(a)(3), and codified in Nasdaq Rule 4350(d)(4)(A).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54425; File No. SR–NYSEArca–2006–57]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Exchange Fees and Charges

September 11, 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 September 7, 2006, the NYSE Arca, Inc. ("NYSE Arca" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a due, fee, or other charge, pursuant to section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Schedule of Fees and Charges in order to modify the fee that applies to Option Strategy Executions.[5] The text of the proposed rule change is available on NYSE Arca's Web site at (*http://www.nyseacra.com*), at the Office of the Secretary at NYSE Arca, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposal. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] Fees on Options Strategy Executions are applicable through a Pilot Program until March 1, 2007.

Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange represents that the purpose of this proposed rule change is to modify the fee that applies to Option Strategy Executions. These transactions include reversals and conversions,[6] dividend spreads,[7] and box spreads[8] and merger spreads.[9] Because the referenced Options Strategy Transactions are generally executed by professionals whose profit margins are generally narrow, the Exchange caps the transaction fees associated with such executions at $1,000 per strategy execution that are executed on the same trading day in the same option class. In addition, the Exchange has a monthly fee cap of $50,000 per initiating firm for all strategy executions. At this time, the Exchange is proposing lowering the monthly fee cap in order to stay competitive with other national options exchanges. The Exchange proposes lowering the monthly fee cap to $25,000 per month. The daily cap of $1,000 will remain unchanged. NYSE Arca believes that by keeping fees on strategy executions low, the Exchange will be able to attract additional liquidity by accommodating these transactions.

OTP Holders and OTP Firms who wish to benefit from the fee cap will be required to submit to the Exchange forms with supporting documentation (e.g., clearing firm transaction data) to qualify for the cap.

2. Statutory Basis

The Exchange believes that the proposal is consistent with section 6(b) of the Act,[10] in general, and section 6(b)(4),[11] in particular, in that it provides for the equitable allocation of dues, fees, and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[12] and subparagraph (f)(2) of Rule 19b–4 thereunder[13] because it establishes or changes a due, fee, or other charge. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2006–57 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2006–57. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of NYSE Arca. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2006–57 and should be submitted on or before October 10, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Nancy M. Morris,

Secretary.

[FR Doc. E6–15405 Filed 9–15–06; 8:45 am]

BILLING CODE 8010–01–P

[6] Reversals and conversions are transactions that employ calls, puts and the underlying stock to lock in a nearly risk free profit. Reversals are established by combining a short stock position with a short put and a long call position that shares the same strike and expiration. Conversions employ long positions in the underlying stock that accompany long puts and short calls sharing the same strike and expiration.

[7] Dividend spreads are trades involving deep in the money options that exploit pricing differences arising around the time a stock goes ex-dividend.

[8] Box Spreads is a strategy that synthesizes long and short stock positions to create a profit. Specifically, a long call and short put at one strike is combined with a short call and long put at a different strike to create synthetic long and synthetic short stock positions, respectively.

[9] A merger spread is a transaction executed pursuant to a strategy involving the simultaneous purchase and sale of options of the same class and expiration date, but with different strike prices followed by the exercise of the resulting long option position.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54424; File No. SR–Phlx–2006–55]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Amending Its Dividend, Merger, and Short Stock Interest Strategy Program

September 11, 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 August 31, 2006, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange")

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Phlx. Phlx has designated the proposed rule change as one establishing or changing a due, fee, or other charge, pursuant to Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend its dividend,[5] merger,[6] and short stock interest[7] strategies to: (1) Replace the current $1,750 fee cap on equity option transaction and comparison charges for both merger strategies executed on the same trading day in the same options class as well as for dividend strategies executed on the same trading day in the same options class, except for a security with a declared dividend or distribution of less than $0.25, with a $1,000 fee cap; and (2) adopt a $25,000 per member organization fee cap on equity option transaction and comparison charges incurred in one month for dividend, merger and short stock interest strategies combined.

The $1,000 and $25,000 caps will be implemented after any applicable rebates, as more fully described below, are applied to Registered Options Trader ("ROT") and specialist equity option transaction and comparison charges occurring as part of a dividend, merger or short stock interest strategy.

In addition, the Exchange will continue to assess a $0.05 per contract side license fee for dividend and short stock interest strategies in connection with certain products that carry license fees, if applicable. The applicable license fee will be assessed on every transaction and will not be subject to the $1,000 or $25,000 fee caps described above, nor will it count towards reaching the $1,000 or $25,000 caps.

This proposal is scheduled to become effective for trades settling on or after September 1, 2006 and the $1,000 and $25,000 fee caps on equity option transaction and comparison charges as described above will be subject to the pilot program currently in effect until March 1, 2007.[8] The text of the proposed rule change is available on Phlx's Web site at *http://www.phlx.com*, at the Office of the Secretary at Phlx, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposal. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the Exchange provides a rebate for certain contracts executed in connection with transactions occurring as part of a dividend, merger, or short stock interest strategy. Specifically, for these option contracts executed pursuant to a dividend strategy, the Exchange rebates $0.08 per contract side for ROT executions and $0.07 per contract side for specialist executions transacted on the business day before the underlying stock's ex-date. The ex-date is the date on or after which a security is traded without a previously declared dividend or distribution. The Exchange also provides for a rebate of $0.08 per contract side for ROT executions and $0.07 per contract side for specialist executions made pursuant to a merger or short stock interest strategy.

At present, the net transaction charges and comparison charges for specialists and ROTs after the rebate is applied are capped at $1,000 for short stock interest strategies executed on the same trading day in the same options class and at $1,750 for merger strategies executed on the same trading day in the same options class.[9] The net transaction and comparison charges are capped at $1,750 for dividend strategies executed on the same trading day in the same options class, except for a security with a declared dividend or distribution of less than $0.25. In that instance, the net transaction and comparison charges are capped at $1,000 for dividend strategies executed on the same trading day in the same options class.[10] Pursuant to this proposal, the net transaction charge and comparison charges, after the rebate is applied, will be capped at $1,000 for dividend, merger and short stock interest strategies as described above and further capped at $25,000 per month per member organization for dividend, merger and short stock interest strategies combined for that month.

In addition, the Exchange currently assesses a license fee of $0.05 per contract side for dividend and short stock interest strategies in connection with certain products that carry license fees.[11] The Exchange will continue to assess the $0.05 per contract side license fee for dividend and short stock interest strategies in connection with certain products that carry license fees if applicable.[12] The applicable license fee will be assessed on every transaction and will not be subject to the $1,000 or $25,000 fee caps, nor will it count towards reaching the $1,000 or $25,000 caps, consistent with the Exchange's current practice.

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[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] For purposes of this proposal, the Exchange defines a "dividend strategy" as transactions done to achieve a dividend arbitrage involving the purchase, sale, and exercise of in-the-money options of the same class, executed prior to the date on which the underlying stock goes ex-dividend. *See* Securities Exchange Act Release No. 54174 (July 19, 2006), 71 FR 42156 (July 25, 2006) (SR–Phlx–2006–40).

[6] For purposes of this proposal, the Exchange defines a "merger strategy" as transactions done to achieve a merger arbitrage involving the purchase, sale, and exercise of options of the same class and expiration date, executed prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.*, cash or stock. *See Id.*

[7] For purposes of this proposal, the Exchange defines a "short stock interest strategy" as transactions done to achieve a short stock interest arbitrage involving the purchase, sale, and exercise of in-the-money options of the same class. *See Id.*

[8] The current fee caps on equity option transaction and comparison charges on dividend, merger and short stock interest strategies and the $0.05 per contract side license fee for dividend and short stock interest strategies are in effect as a pilot program that is currently scheduled to expire on March 1, 2007. See Securities Exchange Act Release No. 34–54381 (August 29, 2006), 71 FR 52598 (September 6, 2006) (SR–Phlx–2006–50).

[9] *See* Securities Exchange Act Release Nos. 54174 (July 19, 2006), 71 FR 42156 (July 25, 2006) (SR–Phlx–2006–40); 53529 (March 21, 2006), 71 FR 15508 (March 28, 2006) (SR–Phlx–2006–16); 53115 (January 13, 2006), 71 FR 3600 (January 23, 2006) (SR–Phlx–2005–82); 51657 (May 5, 2005), 70 FR 24851 (May 11, 2005) (SR–Phlx–2005–22); and 51596 (April 21, 2005), 70 FR 22381 (April 29, 2005) (SR–Phlx–2005–19).

[10] The fee caps are implemented after any applicable rebates are applied to ROT and specialist equity option transaction and comparison charges. *See* Securities Exchange Act Release Nos. 54174 (July 19, 2006), 71 FR 42156 (July 25, 2006) (SR–Phlx–2006–40) and 53529 (March 21, 2006), 71 FR 15508 (March 28, 2006) (SR–Phlx–2006–16).

[11] For a complete list of these product symbols, *see* the Exchange's $60,000 Firm-Related Equity Option and Index Option Cap Fee Schedule.

[12] *Id.*

This proposal is scheduled to become effective for trades settling on or after September 1, 2006 and the $1,000 and $25,000 fee caps on equity option transaction and comparison charges, as described above, will be subject to the pilot program currently in effect until March 1, 2007.[13] The purpose of the proposal is to attract additional order flow to the Exchange. The Exchange believes that implementing a lower fee cap of $1,000 and a monthly $25,000 per month per member organization fee cap, should increase the Exchange's ability to compete with other options exchanges for order flow in connection with these types of options strategies.

2. Statutory Basis

The Exchange believes that its proposal to amend its schedule of fees is consistent with Section 6(b) of the Act [14] in general, and furthers the objectives of Section 6(b)(4) of the Act [15] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [16] and subparagraph (f)(2) of Rule 19b–4 thereunder [17] because it establishes or changes a due, fee, or other charge. 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] *See* footnote 8.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4).

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

[17] 17 CFR 240.19b–4(f)(2).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2006–55 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2006–55. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2006–55 and should be submitted on or before October 10, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Nancy M. Morris,

Secretary.

[FR Doc. E6–15402 Filed 9–15–06; 8:45 am]

BILLING CODE 8010–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54423; File No. SR–Phlx–2006–54]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc., Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Broker/Dealer (Non-AUTOM-Delivered) Equity Option Transaction Charge

September 11, 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 August 31, 2006, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Phlx. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend the broker/dealer equity option (non-AUTOM-delivered) [3] transaction charge from a tiered fee schedule based on the number of contracts to a flat fee of $0.25 per contract. The text of the proposed rule change is available on the Exchange's Web site at *http://www.Phlx.com*, at the Phlx's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] AUTOM is the Exchange's electronic order delivery, routing, execution and reporting system, which provides for the automatic entry and routing of equity option and index option orders to the Exchange trading floor. *See* Exchange Rules 1014(b)(ii) and 1080).

proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx proposes to amend the broker/dealer equity option (non-AUTOM-delivered) transaction charge from a tiered fee schedule based on the number of contracts to a flat fee of $0.25 per contract. The proposed $0.25 per contract charge replaces the three-tiered charges of $0.35, $0.25 or $0.20 per contract, depending on the volume. The $0.45 per contract charge for broker/dealer (AUTOM-delivered) transactions remains unchanged. This proposal is scheduled to become effective for trades settling on or after September 1, 2006. The purpose of this proposal is to remain competitive with other exchanges [4] and to attract additional broker/dealer (non-AUTOM-delivered) business to the Exchange.

2. Statutory Basis

The Exchange believes that its proposal to amend its schedule of fees is consistent with Section 6(b) of the Act [5] in general, and furthers the objectives of Section 6(b)(4) of the Act [6] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [7] and paragraph (f)(2) of Rule 19b–4 [8] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2006–54 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2006–54. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2006–54 and should be submitted on or before October 10, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Nancy M. Morris,

Secretary.

[FR Doc. E6–15404 Filed 9–15–06; 8:45 am]

BILLING CODE 8010–01–P

[4] *See* Securities Exchange Act Release No. 53485 (March 14, 2006), 71 FR 14564 (March 22, 2006) (SR–PCX–2006–15).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before October 18, 2006. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *David_Rostker@omb.eop.gov*, fax number 202–395–7285, Office of Information and Regulatory Affairs, Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, *jacqueline.white@sba.gov* (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Disaster Home Loan Application (ODA).

Form Nos: 5C, 739.

Frequency: On occasion.

Description of Respondents: Applicants Requesting SBA Disaster Home Loan.

Annual Responses: 47,962.
Annual Burden: 71,943.

Jacqueline White,
Chief, Administrative Information Branch.
[FR Doc. E6–15482 Filed 9–15–06; 8:45 am]
BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before October 18, 2006. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *David_Rostker@omb.eop.gov,* fax number 202–395–7285, Office of Information and Regulatory Affairs, Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, *jacqueline.white@sba.gov* (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Disaster Home/Business Loan Inquiry Record.
Form No: 700.
Frequency: On occasion.
Description of Respondents: Disaster victims.
Annual Responses: 42,196.
Annual Burden: 10,549.

Jacqueline White,
Chief, Administrative Information Branch.
[FR Doc. E6–15483 Filed 9–15–06; 8:45 am]
BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before October 18, 2006. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *David_Rostker@omb.eop.gov,* fax number 202–395–7285, Office of Information and Regulatory Affairs, Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, *jacqueline.white@sba.gov,* (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Pre-Disaster Mitigation Small Business Loan Application.
Form No.: 5M.
Frequency: On occasion.
Description of Respondents: Small Business Lending Companies.
Annual Responses: 2,500.
Annual Burden: 5,000.

Jacqueline White,
Chief, Administrative Information Branch.
[FR Doc. E6–15484 Filed 9–15–06; 8:45 am]
BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before October 18, 2006. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *David_Rostker@omb.eop.gov,* fax number 202–395–7285, Office of Information and Regulatory Affairs, Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, *jacqueline.white@sba.gov,* (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Reports to SBA; Provisions of 13 CFR 120.472.
Form No.: N/A.
Frequency: On Occasion.
Description of Respondents: Small Business Lending Companies.
Annual Responses: 14.
Annual Burden: 1,120.

Jacqueline White,
Chief, Administrative Information Branch.
[FR Doc. E6–15485 Filed 9–15–06; 8:45 am]
BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before November 17, 2006.

ADDRESSES: Send all comments regarding whether these information collections are necessary for the proper performance of the function of the

agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to Sandra Johnston, Program Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, SW., Suite 8300, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Sandra Johnston, Program Analyst, Office of Financial Assistance, 202–205–7528, *sandra.johnston@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION:

Title: "Form of Detached Assignment for U.S. Small Business Administration Loan Pool or Guaranteed Interest Certificate".

Description of Respondents: Secondary market participants.

Form No: 1088.

Annual Responses: 6,500.

Annual Burden: 9,750.

Supplementary Information:

Title: "PCLP Quarterly Loan Reserve Report and PCLP Guarantee Request".

Description of Respondents: PCLP Lenders.

Form Nos: 2233, 2234A/B/C.

Annual Responses: 886.

Annual Burden: 832.

Supplementary Information:

Title: "SBA Express Information Collection".

Description of Respondents: SBA Express Lenders.

Form No's: 1919, 1920sx, 2236, 2237, 2238.

Annual Responses: 20,000.

Annual Burden: 17,500.

Addresses: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Cynthia Pitts, Administrative Officer, Office of Disaster Assistance, Small Business Administration, 409 3rd Street SW., 6th floor, Washington, DC 20416.

For Further Information Contact: Cynthia Pitts, Administrative Officer, Office of Disaster Assistance, 202–205–7570, *cynthia.pitts@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

Supplementary Information:

Title: "Disaster Survey Worksheet".

Description of Respondents: Applicants who warrant Disaster Declaration.

Form No: 987.

Annual Responses: 3,000.

Annual Burden: 249.

Addresses: Send all comments regarding whether these information collections are necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to Rachel Karton, Program Analyst, Office of Small Business Development Centers, Small Business Administration, 409 3rd Street, SW., 6th floor, Washington, DC 20416.

For Further Information Contact: Rachel Karton, Program Analyst, Office of Small Business Development Centers, 202–619–1816, *rachel.Newman-Karton@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

Supplementary Information:

Title: "Training Program Evaluation".

Description of Respondents: Small Business Clients.

Form No: 20.

Annual Responses: 200,000.

Annual Burden: 40,000.

Supplementary Information:

Title: "SBDC Program & Financial Reports".

Description of Respondents: SBDC Directors.

Form No: SF–269 and SF–272.

Annual Responses: 114.

Annual Burden: 7,524.

Addresses: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Martin Gold, Deputy Regional Administrator, Office of the Ombudsman, Small Business Administration, 409 3rd Street, SW., 8th floor, Washington, DC 20416.

For Further Information Contact: Martin Gold, Deputy Regional Administrator, Office of the Ombudsman, 202–205–7549, *martin.gold@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

Supplementary Information:

Title: "Federal Agency Comment Form".

Description of Respondents: Small Business Owners and Farmers.

Form No: 1993.

Annual Responses: 400.

Annual Burden: 300.

Addresses: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Tina Johnson, Program Analyst, Office of Small Business Development Centers, Small Business Administration, 409 3rd Street, SW., 8th floor, Washington, DC 20416.

For Further Information Contact: Tina Johnson, Program Analyst, Office of Government Contracting, 202–205–7976, *tina.johnson@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

Supplementary Information:

Title: "ProNet".

Description of Respondents: Small Firms.

Form No: N/A.

Annual Responses: 10,000.

Annual Burden: 2,500.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. E6–15486 Filed 9–15–06; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10597 and # 10598]

New Mexico Disaster Number NM–00004

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of New Mexico (FEMA–1659–DR), dated August 30, 2006.

Incident: Severe Storms and Flooding.

Incident Period: July 26, 2006 and continuing.

Effective Date: September 8, 2006.

Physical Loan Application Deadline Date: October 30, 2006.

EIDL Loan Application Deadline Date: May 30, 2007.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of New Mexico, dated August 30, 2006 is hereby amended to

include the following areas as adversely affected by the disaster:

Primary Counties:
Otero
Contiguous Counties:
New Mexico
Chaves, Eddy, Lincoln
Texas
Culberson, Hudspeth

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,
Associate Administrator for Disaster Assistance.
[FR Doc. E6–15369 Filed 9–15–06; 8:45 am]
BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Audit and Financial Management Advisory (AFMAC) Committee Public Meeting

The U.S. Small Business Administration, Audit and Financial Management Advisory Committee (AFMAC) will host a public meeting on Monday, September 25, 2006 at 9 a.m. The meeting will take place at the U.S. Small Business Administration, 409 3rd Street, SW., Office of the Chief Financial Officer Conference Room, 6th Floor, Washington, DC 20416. The purpose of the meeting is to discuss the SBA's FY 2006 Financial Reporting, the FY 2006 Audit/KPMG and OMB Circular A–123.

The AFMAC was established by the Administrator of the SBA to provide recommendation and advice regarding the Agency's financial management, including the financial reporting process, systems of internal controls, audit process and process for monitoring compliance with relevant laws and regulations.

Anyone wishing to attend must contact Jennifer Main in writing or by fax. Jennifer Main, Chief Financial Officer, 409 3rd Street, SW., 6th Floor, Washington, DC 20416, phone: (202) 205–6449, fax: (202) 205–6969, e-mail: *Jennifer.main@sba.gov.*

Joel Szabat,
Chief of Staff.
[FR Doc. E6–15361 Filed 9–15–06; 8:45 am]
BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Public Federal Regulatory Enforcement Fairness Hearing; Region IX Regulatory Fairness Board

The U.S. Small Business Administration (SBA) Region IX Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a public hearing on Friday, September 29, 2006, at 9 a.m. The meeting will take place at the Sacramento Convention Center, 1401 J Street, Room 101, Sacramento, CA 95814–2918. The purpose of the meeting is to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning regulatory enforcement and compliance actions taken by Federal agencies.

Anyone wishing to attend or to make a presentation must contact Mary Conway-Jepsen, in writing or by fax, in order to be placed on the agenda. Mary Conway-Jepsen, Business Development Specialist, SBA, Sacramento District Office, 650 Capitol Mall, Suite 7–500, Sacramento, CA 95814–2918, phone (916) 930–3718 and fax (916) 930–3737, e-mail: *Mary.conway-jepsen@sba.gov.*

For more information, see our Web site at *http://www.sba.gov/ombudsman.*

Thomas M. Dryer,
Acting Committee Management Officer.
[FR Doc. E6–15362 Filed 9–15–06; 8:45 am]
BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Regional Small Business Regulatory Fairness Boards; Training and Public Meeting

The U.S. Small Business Administration (SBA), Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a public meeting and training conference on Thursday and Friday, September 14–15, 2006, at 9 a.m. The meeting will take place at the U.S. Small Business Administration Headquarters, Eisenhower Conference Room, 2nd Floor, 409 3rd Street, SW., Washington, DC 20416. The meeting was originally scheduled to be a training session only but the format has been changed to include a discussion of Board business. The purpose of the meeting is to advise the National Ombudsman on matters of concern to small businesses relating to the enforcement activities of federal agencies and to orient new Board Members. Any member of the public who wishes to participate should contact José Méndez, Event Coordinator, SBA, 409 3rd Street, SW., Suite 7125, Washington, DC 20416, phone (202) 205–6178 and fax (202) 481–2707, e-mail: *jose.mendez@sba.gov.*

For more information, see our Web site at *http://www.sba.gov/ombudsman.*

Thomas M. Dryer,
Acting Committee Management Officer.
[FR Doc. E6–15370 Filed 9–15–06; 8:45 am]
BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. The information collection packages that may be included in this notice are for new information collections, approval of existing information collections, revisions to OMB-approved information collections, and extensions (no change) of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below:

(OMB) Office of Management and Budget. Attn: Desk Officer for SSA. Fax: 202–395–6974.

(SSA) Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235. Fax: 410–965–6400.

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–0454 or by writing to the address listed above.

1. Application for Lump Sum Death Payment—20 CFR 404.390–404.392—0960–0013. The Social Security Administration (SSA) needs the

information collected on Form SSA–8–F4 to authorize payment of the lump-sum death payment (LSDP) to a widow, widower, or children as defined in Section 202(i) of the Act. Respondents are applicants for LSDP.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 587,000.

Estimated Annual Burden: 93,187 hours.

Collection method	Number of respondents	Estimated completion time	Burden hours
Personal Interview (Modernized Claims System)	557,650	9–10 minutes	88,2950
Paper	29,350	10 minutes	4,892
Totals	587,000		93,187

2. Pre-1957 Military Service—Federal Benefit Questionnaire—20 CFR 404.1301–404.1371—0960–0120. Sections 217(a) through (e) of the Social Security Act provide for the crediting of military service before 1957 to the wage earner's record. Form SSA–2512 collects specific information about other Federal, military or civilian benefits the wage earner may receive when the applicant indicates both pre-1957 military service and the receipt of Federal benefits. This data is then used in the claims adjudication process to grant gratuitous military wage credits when applicable. This form is used to solicit sufficient information to make a determination of eligibility. Respondents are applicants for Social Security benefits on a record where the wage earner has pre-1957 military service.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 5,000.

Frequency of Response: 1.

Average Burden per Response: 10 minutes.

Estimated Annual Burden: 833 hours.

3. Prisoner Matching Agreements—20 CFR 404.468 and 20 CFR 416.211 —0960–NEW.

Collection Background

Section 202(x) of the Social Security Act (the Act) and regulations at 20 CFR 404.468 preclude a person from receiving a benefit under title II for any month during which such individual is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of a criminal offense or because he/she is not-guilty by reason of insanity. Accordingly, Section 1611(e) of the Social Security Act and regulations at 20 CFR 416.211, provide that no person shall be an eligible individual or eligible spouse for title XVI with respect to any month if throughout such month he is an inmate of a public institution.

Prisoner Matching Collection Activity

To enforce these provisions of the Act, SSA has entered into agreements with the Federal Bureau of Prisons, along with State and local correctional facilities and certain mental health institutions, to submit monthly prisoner reports to SSA. SSA matches these reports against our files to identify incarcerated individuals receiving Social Security and Supplemental Security Income (SSI) payments and take action to suspend their payments. SSA uses the reports of confinement as the basis for stopping payments under titles II & XVI. The respondents to the collection are State and local correctional facilities, the Federal Bureau of Prisons and certain mental health institutions that have entered into prisoner matching agreements with SSA.

Type of Request: Collection in use without OMB Control Number.

Number of Respondents: 3,000.

Frequency of Response: 12.

Average Burden per Response: 60 minutes.

Estimated Annual Burden: 36,000 hours.

4. Fugitive Felon Matching Agreements—20 CFR 404.471 and 416.1339—0960–NEW.

Collection Background

Sections 202(x) and 1611(e)(4) of the Social Security Act provides that a person may not receive a benefit under title II and will not be eligible under title XVI for any month he or she is avoiding prosecution for a felony, is avoiding confinement or conviction of a felony, or is violating a condition of probation or parole. In jurisdictions that do not define crimes as felonies this nonpayment/ineligibility applies to any crime that is punishable by death or imprisonment for more than one year, regardless of the actual sentence imposed.

Fugitive Felon Matching Collection Activity

To enforce these provisions of the Act, SSA has entered agreements with the FBI's National Crime Information Center (NCIC), the U.S. Marshall Service, 21 individual States, Washington DC, and four metropolitan law enforcement agencies under which these law enforcement agencies submit outstanding felony and parole/probation violator warrants to SSA. SSA uses the reports of outstanding warrants as the basis for stopping payments under titles II & XVI. The respondents to the collection are the Federal, State and local law enforcement agencies that have entered into Fugitive Felon matching agreements with SSA.

Type of Request: Collection in use without OMB Control Number.

Number of Respondents: 28.

Frequency of Response: * 7.

Average Burden per Response: 60 minutes.

Estimated Annual Burden: 196 hours.

*** Please Note:** Seven responses per respondent is the average frequency of reporting. The actual response rate per respondent varies based on the individual need to report.

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Offiter at 410–965–0454, or by writing to the address listed above.

1. Application for Widow's or Widower's Insurance Benefits—20 CFR 404.335–404.338, 404.603—0960–0004. SSA uses the information collected on the SSA–10–BK to determine whether the applicant meets the statutory and regulatory conditions for entitlement to widow(er)'s Social Security Title II benefits. The respondents are applicants for widow's or widower's insurance benefits.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 341,560.

Estimated Annual Burden: 82,686 hours.

Collection method	Number of respondents	Estimated completion time	Burden hours
Personal Interview (Modernized Claims System)	324,482	14–15 minutes	78,416
Paper	17,078	15 minutes	4,270
Totals	341,560		82,686

2. Waiver of Right to Appear—Disability Hearing—20 CFR 404.913–404.914, 404.916(b)(5), 416.1413–416.1414, 416.1416(b)(5)—0960–0534. The SSA–773–U4 is used by claimants or their representatives to officially wave the right to appear at a disability hearing. The disability hearing officer uses the signed form as a basis for not holding a hearing and for preparing a written decision based solely on the evidence of the record. The respondents are claimants for disability under Titles II and XVI of the Social Security Act, or their representatives, who wish to officially waive their right to appear at a disability hearing.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 200.

Frequency of Response: 1.

Average Burden per Response: 3 minutes.

Estimated Annual Burden: 10 hours.

3. Childhood Disability Evaluation Form—20 CFR 416.924(g)—0960–0568. The information collected on the SSA–538–F6 is used by SSA and the State Disability Determination Services (DDSs) to record medical and functional findings concerning the severity of impairments of children claiming SSI benefits based on disability. The SSA–538–F6 is used for initial determinations of SSI eligibility; appeals; and in initial continuing disability reviews. The respondents are DDSs which make disability determinations on behalf of SSA under Title XVI of the Social Security Act.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 750,000.

Frequency of Response: 1.

Average Burden per Response: 25 minutes.

Estimated Annual Burden: 312,500 hours.

4. Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Learning, Hospitals and Other Non-Profit Organizations—20 CFR 435—0960–0616. The information contained in 20 CFR 435 of the Code of Federal Regulations provides SSA's standards in the administration of grants and agreements awarded to institutions of higher learning, hospitals, other non-profit and/or commercial organizations. It provides administrative guidelines and reporting, recordkeeping and disclosure requirements for applicable recipients of grants and agreements. Respondents are applicants and recipients for grants and agreements with SSA.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 196.

Number of Responses: 697.

Estimated Annual Burden: 12,871 hours.

Section No.	Number of responses	Frequency of response	Average burden per response (hours)	Estimated annual burden (hours)
435.21 Rec-kp	1	N/A	40	40
435.23 Rec-kp	143	Quarterly (4)	1	572
435.25 Rpt	157	Biannually (2)	4	1,256
435.33 Rpt	1	Annually (1)	1	1
435.44 Rpt	1	Annually (1)	2	2
435.51 Rpt	196	Quarterly (4)	12	9,408
435.53 Rec-kp	196	Annually (1)	8	1,568
435.81 Rpt	1	Annually (1)	16	16
435.82 Rpt	1	Annually (1)	8	8
Total	697			12,871

5. Medical Consultant's Review of Physical Residual Functional Capacity Assessment—20 CFR 404.1545–.1546, 404.1640, 404.1643, 404.1645, 416.945–.946—0960–0680. The SSA–392 is used by SSA's regional review component to facilitate the medical consultant's review of the Physical Residual Functional Capacity Assessment form (PRFC). The SSA–392 records the reviewing medical consultant's assessment of the PRFC prepared by the adjudicating component. The medical consultant only completes an SSA–392 when the adjudicating component's RFC is in the claims file. The SSA–392 is required for each PRFC completed. Respondents are medical consultants who review the adjudicating component's completion of the PRFC for quality purposes.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 256.

Frequency of Response: 359.

Number of Responses: 91,904

Average Burden per Response: 12 minutes.

Estimated Annual Burden: 18,380 hours.

6. Special Benefits for Certain World War II Veterans—20 CFR 408, Subparts G, H, I, J & L—0960–0683. Title VIII of the Social Security Act, Special Benefits for Certain World War II Veterans (SVB), allows, under certain circumstances, the payment of SVB to qualified veterans who reside outside the United States. The accompanying regulations set out the requirements an individual must meet in order to establish continuing eligibility to, and insure correct payment amount of, SVB and/or State recognition payments. Additionally, they provide requirements that a State must meet in order to elect, modify, or terminate a Federal agreement. The respondents are individuals who receive Title VIII SVB, and/or States that elect

Federal administration of their recognition payments.

Type of Request: Extension of an OMB-approved information collection.

Estimated Annual Burden: 22 hours.

Section No.	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden
§ 408.704–.714	1	1	60	1
§ 408.802(b)	5	1	15	1.25
§ 408.814	5	1	15	1.25
§ 408.820(c)	5	1	15	1.25
§ 408.923(b)	1	1	60	1
§ 408.931(b) & § 408.932(d)	1	1	60	1
§ 408.932(c)	2	1	15	.50
§ 408.932(e)	2	1	15	.50
§ 408.941(b) & § 408.942	2	1	15	.50
§ 408.944(a)	2	1	30	1
§ 408.1000(a)	1	1	60	1
§ 408.1007; § 408.1009(a)–(b)	1	1	60	1
§ 408.1009(c)	1	1	60	1
§ 408.1210(c)–(d)	1	1	120	2
§ 408.1215	10	1	15	2.50
§ 408.1230	20	1	15	5.00
Totals	60			22

Dated: September 11, 2006.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. E6–15281 Filed 9–15–06; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2006 25814]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel BRIER PATCH.

SUMMARY: As authorized by Public Law 105–383 and Public Law 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2006–25814 at *http://dms.dot.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before October 18, 2006.

ADDRESSES: Comments should refer to docket number MARAD–2006 25814. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/*. 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 is available on the World Wide Web at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BRIER PATCH is:

Intended Use: "Day charter. Possible over nite to local areas."

Geographic Region: Southern California, U.S. Virgin Islands, Florida.

Dated: September 8, 2006.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. E6–15373 Filed 9–15–06; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2006 25815]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel NAMASTÉ.

SUMMARY: As authorized by Public Law 105–383 and Public Law 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2006–25815 at

http://dms.dot.gov. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before October 18, 2006.

ADDRESSES: Comments should refer to docket number MARAD–200625815. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* 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 is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel NAMASTÉ is:

Intended Use: "Inshore sailing charters."

Geographic Region: Florida Gulf Coast.

Dated: September 8, 2006.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. E6–15374 Filed 9–15–06; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–290 (Sub-No. 268X)]

Norfolk Southern Railway Company—Abandonment Exemption—in Loraln County, OH

Norfolk Southern Railway Company (NSR) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon 2.31 miles of track between mileposts LV–22.32 and LV–23.55 and between mileposts LV–24.17 and LV–25.25, in the Village of Sheffield, in Lorain County, OH. The line traverses United States Postal Service Zip Code 44055 and includes the former station of South Lorain.

NSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years and, if there were any, overhead traffic could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 18, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 28, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 10, 2006, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to NSR's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

NSR has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by September 22, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NSR's filing of a notice of consummation by September 18, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: September 8, 2006.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the appropriate filing fee, which was increased to $1,300 effective on April 19, 2006. *See Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006).

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–15264 Filed 9–15–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Financial Management Service; Proposed Collection of Information: Assignment Form

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Financial Management Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection. By this notice, the Financial Management Service solicits comments concerning the form "Assignment Form."

DATES: Written comments should be received on or before November 17, 2006.

ADDRESSES: Direct all written comments to Financial Management Service, Records and Information Management Branch, Room 135, 3700 East West Highway, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Kevin McIntyre, Manager, Judgment Fund Branch, 3700 East West Highway, Room 6E15, Hyattsville, MD 20782, (202) 874–6664.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Financial Management Service solicits comments on the collection of information described below:

Title: Assignment Form.

OMB Number: 1510–0035.

Form Number: None.

Abstract: This form is used when an awardholder wants to assign or transfer all or part of his/her award to another person. When this occurs, the awardholder forfeits all future rights to the portion assigned.

Current Actions: Extension of currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 150.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 75.

Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Wanda J. Rogers,

Assistant Commissioner, Financial Operations.

[FR Doc. 06–7730 Filed 9–15–06; 8:45 am]

BILLING CODE 4810–35–M

UNITED STATES INSTITUTE OF PEACE

Sunshine Act Meeting

DATE AND TIME: Thursday, September 28, 2006, 9 a.m.–4 p.m.

LOCATION: 1200 17th Street, NW., Suite 200, Washington, DC 20036–3011.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: September 28, 2006 Board Meeting; Approval of Minutes of the One Hundred Twenty-Third Meeting (June 14, 2006) of the Board of Directors; Chairman's Report; President's Report; Consideration of Recommended Grants; Iraq Study Group Update; Other General Issues.

CONTACT: Tessie F. Higgs, Executive Office, Telephone: (202) 429–3836.

Dated: September 11, 2006.

Patricia P. Thomson,

Executive Vice President, United States Institute of Peace.

[FR Doc. 06–7744 Filed 9–14–06; 11:36 am]

BILLING CODE 6820–AR–M

Federal Register

Monday,
September 18, 2006

Part II

Department of Transportation

National Highway Traffic Safety Administration

49 CFR Parts 571 and 585
Federal Motor Vehicle Safety Standards; Electronic Stability Control Systems; Proposed Rule

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 585

[Docket No. NHTSA–2006–25801]

RIN 2127–AJ77

Federal Motor Vehicle Safety Standards; Electronic Stability Control Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: As part of a comprehensive plan for reducing the serious risk of rollover crashes and the risk of death and serious injury in those crashes, this document proposes to establish a new Federal motor vehicle safety standard (FMVSS) No. 126 to require electronic stability control (ESC) systems on passenger cars, multipurpose vehicles, trucks and buses with a gross vehicle weight rating of 4,536 Kg (10,000 pounds) or less. ESC systems use automatic computer-controlled braking of individual wheels to assist the driver in maintaining control in critical driving situations in which the vehicle is beginning to lose directional stability at the rear wheels (spin out) or directional control at the front wheels (plow out).

Based on our own crash data studies, NHTSA estimates that the installation of ESC will reduce single-vehicle crashes of passenger cars by 34 percent and single vehicle crashes of sport utility vehicles (SUVs) by 59 percent, with a much greater reduction of rollover crashes.

Preventing single-vehicle loss-of-control crashes is the most effective way to reduce deaths resulting from rollover crashes. This is because most loss of control crashes culminate in the vehicle leaving the roadway, which dramatically increases the probability of a rollover. NHTSA estimates that ESC has the potential to prevent 71 percent of passenger car rollovers and 84 percent of SUV rollovers in single-vehicle crashes.

NHTSA estimates that ESC would save 5,300 to 10,300 lives and prevent 168,000 to 252,000 injuries in all types of crashes annually if all light vehicles on the road were equipped with ESC systems. ESC systems would substantially reduce (by 4,200 to 5,400) of the more than 10,000 deaths each year on American roads resulting from rollover crashes.

About 29 percent of model year (MY) 2006 light vehicles sold in the U.S. were equipped with ESC, and manufacturers intend to increase the number of ESC installations in light vehicles to 71 percent by MY 2011. This rule would require a 100 percent installation rate for ESC by MY 2012 (with exceptions for some vehicles manufactured in stages or by small volume manufacturers). Of the overall projected annual 5,300 to 10,300 highway deaths and 168,000 to 252,000 injuries prevented, we would attribute 1,536 to 2,211 prevented fatalities (including 1,161 to 1,445 involving rollover) to this proposed rulemaking, in addition to the prevention of 50,594 to 69,630 injuries.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than November 17, 2006.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number above by any of the following methods:

- *Web Site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590
- *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 agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov,* including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

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.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Mr. Patrick Boyd, Office of Crash Avoidance Standards at (202) 366–2272. His FAX number is (202) 366–7002.

For legal issues, you may call Mr. Eric Stas, Office of the Chief Counsel at (202) 366–2992. His FAX number is (202) 366–3820.

You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

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I. Executive Summary

As part of a comprehensive plan for reducing the serious risk of rollover crashes and the risk of death and serious injury in those crashes, this rule proposes to establish Federal Motor Vehicle Safety Standard (FMVSS) No. 126, *Electronic Stability Control Systems,* which would require passenger cars, multipurpose passenger vehicles (MPVs), trucks, and buses that have a gross vehicle weight rating (GVWR) of 4,536 kg (10,000 pounds) or less to be equipped with an ESC system that meets the requirements of the standard. ESC systems use automatic, computer-controlled braking of individual wheels to assist the driver in maintaining control (and the vehicle's intended heading) in situations where the vehicle is beginning to lose directional stability (*e.g.,* where the driver misjudges the severity of a curve

or over-corrects in an emergency situation). In such situations (which occur with considerable frequency), intervention by the ESC system can assist the driver in preventing the vehicle from leaving the roadway, thereby preventing fatalities and injuries associated with crashes involving vehicle rollover or collision with various objects (*e.g.*, trees, highway infrastructure, other vehicles).

Based upon current estimates regarding the effectiveness of ESC systems, we believe that an ESC standard could save thousands of lives each year, providing potentially the greatest safety benefits produced by any safety device since the introduction of seat belts. The following discussion highlights the research and regulatory efforts that have culminated in the present proposal.

Since the early 1990's, NHTSA has been actively engaged in finding ways to address the problem of vehicle rollover, because crashes involving rollover are responsible for a disproportionate number of fatalities and serious injuries (over 10,000 of the 33,000 fatalities of vehicle occupants in 2004). Although various options were explored, the agency ultimately chose to add a rollover resistance component to its New Car Assessment Program (NCAP) consumer information program in 2001. In response to NCAP's market-based incentives, vehicle manufacturers made modifications to their product lines to increase their vehicles' geometric stability and rollover resistance by utilizing wider track widths (typically associated with passenger cars) on many of their newer sport utility vehicles (SUVs) and by making other improvements to truck-based SUVs during major redesigns (*e.g.*, introduction of roll stability control). This approach was successful in terms of reducing the much higher rollover rate of SUVs and other high-center-of-gravity vehicles, as compared to passenger cars. However, manipulating vehicle configuration alone cannot entirely resolve the rollover problem (particularly when consumers continue to demand vehicles with greater carrying capacity and higher ground clearance).

Accordingly, the agency began exploring technologies that could confront the issue of vehicle rollover from a different perspective or line of inquiry, which led to today's proposal. We believe that our proposed ESC requirement offers a complementary approach that would provide substantial benefits to drivers of both passenger cars and LTVs (light trucks/vans). Undoubtedly, keeping vehicles from leaving the roadway is the best way to prevent deaths and injuries associated with rollover, as well as other types of crashes. Based on its crash data studies, NHTSA estimates that the installation of ESC systems will reduce single vehicle crashes of passenger cars by 34 percent and single vehicle crashes of sport utility vehicles (SUVs) by 59 percent. Its effectiveness is especially great for single-vehicle crashes resulting in rollover, where ESC systems were estimated to prevent 71 percent of passenger car rollovers and 84 percent of SUV rollovers in single vehicle crashes (*see* section VII).

In short, we believe that preventing single-vehicle loss-of-control crashes is the most effective way to reduce rollover deaths, and we believe that ESC offers considerable promise in terms of meeting this important safety objective while maintaining a broad range of vehicle choice for consumers. In fact, among the agency's ongoing and planned rulemakings, it is the single most effective way of reducing the total number of traffic deaths. It is also the most cost-effective of those rulemakings.

We note that this proposal is consistent with recent congressional legislation contained in section 10301 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 (SAFETEA–LU).[1] That provision requires the Secretary of Transportation to "establish performance criteria to reduce the occurrence of rollovers consistent with stability enhancing technologies" and to "issue a proposed rule * * * by October 1, 2006, and a final rule by April 1, 2009."

The balance of this notice explains in detail: (1) The size of the safety problem (*see* section II); (2) how ESC systems would act to mitigate that safety problem (*see* section II); (3) the basics of ESC operation (*see* section III); (4) findings from ESC-related research (*see* section IV);(5) the specifics of our regulatory proposal (*see* section V); (6) lead time and phase-in requirements (*see* section VI), and (7) costs and benefits associated with this proposal (*see* section VII). The following section summarizes the key points of the proposal.

A. Proposed Requirements for ESC Systems

Consistent with the congressional mandate in section 10301 of SAFETEA–LU, NHTSA is proposing to require all light vehicles to be equipped with an ESC system with, at the minimum, the capabilities of current production systems. We believe that a requirement for such ESC systems would be practicable in terms of both ensuring technological feasibility and providing the desired safety benefits in a cost-effective manner. Although vehicle manufacturers have been increasing the share of the light vehicle fleet equipped with ESC, we believe that given the relatively high cost of this technology, a mandatory standard is necessary to maximize the safety benefits associated with electronic stability control, and is consistent with the mandate arising out of SAFETEA–LU.

In order to realize these benefits, we have tentatively decided to require vehicles both to be equipped with an ESC system meeting definitional requirements and to pass a dynamic test. The definitional requirements specify the necessary elements of a stability control system that would be capable of both effective oversteer and understeer intervention. These requirements are necessary due to the extreme difficulty in establishing a test adequate to ensure the desired level of ESC functionality.[2] The test is necessary to ensure that the ESC system is robust and meets a level of performance at least comparable to that of current ESC systems. These requirements are summarized below.

- Consistent with the industry consensus definition of ESC contained in the Society of Automotive Engineers (SAE) Surface Vehicle Information Report J2564 (rev. June 2004), we are proposing to require vehicles covered under the standard to be equipped with an ESC system that:

(1) Augments vehicle directional stability by applying and adjusting the vehicle's brakes individually to induce correcting yaw torques to a vehicle;

(2) Is computer-controlled, with the computer using a closed-loop algorithm[3] to limit vehicle oversteer and to limit vehicle understeer when appropriate;

[1] Pub. L. 109–59, 119 Stat. 1144 (2005).

[2] Without an equipment requirement, it would be almost impossible to devise a single performance test that could not be met through some action by the manufacturer other than providing an ESC system. Even a battery of performance tests still might not achieve our intended results, because although it might necessitate installation of an ESC system, we expect that it would be unduly cumbersome for both the agency and the regulated community.

[3] A "closed-loop algorithm" is a cycle of operations followed by a computer that includes automatic adjustments based on the result of previous operations or other changing conditions.

(3) Has a means to determine vehicle yaw rate[4] and to estimate its sideslip[5];
(4) Has a means to monitor driver steering input, and
(5) Is operational over the full speed range of the vehicle (except below a low-speed threshold where loss of control of the vehicle is unlikely).

• The proposed ESC system as defined above would also be required to be capable of applying all four brakes individually and to have an algorithm that utilizes this capability. The system would also be required to be operational during all phases of driving, including acceleration, coasting, and deceleration (including braking), and it would be required to remain operational when the antilock brake system or traction control system is activated.

• We are also proposing to require vehicles covered under the standard to meet a performance test that would satisfy the standard's stability criteria and responsiveness criterion when subjected to the Sine with Dwell steering maneuver test. This test involves a vehicle coasting at an initial speed of 50 mph while a steering machine steers the vehicle with a steering wheel pattern as shown in Figure 2. The test maneuver is then repeated over a series of increasing maximum steering angles. This test maneuver was selected over a number of other alternatives, because we tentatively decided that it has the most optimal set of characteristics, including severity of the test, repeatability and reproducibility of results, and the ability to address lateral stability and responsiveness (*see* section V.B).

The maneuver is severe enough to produce spinout for most vehicles without ESC. The stability criteria for the test measure how quickly the vehicle stops turning after the steering wheel is returned to the straight-ahead position. A vehicle that continues to turn for an extended period after the driver steers straight is out of control, which is what ESC is designed to prevent. The stability criteria are expressed in terms of the percent of the peak yaw rate after maximum steering that persists at a period of time after the steering wheel has been returned to straight ahead. They require that the vehicle yaw rate decrease to no more than 35 percent of the peak value after one second and that it continues to drop to no more than 20 percent after 1.75 seconds. Since a vehicle that simply responds very little to steering commands could meet the stability criteria, a minimum responsiveness criterion is applied to the same test. It requires that the ESC-equipped vehicle must move laterally at least 1.83 meters (half a 12 foot lane width) during the first 1.07 seconds after the initiation of steering (a discontinuity in the steering pattern that is convenient for timing a measurement).

• Because the benefits of the ESC system can only be realized if the system is functioning properly, we are proposing to require a telltale be mounted inside the occupant compartment in front of and in clear view of the driver and be identified by the symbol shown for "ESC Malfunction Telltale" in Table 1 of FMVSS No. 101, *Controls and Displays*. The ESC malfunction telltale would be required to illuminate not more than two minutes after the occurrence of one or more malfunctions that affect the generation or transmission of control or response signals in the vehicle's ESC system. Such telltale must remain continuously illuminated for as long as the malfunction(s) exists, whenever the ignition locking system is in the "On" ("Run") position. (Vehicle manufacturers would be permitted to use the ESC malfunction telltale in a flashing mode to indicate ESC operation.)

• In certain circumstances, drivers may have legitimate reasons to disengage the ESC system or limit its ability to intervene, such as when the vehicle is stuck in sand/gravel or when the vehicle is being run on a track for maximum performance. Accordingly, under this proposal, vehicle manufacturers would be permitted to include a driver-selectable switch that places the ESC system in a mode in which it would not satisfy the performance requirements of the standard (e.g., "sport" mode or full-off mode). However, if the vehicle manufacturer chooses this option, it would be required to ensure that the ESC system always returns to a mode that satisfies the requirements of the standard at the initiation of each new ignition cycle, regardless of the mode the driver had previously selected. The manufacturer would be required to provide an "ESC Off" switch and a telltale that is mounted inside the occupant compartment in front of and in clear view of the driver and which is identified by the symbol shown for "ESC Off" in Table 1 of FMVSS No. 101. Such telltale must remain continuously illuminated for as long as the ESC is in a mode that renders it unable to meet the performance requirements of the standard, whenever the ignition locking system is in the "On" ("Run") position.

• We are not proposing to require the ESC system to be equipped with a roll stability control function (or a separate system to that effect). Roll stability control systems involve relatively new technology, and there is currently insufficient data to judge the efficacy of such systems. However, the agency will continue to monitor the development of roll stability control systems. Vehicle manufacturers may supplement the ESC system we are proposing to require with a roll stability control system/feature.

B. Leadtime and Phase-In

In order to provide the public with what are expected to be the significant safety benefits of ESC systems as rapidly as possible, NHTSA is proposing to require all light vehicles covered by this standard to be equipped with a FMVSS No. 126-compliant ESC system by September 1, 2011. We are proposing that compliance would commence on September 1, 2008, which would mark the start of a three-year phase-in period. Subject to the special provisions discussed below, the proposed phase-in schedule for FMVSS No. 126 would be as follows: 30 percent of a vehicle manufacturer's light vehicles manufactured during the period from September 1, 2008 to August 31, 2009 would be required to comply with the standard; 60 percent of those manufactured during the period from September 1, 2009 to August 31, 2010; 90 percent of those manufactured during the period from September 1, 2010 to August 31, 2011, and all light vehicles thereafter.

In general, we believe that it would be practicable for vehicle manufacturers to meet the requirements of the phase-in discussed above. We anticipate that vehicle manufacturers would be able to meet the requirements of the proposed standard by installing ESC systems currently in production, and most vehicle lines would likely experience some level of redesign over the next four to five years, which would provide an opportunity to incorporate an ESC system during the course of the manufacturer's normal production cycle (*see* section VI for a more complete discussion).

However, NHTSA is proposing to exclude multi-stage manufacturers and alterers from the requirements of the phase-in and to extend by one year the time for compliance by those manufacturers (i.e., until September 1, 2012). This NPRM also proposes to exclude small volume manufacturers

[4] "Yaw rate" means the rate of change of the vehicle's heading angle measured in degrees/second of rotation about a vertical axis through the vehicle's center of gravity.

[5] "Sideslip" means the arctangent of the lateral velocity of the center of gravity of the vehicle divided by the longitudinal velocity of the center of gravity.

(i.e., manufacturers producing less than 5,000 vehicles for sale in the U.S. market in one year) from the phase-in, instead requiring such manufacturers to fully comply with the standard on September 1, 2011.

Under our proposal, vehicle manufacturers would be permitted to earn carry-forward credits for compliant vehicles, produced in excess of the phase-in requirements, which are manufactured between the effective date of the final rule and the conclusion of the phase-in period.[6]

C. Anticipated Impacts of the Proposal

As noted above, we believe that ESC has among the highest life-saving potential of any vehicle safety device developed in the past three decades, ranking with seatbelts and air bags in terms of importance. NHTSA estimates that ESC would save 5,300 to 10,300 lives and prevent 168,000 to 252,000 injuries in all types of crashes annuvly if all light vehicles on the road were equipped with ESC systems. A large portion of these savings would come from rollover crashes. ESC systems would substantially reduce (by 4,200 to 5,400) of the more than 10,000 deaths each year on American roads resulting from rollover crashes.

About 29 percent of model year (MY) 2006 light vehicles sold in the U.S. were equipped with ESC, and manufacturers intend to increase the number of ESC installations in light vehicles to 71 percent by MY 2011.[7] This rule would require a 100 percent installation rate for ESC by MY 2012 (with exceptions for some vehicles manufactured in stages or by small volume manufacturers). As the discussion below demonstrates, ESC has very significant life-saving and injury-preventing potential in absolute terms, but it does so in a very cost-effective manner vis-á-vis other agency rulemakings. ESC offers consistently strong benefits and cost-effectiveness across all types of light vehicles, including passenger cars, SUVs, vans, and pick-up trucks.

Of the 5,300 to 10,300 highway deaths and 168,000 to 252,000 MAIS 1–5 injuries which we project will be prevented annually for all types of crashes once all light vehicles on the road are equipped with ESC, we would attribute 1,536 to 2,211 prevented fatalities (including 1,161 to 1,445 involving rollover) to this proposed rulemaking, in addition to the prevention of 50,594 to 69,630 injuries. This compares favorably with the Regulatory Impact Analyses for other important rulemakings such as FMVSS No. 208 mandatory air bags (1,964 to 3,670 lives saved), FMVSS No. 214 side impact protection (690 to 1,030 lives saved), and FMVSS No. 201 upper interior head impact protection (870 to 1,050 lives saved). (*See* section VII, Benefits and Costs of this notice and the Preliminary Regulatory Impact Analysis submitted to the docket for this rulemaking). In addition, the agency estimates that property damage and travel delay costs would be reduced by $260 to $453 million annually.

The agency estimates that the production-weighted, average cost per vehicle to meet the proposed standard's requirements would be $58 ($90.3 per passenger car and $29.2 per light truck). These are incremental costs over the MY 2011 installation of ABS, which is expected to be installed in almost 93 percent of the light vehicle fleet, and ESC, which is expected to be installed in 71 percent of the light vehicle fleet. Vehicle costs are estimated to be $368 (in 2005$) for anti-lock brakes (ABS) and an additional $111 for ESC, for a total system cost of $479 per vehicle. Currently, every vehicle that is equipped with ESC, is also equipped with ABS and traction control. However, the agency believes that traction control is a convenience feature. Accordingly, it is not required by this proposal. We also assumed an annual production of 17 million light vehicles (9 million light trucks and 8 million passenger cars). Thus, the total annual vehicle cost of this regulation, corresponding to ESC installation beyond manufacturers' planned production, is expected to be approximately $985 million.

In terms of cost-effectiveness, this proposal for passenger cars and light trucks would save 1,536 to 2,211 lives and prevent 50,594 to 69,630 injuries at a cost of $0.19 to $0.32 million per equivalent life saved at a 3 percent discount rate and $0.27 to $0.43 at a 7 percent discount rate. Again, the cost-effectiveness for ESC compares favorably with the Regulatory Impact Analyses for other important rulemakings such as FMVSS No. 202 head restraints safety improvement ($2.61 million per life saved), FMVSS No. 208 center seat shoulder belts ($3.39 to $5.92 million per life saved), FMVSS No. 208 advanced air bags ($1.9 to $9.0 million per life saved), and FMVSS No. 301 fuel system integrity upgrade ($1.96 to $5.13 million per life saved).

We note that the costs for passenger cars are higher because a greater portion of those vehicles require installation of ABS in addition to ESC. Nevertheless, the proposal remains highly cost-effective even when passenger cars are considered alone. The passenger car portion of the proposal would save 956 lives and prevent 34,902 injuries at a cost of $0.35 million per equivalent life saved at a 3 percent discount rate and $0.47 at a 7 percent discount rate. Therefore, the agency deemed it appropriate to make the proposed standard applicable to all light vehicles, because such approach makes sense from both a safety and cost standpoint.

II. Safety Problems Addressed by the Proposed Standard

Crash data studies conducted in the U.S., Europe and Japan indicate that ESC is very effective in reducing single-vehicle crashes. Studies of the behavior of ordinary drivers in critical situations using the National Advanced Driving Simulator also show a very large reduction in instances of loss of control when the vehicle is equipped with ESC. Based on its crash data studies, NHTSA estimates that ESC will reduce single vehicle crashes of passenger cars by 34 percent and single vehicle crashes of SUVs by 59 percent. NHTSA's latest crash data study also shows that ESC is most effective in reducing single-vehicle crashes that result in rollover. ESC is estimated to prevent 71 percent of passenger car rollovers and 84 percent of SUV rollovers in single vehicle crashes. It is also estimated to reduce some multi-vehicle crashes but at a much lower rate than its effect on single vehicle crashes.

A. Single-Vehicle Crash and Rollover Statistics

About one in seven light vehicles involved in police-reported crashes collide with something other than another vehicle. However, the proportion of these single-vehicle crashes increases steadily with increasing crash severity, and almost half of serious and fatal injuries occur in single-vehicle crashes. We can describe the relationship between crash severity and the number of vehicles involved in the crash using information from the agency's crash data programs. We limit our discussion here to light vehicles, which consist of (1) passenger cars and (2) multipurpose passenger vehicles, trucks and buses under 4,536

[6] We note that carry-forward credits would not be permitted to be used to defer the mandatory compliance date of September 1, 2011 for all covered vehicles.

[7] In April 2006, NHTSA sent letters to seven vehicle manufacturers requesting voluntary submission of information regarding their planned production of ESC-equipped vehicles for model years 2007 to 2012. Manufacturers responded with product plans containing confidential information. These agency letters and manufacturer responses (with confidential information redacted) may be found in the docket for this rulemaking.

kilograms (10,000 pounds) gross vehicle weight rating (GVWR).[8]

The 2000–2004 data from the National Automotive Sampling System (NASS) Crashworthiness Data System (CDS) and 2004 data from the Fatality Analysis Reporting System (FARS) were combined to estimate the current target population for this rulemaking. It includes 28,252 people who were killed as occupants of light vehicles. Over half of these (15,007) occurred in single-vehicle crashes. Of these, 8,460 occurred in rollovers. About 1.1 million injuries (AIS 1–5) occurred in crashes that could be affected by ESC, almost 500,000 in single vehicle crashes (of which almost half were in rollovers). Multi-vehicle crashes that could be affected by ESC accounted for 13,245 fatalities and almost 600,000 injuries.

Rollover crashes are complex events that reflect the interaction of driver, road, vehicle, and environmental factors. We can describe the relationship between these factors and the risk of rollover using information from the agency's crash data programs.

According to 2004 data from FARS, 10,555 people were killed as occupants in light vehicle rollover crashes, which represents 33 percent of all occupants killed that year in crashes. Of those, 8,567 were killed in single-vehicle rollover crashes. Seventy-four percent of the people who died in single-vehicle rollover crashes were not using a seat belt, and 61 percent were partially or completely ejected from the vehicle (including 50 percent who were completely ejected). FARS shows that 55 percent of light vehicle occupant fatalities in single-vehicle crashes involved a rollover event.

Using data from the 2000–2004 NASS CDS files, we estimate that 280,000 light vehicles were towed from a police-reported rollover crash each year (on average), and that 29,000 occupants of these vehicles were seriously injured. Of these 280,000 light vehicle rollover crashes, 230,000 were single-vehicle crashes. Sixty-two percent of those people who suffered a serious injury in a single-vehicle tow-away rollover crash were not using a seat belt, and 52 percent were partially or completely ejected (including 41 percent who were completely ejected). Estimates from NASS CDS indicate that 82 percent of tow-away rollovers were single-vehicle crashes, and that 88 percent (202,000) of the single-vehicle rollover crashes occurred after the vehicle left the roadway. An audit of 1992–96 NASS CDS data showed that about 95 percent of rollovers in single-vehicle crashes were tripped by mechanisms such as curbs, soft soil, pot holes, guard rails, and wheel rims digging into the pavement, rather than by tire/road interface friction as in the case of untripped rollover events.

B. The Agency's Comprehensive Response to Rollover

As mentioned above, this proposal for ESC is part of the agency's comprehensive plan to address the issue of vehicle rollover. The following provides background on NHTSA's comprehensive plan to reduce rollover crashes. In 2002, the agency formed an Integrated Project Team (IPT) to examine the rollover problem and make recommendations on how to reduce rollovers and improve safety when rollovers nevertheless occur. In June 2003, based on the work of the team, the agency published a report entitled, "Initiatives to Address the Mitigation of Vehicle Rollover."[9] The report recommended improving vehicle stability, ejection mitigation, roof crush resistance, as well as road improvement and behavioral strategies aimed at consumer education.

Since then, the agency has been working to implement these recommendations as part of it comprehensive agency plan for reducing the serious risk of rollover crashes and the risk of death and serious injury when rollover crashes do occur. It is evident that the most effective way to reduce deaths and injuries in rollover crashes is to prevent the rollover crash from occurring. This proposal to adopt a new Federal motor vehicle safety standard for electronic stability control systems is one part of that comprehensive agency plan.

Moreover, we note that the agency also published a notice of proposed rulemaking in the **Federal Register** in August 2005, seeking to upgrade our safety standard on roof crush resistance (FMVSS No. 216); that notice, like the present one, contains an in-depth discussion of the rollover problem and the countermeasures which the agency intends to pursue as part of its comprehensive response to the rollover problem (*see* 70 FR 49223 (August 23, 2005)).

III. Electronic Stability Control Systems

Although Electronic Stability Control (ESC) systems are known by many different trade names such as Vehicle Stability Control (VSC), Electronic Stability Program (ESP), StabiliTrak and Vehicle Stability Enhancement (VSE), their function and performance are similar. They are systems that uses computer control of individual wheel brakes to help the driver maintain control of the vehicle during extreme maneuvers by keeping the vehicle headed in the direction the driver is steering even when the vehicle nears or reaches the limits of road traction.

When a driver attempts an "extreme maneuver" (e.g., one initiated to avoid a crash or due to misjudgment of the severity of a curve), the driver may lose control if the vehicle responds differently as it nears the limits of road traction than it does during ordinary driving. The driver's loss of control can result in either the rear of the vehicle "spinning out" or the front of the vehicle "plowing out." As long as there is sufficient road traction, a highly skilled driver may be able to maintain control in many extreme maneuvers using countersteering (i.e., momentarily turning away from the intended direction) and other techniques. However, average drivers in a panic situation in which the vehicle beginning to spin out would be unlikely to countersteer to regain control.

ESC uses automatic braking of individual wheels to adjust the vehicle's heading if it departs from the direction the driver is steering. Thus, it prevents the heading from changing too quickly (spinning out) or not quickly enough (plowing out). Although it cannot increase the available traction, ESC affords the driver the maximum possibility of keeping the vehicle under control and on the road in an emergency maneuver using just the natural reaction of steering in the intended direction.

Keeping the vehicle on the road prevents single-vehicle crashes, which are the circumstances that lead to most rollovers. However, if the speed is simply too great for the available road traction, even a vehicle with ESC will unavoidably drift off the road (but not spin out). Furthermore, ESC cannot prevent road departures due to driver inattention or drowsiness rather than loss of control.

A. How ESC Prevents Loss of Vehicle Control

The following explanation of ESC operation illustrates the basic principle of yaw stability control, but it does not attempt to explain advanced refinements of the yaw control strategy described below that use vehicle sideslip (lateral sliding that may not alter yaw rate) to optimize performance on slippery pavements.

[8] For brevity, we use the term light trucks in this document to refer to multipurpose passenger vehicles, such as vans, minivans, and SUVs, trucks and buses under 4,536 kilograms (10,000 pounds) GVWR.

[9] *See* Docket Number NHTSA 2003–14622–1.

An ESC system maintains what is known as "yaw" (or heading) control by determining the driver's intended heading, measuring the vehicle's actual response, and automatically turning the vehicle if its response does not match the driver's intention. However, with ESC, turning is accomplished by applying counter torques from the braking system rather than from steering input.

Speed and steering angle measurements are used to determine the driver's intended heading. The vehicle response is measured in terms of lateral acceleration and yaw rate by onboard sensors. If the vehicle is responding in a manner corresponding to driver input, the yaw rate will be in balance with the speed and lateral acceleration.

The concept of "yaw rate" can be illustrated by imaging the view from above of a car following a large circle painted on a parking lot. One is looking at the top of the roof of the vehicle and seeing the circle. If the car starts in a heading pointed north and drives half way around circle, its new heading is south. Its yaw angle has changed 180 degrees. If it takes 10 seconds to go half way around the circle, the "yaw rate" is 180 degrees per 10 seconds or 18 deg/sec. If the speed stays the same, the car is constantly rotating at a rate of 18 deg/sec around a vertical axis that can be imagined as piercing its roof. If the speed is doubled, the yaw rate increases to 36 deg/sec.

While driving in a circle, the driver notices that he must hold the steering wheel tightly to avoid sliding toward the passenger seat. The bracing force is necessary to overcome the lateral acceleration that is caused by the car following the curve. The lateral acceleration is also measured by the ESC system. When the speed is doubled the lateral acceleration increases by a factor of four if the vehicle follows the same circle. There is a fixed physical relationship between the car's speed, the radius of its circular path, and its lateral acceleration.

The ESC system uses this information as follows: Since the ESC system measures the car's speed and its lateral acceleration, it can compute the radius of the circle. Since it then has the radius of the circle and the car's speed, the ESC system can compute the correct yaw rate for a car following the path. Of course, the system includes a yaw rate sensor, and it compares the actual measured yaw rate of the car to that computed for the path the car is following. If the computed and measured yaw rates begin to diverge as the car that is trying to follow the circle speeds up, it means the driver is beginning to lose control, even if the driver cannot yet sense it. Soon, an unassisted vehicle would have a heading significantly different from the desired path and would be out of control either by oversteering (spinning out) or understeering.

When the ESC system detects an imbalance between the measured yaw rate of a vehicle and the path defined by the vehicle's speed and lateral acceleration, the ESC system automatically intervenes to turn the vehicle. The automatic turning of the vehicle is accomplished by uneven brake application rather than by steering wheel movement. If only one wheel is braked, the uneven brake force will cause the vehicle's heading to change. Figure 1 shows the action of ESC using single wheel braking to correct the onset of oversteering or understeering. (Please note that all Figures discussed in this preamble may be found at the end of the preamble, immediately preceding the proposed regulatory text.)

- *Oversteering.* In Figure 1 (bottom panel), the vehicle has entered a left curve that is extreme for the speed it is traveling. The rear of the vehicle begins to slide which would lead to a vehicle without ESC turning sideways (or "spinning out") unless the driver expertly countersteers. In a vehicle equipped with ESC, the system immediately detects that the vehicle's heading is changing more quickly than appropriate for the driver's intended path (i.e., the yaw rate is too high). It momentarily applies the right front brake to turn the heading of the vehicle back to the correct path. The action happens quickly so that the driver does not perceive the need for steering corrections. Even if the driver brakes because the curve is sharper than anticipated, the system is still capable of generating uneven braking if necessary to correct the heading.
- *Understeering.* Figure 1 (top panel) shows a similar situation faced by a vehicle whose response as it nears the limits of road traction is to slide at the front ("plowing out" or understeering) rather than oversteering. In this situation, the ESC system rapidly detects that the vehicle's heading is changing less quickly than appropriate for the driver's intended path (i.e., the yaw rate is too low). It momentarily applies the left rear brake to turn the heading of the vehicle back to the correct path.

While Figure 1 may suggest that particular vehicles go out of control as either vehicles prone to oversteer or vehicles prone to understeer, it is just as likely that a given vehicle could require both understeer and oversteer interventions during progressive phases of a complex avoidance maneuver such as a double lane change.

Although ESC cannot change the tire/road friction conditions the driver is confronted with in a critical situation, there are clear reasons to expect it to reduce loss-of-control crashes, as discussed below.

In vehicles without ESC, the response of the vehicle to steering inputs changes as the vehicle nears the limits of road traction. All of the experience of the average driver is in operating the vehicle in its "linear range", i.e., the range of lateral acceleration in which a given steering wheel movement produces a proportional change in the vehicle's heading. The driver merely turns the wheel the expected amount to produce the desired heading. Adjustments in heading are easy to achieve because the vehicle's response is proportional to the driver's steering input, and there is very little lag time between input and response. The car is traveling in the direction it is pointed, and the driver feels in control. However, at lateral accelerations above about one-half "g" on dry pavement for ordinary vehicles, the relationship between the driver's steering input and the vehicle's response changes (toward oversteer or understeer), and the lag time of the vehicle response can lengthen. When a driver encounters these changes during a panic situation, it adds to the likelihood that the driver will loose control and crash because the familiar actions learned by driving in the linear range would not be the correct steering actions.

However, ordinary linear range driving skills are much more likely to be adequate for a driver of a vehicle with ESC to avoid loss of control in a panic situation. By monitoring yaw rate and sideslip, ESC can intervene early in the impending loss-of-control situation with the appropriate brake forces necessary to restore yaw stability before the driver would attempt an over correction or other error. The net effect of ESC is that the driver's ordinary driving actions learned in linear range driving are the correct actions to control the vehicle in an emergency. Also, the vehicle will not change its heading from the desired path in a way that would induce further panic in a driver facing a critical situation. Studies using a driving simulator, discussed in Section IV, demonstrate that ordinary drivers are much less likely to lose control of a vehicle with ESC when faced with a critical situation.

Besides allowing drivers to cope with emergency maneuvers and slippery pavement using only "linear range" skills, ESC provides more powerful

control interventions than those available to even expert drivers of non-ESC vehicles. For all practical purposes, the yaw control actions with non-ESC vehicles are limited to steering. However, as the tires approach the maximum lateral force sustainable under the available pavement friction, the yaw moment generated by a given increment of steering angle is much less than at the low lateral forces occurring in regular driving.[10]. This means that as the vehicle approaches its maximum cornering capability, the ability of the steering system to turn the vehicle is greatly diminished, even in the hands of an expert driver. ESC creates the yaw moment to turn the vehicle using braking at an individual wheel rather than the steering system. This intervention remains powerful even at limits of tire traction because both the braking force of the individual tire and the reduction of lateral force that accompanies the braking force act to create the desired yaw moment. Therefore, ESC can be especially beneficial on slippery surfaces. While a vehicle's possibility of staying on the road in a critical maneuver ultimately is limited by the tire/pavement friction, ESC maximizes an ordinary driver's ability to use the available friction.

B. Additional Features of Some ESC Systems

In addition to the basic operation of "yaw stability control", many ESC systems include additional features. For example, most systems reduce engine power during intervention to slow the vehicle and give it a better chance of being able to stay on the intended path after its heading has been corrected.

Other ESC systems may go further by performing high deceleration automatic braking at all four wheels. Of course, such braking would be performed unevenly side to side so that the same net yaw torque or "turning force" would be applied to the vehicle as in the basic case of single-wheel braking.

ESC systems used on vehicles with a high center of gravity (c.g.), such as SUVs, are often programmed to perform an additional function known as "roll stability control." Roll stability control (RSC) is a direct countermeasure for on-pavement rollover crashes of high c.g. vehicles. Some RSC systems measure the roll angle of the vehicle using an additional roll rate sensor to determine if the vehicle is in danger of tipping up. Other systems rely on the existing ESC sensors for steering angle, speed, and lateral acceleration, along with knowledge of vehicle-specific characteristics to estimate whether the vehicle is in danger of tipping up.

Regardless of the method used to detect the risk of tip-up, the various types of roll stability control intervene in the same way. Specifically, they intervene by reducing lateral acceleration which is the cause of the roll motion of the vehicle on its suspension, thus preventing the possibility of it rolling so much that the inside wheels may lift off the pavement. The intervention is performed the same way as the oversteer intervention shown in the Figure 1. The outside front brake is applied heavily to turn the vehicle toward a path of less curvature and, therefore, less lateral acceleration.

The difference between a roll stability control intervention and an oversteer intervention by the ESC system operating in the basic yaw stability control mode is the triggering circumstance. The oversteer intervention occurs when the vehicle's excessive yaw rate indicates that its heading is departing from the driver's intended path, but the roll stability control intervention occurs when there is a risk the vehicle could roll over. Thus, the roll stability control intervention occurs when the vehicle is still following the driver's intended path. The obvious trade-off of roll stability control is that the vehicle must depart to some extent from the driver's intended path in order to reduce the lateral acceleration from the level that could cause tip-up.

If the determination of impending rollover that triggers the roll stability intervention is very certain, then the possibility of the vehicle leaving the roadway as a result of the roll stability intervention represents a lower relative risk to the driver. Obviously, systems that intervene only when absolutely necessary and then with the minimum loss of lateral acceleration to prevent rollover are the most effective. However, roll stability control is a new technology that is still evolving. Roll stability control is not a subject of this rulemaking because it is too soon for actual crash statistics to illuminate its practical effect on crash reduction.

IV. Effectiveness of ESC

Electronic stability control can directly reduce a vehicle's susceptibility to on-road untripped rollovers as measured by the "fishhook" test that is part of NHTSA's NCAP rollover rating program. The direct effect is mostly limited to untripped rollovers on paved surfaces. However, untripped on-road rollovers are a relatively infrequent type of rollover crash. In contrast, the vast majority of rollover crashes occur when a vehicle runs off the road and strikes a tripping mechanism such as soft soil, a ditch, a curb or a guardrail.

We expect that requiring ESC to be installed on light trucks and passenger cars would result in a large reduction in the number of rollover crashes by greatly reducing the number of single-vehicle crashes. As noted previously, over 80 percent of rollovers are the result of a single-vehicle crash. The purpose of ESC is to assist the driver in keeping the vehicle on the road during impending loss-of-control situations. In this way, it can prevent the exposure of vehicles to off-road tripping mechanisms. We note, however, that this yaw stability function of ESC is not direct "rollover resistance" and cannot be measured by the NCAP rollover resistance rating.

Although ESC is an indirect countermeasure to prevent rollover crashes, we believe it is the most powerful countermeasure available to address this serious risk. Effectiveness studies by NHTSA and others worldwide [11] estimate that ESC reduces single vehicle crashes by at least a third in passenger cars and perhaps reduces loss-of-control crashes (e.g., road departures leading to rollovers) by an even greater amount. In fact, NHTSA's latest data study that is discussed in this section found a reduction in single-vehicle crashes leading to rollover of 71 percent for passenger cars and 84 percent for SUVs. Thus, ESC can reduce the numbers of rollovers of all vehicles, including lower center of gravity vehicles (e.g., passenger cars, minivans and two-wheel drive pickup trucks), as well as of the higher center of gravity vehicle types (e.g., SUVs and four-wheel drive pickup trucks). ESC can affect both crashes that would have resulted in rollover as well as other types of crashes

[10] Liebemann *et al.*, (2005) Safety and Performance Enhancement: The Bosch Electronic Stability Control (ESP), 19th International Technical Conference on the Enhanced Safety of Vehicles (ESV), Washington, DC.

[11] Aga M, Okada A. (2003) Analysis of Vehicle Stability Control (VSC)'s Effectiveness from Accident Data, 18th International Technical Conference on the Enhanced Safety of Vehicles (ESV), Nagoya.

Dang, J. (2004) Preliminary Results Analyzing Effectiveness of Electronic Stability Control (ESC) Systems, Report No. DOT HS 809 790. U.S. Dept. of Transportation, Washington, DC.

Farmer, C. (2004) Effect of Electronic Stability Control on Automobile Crash Risk, Traffic Injury Prevention Vol 5:317–325.

Kreiss J-P, *et al.* (2005) The Effectiveness of Primary Safety Features in Passenger Cars in Germany. 19th International Technical Conference on the Enhanced Safety of Vehicles (ESV), Washington, DC

Lie A., *et al.* (2005) The Effectiveness of ESC (Electronic Stability Control) in Reducing Real Life Crashes and Injuries. 19th International Technical Conference on the Enhanced Safety of Vehicles (ESV), Washington, DC.

(e.g., road departures resulting in impacts) that result in deaths and injuries.

A. Human Factors Study on the Effectiveness of ESC

A study by the University of Iowa using the National Advanced Driving Simulator demonstrated the effect of ESC on the ability of ordinary drivers to maintain control in critical situations.[12] A sample of 120 drivers equally divided between men and women and between three age groups (18–25, 30–40, and 55–65) was subjected to the following three critical driving scenarios. The "Incursion Scenario" forced drivers to attempt a double lane change at high speed (65 mph speed limit signs) by presenting them first with a vehicle that suddenly backs into their lane from a driveway and then with another vehicle driving toward them in the left lane. The "Curve Departure Scenario" presented drivers with a constant radius curve that was uneventful at the posted speed limit of 65 mph followed by another curve that appeared to be similar but that had a decreasing radius that was not evident upon entry. The "Wind Gust Scenario" presented drivers with a sudden lateral wind gust of short duration that pushed the drivers toward a lane of oncoming traffic. The 120 drivers were further divided evenly between two vehicles, a SUV and a midsize sedan. Half the drivers of each vehicle drove with ESC enabled, and half drove with ESC disabled.

In 50 of the 179 test runs performed in a vehicle without ESC, the driver lost control. In contrast, in only six of the 179 test runs performed in a vehicle with ESC, did the driver lose control. One test run in each ESC status had to be aborted. These results demonstrate an 88 percent reduction in loss-of-control crashes when ESC was engaged. The study also concluded that the presence of an ESC system helped reduce loss of control regardless of age or gender, and that the benefit was substantially the same for the different driver subgroups in the study. Because of the obvious danger to participants, an experiment like this cannot be performed safely with real vehicles on real roads. However, the National Advanced Driver Simulator provides extraordinary verisimilitude with the driver sitting in a real vehicle, seeing a 360-degree scene and experiencing the linear and angular accelerations and sounds that would occur in actual driving of the specific vehicle.

[12] Papelis *et al.* (2004) Study of ESC Assisted Driver Performance Using a Driving Simulator, Report No. N04–003–PR, University of Iowa.

B. Crash Data Studies of ESC Effectiveness

There have been a number of studies of ESC effectiveness in Europe and Japan beginning in 2003 [13]. All of them have shown large potential reductions in single vehicle crashes as a result of ESC. However, the sample sizes of crashes of vehicles new enough to have ESC tended to be small in these studies. A preliminary NHTSA study published in September 2004 [14] of crash data from 1997–2003 found ESC to be effective in reducing single-vehicle crashes, including rollover. Among vehicles in the study, the results suggested that ESC reduced single vehicle crashes in passenger cars by 35 percent and in SUVs by 67 percent. In October 2004, the Insurance Institute for Highway Safety (IIHS) released the results of a study of the effectiveness of ESC in preventing crashes of cars and SUVs. The IIHS found that ESC is most effective in reducing fatal single-vehicle crashes, reducing such crashes by 56 percent. NHTSA's later peer-reviewed study [15] of ESC effectiveness found that that ESC reduced single vehicle crashes in passenger cars by 34 percent and in SUVs by 59 percent, and that its effectiveness was greatest in reducing single vehicle crashes resulting in rollover (71 percent reduction for passenger cars and an 84 percent reduction for SUVs). It also found reductions in fatal single-vehicle crashes and fatal single-vehicle rollover crashes that were commensurate with the overall crash reductions cited. ESC reduced fatal single-vehicle crashes in passenger cars by 35 percent and in SUVs by 67 percent and reduced fatal single-vehicle crashes involving rollover by 69 percent in passenger cars and 88 percent in SUVs.

(a) NHTSA's Preliminary Study

In September, 2004, NHTSA issued an evaluation note on the *Preliminary Results Analyzing the Effectiveness of Electronic Stability Control (ESC) Systems*. The study evaluated the effectiveness of ESC in reducing single vehicle crashes in various domestic and imported cars and SUVs. It was based on Fatality Analysis Reporting System (FARS) data from calendar years 1997–2003 and crash data from five States that reported partial Vehicle Identification Number (VIN) information in their data files (Florida, Illinois, Maryland, Missouri, and Utah) from calendar years 1997–2002. The data were limited to mostly luxury vehicles because ESC first became available in 1997 in luxury vehicles such as Mercedes-Benz and BMW. The analysis compared specific make/models of passenger cars and SUVs with ESC versus earlier versions of the same make/models, using multi-vehicle crash involvements as a control group.

The passenger car sample consisted of mainly Mercedes-Benz and BMW models (61 percent). Mercedes-Benz installed ESC in certain luxury models in 1997 and had made it standard equipment in all their models (except one) by 2000. BMW also installed ESC in certain 5, 7, and 8 series models as early as 1997 and had made it standard equipment in all their models by 2001. The passenger car sample also included some luxury GM cars, which constituted 23 percent of the sample, and a few cars from other manufacturers. GM cars where ESC was offered as standard equipment are the Buick Park Avenue Ultra, the Cadillac DeVille, Seville STS and SLS, the Oldsmobile Aurora, the Pontiac Bonneville SSE and SSEi, and the Chevrolet Corvette. The SUV make/models in the study with ESC include Mercedes-Benz (ML320, ML350, ML430, ML500, G500, G55 AMG), Toyota (4Runner, Landcruiser), and Lexus (RX300, LX470).

The first set of analyses used multi-vehicle crash involvements as a control group, essentially assuming that ESC has no effect on multi-vehicle crashes. Specific make/models with ESC were compared with earlier versions of similar make/models using multi-vehicle crash involvements as a control group, creating 2x2 contingency tables as shown in Tables 1 and 2. The study found that single vehicle crashes were reduced by

$$1 - \{(699/1483)/(14090/19444)\} = 35 \text{ percent}$$

for passenger cars and by 67 percent for SUVs (Table 1). Similarly, fatal single vehicle crashes were reduced by 30 percent in cars and by 63 percent in SUVs (Table 2). Reductions of single vehicle crashes in passenger cars and SUVs were statistically significant at the .01 level, as evidenced by chi-square statistics exceeding 6.64 in each 2×2 contingency table (Table 1). Reductions of *fatal* single vehicle crashes are statistically significant at the .01 level in SUVs and at the .05 level in passenger

[13] See Footnote 10.

[14] Dang, J. (2004) Preliminary Results Analyzing Effectiveness of Electronic Stability Control (ESC) Systems, Report No. DOT HS 809 790. U.S. Dept. of Transportation, Washington, DC.

[15] Dang, J. (2006) Statistical Analysis of The Effectiveness of Electronic Stability Control (ESC) Systems, U.S. Dept. of Transportation, Washington, DC (publication pending peer review). A draft version of this report, as supplied to peer reviewers, has been placed in the docket for this rulemaking.

cars with chi-square statistic greater than 3.84 (Table 2).

TABLE 1.—EFFECTIVENESS OF ESC IN REDUCING SINGLE VEHICLE CRASHES IN PASSENGER CARS AND SUVS

[Preliminary Study with 1997–2002 crash data from five States]

	Single Vehicle Crashes	Multi-Vehicle Crashes (control group)
Passenger Cars:		
No ESC	1483	19444
ESC	699	14090
Percent reduction in single vehicle crashes in passenger cars with ESC	35%	
Approximate 95 percent confidence bounds	29% to 41%	
Chi-square value	84.1	
SUVs:		
No ESC	512	6510
ESC	95	3661
Percent reduction in single vehicle crashes in SUVs with ESC	67%	
Approximate 95 percent confidence bounds	60% to 74%	
Chi-square value	104.4	

TABLE 2.—EFFECTIVENESS OF ESC IN REDUCING FATAL SINGLE VEHICLE CRASHES IN PASSENGER CARS AND SUVS

[Preliminary Study with 1997–2003 FARS data]

	Fatal Single Vehicle Crashes	Fatal Multi-Vehicle Crashes (control group)
Passenger Cars:		
No ESC	186	330
ESC	110	278
Percent reduction in fatal single vehicle crashes in passenger cars with ESC	30%	
Approximate 95 percent confidence bounds	10% to 50%	
Chi-square value	6.0	
SUVs:		
No ESC	129	199
ESC	25	103
Percent reduction in fatal single vehicle crashes in SUVs with ESC	63%	
Approximate 95 percent confidence bounds	44% to 81%	
Chi-square value	16.1	

(b) NHTSA's Updated Study

NHTSA has now updated and modified last year's report, extending it to model year 1997–2004 vehicles—and to calendar year 2004 for the FARS analysis and calendar year 2003 for the State data analysis. Nevertheless, even as of 2004, a large proportion of the vehicles equipped with ESC were still luxury vehicles. Moreover, only passenger cars and SUVs had been equipped with ESC—no pickup trucks or minivans.

The state databases included crash cases from California (2001–2003), Florida (1997–2003), Illinois (1997–2002), Kentucky (1997–2002), Missouri (1997–2003), Pennsylvania (1997–2001, 2003), and Wisconsin (1997–2003). The FARS database included fatal crash involvements from calendar years 1997 to 2004. The extra year of exposure and the availability of data from more states significantly increased the sample size of crashes of vehicles with ESC. In the preliminary study, the state crash database contained 699 single-vehicle crashes of cars with ESC and 95 single-vehicle crashes of SUVs with ESC. The FARS database contained 110 single-vehicle crashes of cars with ESC and 25 single-vehicle crashes of SUVs with ESC. For the updated study, the state crash database contains 2,251 single-vehicle crashes of cars with ESC and 553 single-vehicle crashes of SUVs with ESC, and the FARS database of fatal single-vehicle crashes contains 157 and 47 crashes respectively, for passenger cars and SUVs with ESC.

The larger sample of crashes in the updated study facilitated a new analysis of the effectiveness of ESC on specific subsets of single-vehicle crashes (SV run-off-road crashes and SV crashes resulting in rollover). It also facilitated the use of a more focused control group of crashes that were unlikely to be affected by ESC so that a new analysis of the effect of ESC on multi-vehicle crashes could be undertaken.

The basic analytical approach was to estimate the reduction of crash involvements of the types that are most likely to have benefited from ESC—relative to a control group of other types of crashes where ESC is unlikely to have made a difference in the vehicle's involvement. Crash types taken as the new control group (non-relevant involvements because ESC would in almost all cases not have prevented the crash) were crash involvements in which a vehicle:

(1) Was stopped, parked, backing up, or entering/leaving a parking space prior to the crash,

(2) Traveled at a speed less than 10 mph,

(3) Was struck in the rear by another vehicle, or

(4) Was a non-culpable party in a multi-vehicle crash on a dry road.

The types of crash involvements where ESC would likely or at least possibly have an effect are:

(1) All single vehicle crashes, except those with pedestrians, bicycles, or animals (SV crashes).

(2) Single vehicles crashes in which a vehicle ran off the road (SV ROR) and hit a fixed object and/or rolled over.

(3) Single vehicles crashes in which a vehicle rolled over (SV Rollover), mostly a subset of SV ROR.

(4) Involvements as a culpable party in a multi-vehicle crash on a dry or wet road (MV Culpable).

(5) Collisions with pedestrians, bicycles, or animals (Ped, Bike, Animal).

In the updated study we performed the state data analysis separately for each state. Then we used the median of the estimates from the seven states as the best indicator of the central tendency of the data, and the variation of the seven states as a basis for judging statistical significance and estimating confidence bounds. The results of this analysis are presented in Table 3.

TABLE 3.—UPDATED STUDY—MEAN EFFECTIVENESS OF ESC IN REDUCING CRASHES IN PASSENGER CARS AND SUVS BASED ON SEPARATE ANALYSES OF 1997–2003 CRASH DATA FROM SEVEN STATES

	SV crashes	SV ROR	SV rollover	MV culpable	Ped, bike, animal
Passenger Cars:					
Mean percent reduction of listed crash type in passenger cars with ESC.	34%	46%	71%	11%	34%
Approximate 90 percent confidence bounds.	20% to 46%	35% to 55%	60% to 78%	4% to 18%	5% to 55%.
SUVs:					
Mean percent reduction of listed crash type in SUVs with ESC.	59%	75%	84%	16%	−4% not statistically significant.
Approximate 90 percent confidence bounds.	47% to 68%	68% to 80%	75% to 90%	7% to 24%	−28% to 15%.

Fatal crashes were analyzed separately using the FARS database as was done in the preliminary study, but larger sample sizes were possible because of an additional year of data. The results are given in Table 4.

TABLE 4.—UPDATED STUDY-EFFECTIVENESS OF ESC IN REDUCING FATAL CRASHES OF PASSENGER CARS AND SUVS BASED ON 1997–2004 FARS DATA

	SV crashes	SV ROR	SV rollover	MV culpable	Ped, bike, animal	Control group
Passenger Cars:						
No ESC	223	217	36	176	46	166
ESC	157	154	12	156	69	181
Percent reduction of listed crash type in passenger cars with ESC.	35%	36%	69%	19% not statistically significant.	−38% not statistically significant.	
Approximate 90 percent confidence bounds.	20% to 51%	19% to 51%	52% to 87%	−2% to 39%	−87% to 12%	
Chi-square value	8.58	8.17	12.45	1.82	2.14	
SUVs:						
No ESC	197	191	106	108	56	153
ESC	47	38	9	48	40	109
Percent reduction of listed crash type in SUVs with ESC.	67%	72%	88%	38%	0% not statistically significant.	
Approximate 90 percent confidence bounds.	55% to 78%	62% to 82%	81% to 95%	16% to 60%	−40% to 40%	
Chi-square	29.57	36.44	42.4	4.89	0.00	

The effectiveness of ESC in reducing fatal single-vehicle crashes is similar to the effectiveness in reducing single-vehicle crashes from state data that included mostly non-fatal crashes. In the case of fatal crashes as well, the effectiveness of ESC in reducing single-vehicle rollover crashes was particularly high. The effectiveness of ESC in reducing fatal culpable multi-vehicle crashes of SUVs was also higher than in the analysis of state data, and the parallel analysis of multi-vehicle crashes of passenger cars did not achieve statistical significance.

The updated study of ESC effectiveness yielded robust results. The analysis of state data and a separate analysis of fatal crashes both reached similar conclusions on ESC effectiveness. ESC reduced single vehicle crashes of passenger cars by 34 percent and single vehicle crashes of SUVs by 59 percent. The separate analysis of only fatal crashes supported the analysis of state data that included mostly non-fatal crashes. Therefore, the overall crash reductions demonstrated a significant life-saving potential for this technology. The effectiveness of ESC in reducing SV crashes shown in the latest data (Tables 3–4) is similar to the results of the preliminary analysis.

The effectiveness of ESC tended to be at least as great and possibly even greater for more severe crashes. Furthermore, the effectiveness of ESC in reducing the most severe type of crash in the study, the single-vehicle rollover crash, was remarkable. ESC reduced single-vehicle rollover crashes of passenger cars by 71 percent and of SUVs by 84 percent. This high level of effectiveness also carried over to fatal single-vehicle rollover crashes.

The benefits presented in Section VII were calculated on the basis of the single-vehicle crash and single-vehicle rollover crash effectiveness results of Table 3 for reductions in non-fatal crashes and of Table 4 for reductions in fatal crashes. The single-vehicle rollover crash effectiveness results were applied only to first harmful event rollovers with the lower single-vehicle crash effectiveness results applied to all other rollover crashes for a more conservative benefit estimate.

V. Agency Proposal

As discussed in detail in section VII, NHTSA's crash data study leads to the conclusion that an ESC requirement for light vehicles would save 1,536 to 2,211 lives annually once all light vehicles have ESC. The level of life saving associated with ESC would be second only to seatbelts among the items of equipment or elements of design regulated by the Federal motor vehicle safety standards. It is further estimated that an ESC requirement would prevent between 50,594 and 69,630 MAIS 1–5 injuries annually. The life saving benefits of ESC are considered very cost effective with a cost per equivalent fatality of $0.19 million under the most favorable assumptions and $0.43 million under the least favorable assumptions.

In order to capture these significant safety benefits NHTSA is proposing to establish FMVSS No. 126, *Electronic Stability Control Systems*, which would require passenger cars, light trucks and buses that have a GVWR under 4,536 Kg (10,000 lbs) GVWR to be equipped with an ESC system with a yaw stability control function equal to that of vehicles in current production. The benefits demonstrated by NHTSA's crash data studies and sought by the proposed safety standard are the result of yaw stability control greatly reducing single-vehicle crashes and reducing some multi-vehicle crashes as well. None of the study vehicles was equipped with a roll stability control system. Thus, we are proposing equipment requirements that are met by every ESC-equipped vehicle in current production and performance requirements that we believe are met by about 98 percent of ESC-equipped vehicles in current production and will require nothing more than slight retuning of the other two percent.

We are not proposing a roll stability control system because there are no data currently available to determine the effect of roll stability control on crashes. However, vehicle manufacturers may supplement the proposed ESC systems with roll stability control.

As proposed, FMVSS No. 126 would incorporate both an equipment requirement and a performance requirement. Specifically, we are proposing an equipment requirement for ESC that would define the necessary elements of a yaw stability control system capable of effective oversteer and understeer interventions. The ESC equipment requirement is augmented by a performance test of the system's oversteer intervention. We believe that an equipment requirement is necessary because establishing performance tests that would ensure that the ESC system operates under all road conditions and phases of driving is impractical. The number of tests would be immense, and many tests (particularly those using slippery surfaces) would not be repeatable enough for an objective regulation. A test requirement for understeer mitigation is particularly problematic because the understeer mitigation for many light trucks is programmed to occur only on slippery surfaces to avoid potential roll instability.

The proposed standard includes a performance test of oversteer intervention conducted with a single highly repeatable maneuver performed on dry pavement over a range of steering angles with an automated steering machine. It is designed to ensure that the performance of the system is comparable to current production systems under a limited set of conditions that are optimal for repeatable testing, and it proves that the ESC system is programmed to perform its most basic task under ideal conditions.

Most vehicles without ESC will spin out in this maneuver; so, a vehicle that avoids spin-out according to our objective yaw rate decay definition demonstrates that it has an ESC system typical of 2006 production vehicles. However, the maneuver is not so extreme that every vehicle without ESC will actually spin out. A few non-ESC vehicles will pass this particular maneuver test, however they would certainly spin out on slippery surfaces. Therefore, the test without the definition does not assure the safety benefits of ESC.

All model year 2006 vehicles with ESC systems would satisfy the definitional requirements of the standard. Of the sixty-two ESC vehicles tested by NHTSA or the Alliance of Automobile Manufacturers (Alliance), whose test fleet supplemented NHTSA's, only one would need minor reprogramming to pass the performance test.

Some of the older vehicles in NHTSA's crash data study would not pass the proposed requirements (e.g., among the early ESC systems, there were some that were not capable of understeer intervention). Nevertheless, over 85 percent of the data in NHTSA's study represent vehicles (1998–2003 model years) that we believe would satisfy the proposed requirements of the new safety standard. The study vehicles that did not satisfy the proposed standard had systems that were beneficial but less effective than the average.

A. Definition of ESC

The Society of Automotive Engineers (SAE) Surface Vehicle Information Report on Automotive Stability Enhancement Systems J2564 Rev JUN2004 provides an industry consensus definition of an ESC system. The definition in paragraph 4.6 of SAE J2564 specifies that a ESC system:

(a) Is computer controlled and the computer contains a closed-loop algorithm [16] designed to limit understeer and oversteer of the vehicle.

(b) Has a means to determine vehicle yaw velocity and sideslip.

(c) Has a means to monitor driver steering input.

(d) Has a means of applying and adjusting the vehicle brakes to induce correcting yaw torques to the vehicle.

(e) Is operational over the full speed range of the vehicle (except below a low-speed threshold where loss of control is unlikely).

We believe the SAE definition is a good basis for the proposed equipment requirement but that it requires minor clarifications to adequately describe current production systems. The definition that NHTSA proposes contains changes in paragraphs (a) and (b). Paragraph (a) has been changed to read: "(a) is computer controlled with the computer using a closed-loop algorithm to limit vehicle oversteer and to limit vehicle understeer when appropriate."

[16] A closed-loop algorithm is a cycle of operations followed by a computer that includes automatic adjustments based on the result of previous operations or other changing conditions.

This change recognizes that while all current ESC systems constantly limit oversteer, many of the systems used on vehicles with a high center of gravity only limit understeer on slippery surfaces where there is no danger that the understeer intervention could increase the possibility of tip-up. We also changed the expression about the "computer containing the algorithm" to refer to the "computer using the algorithm" to reduce ambiguity. Furthermore, we note that "limiting" understeer and oversteer means keeping those conditions within bounds that allow ordinary drivers to maintain control of the vehicle in critical situations. It does not mean reducing understeer and oversteer to zero under all circumstances because that is an impossibility, certainly not representative of production ESC systems.

Paragraph (b) has been changed to read: "(b) has a means to determine the vehicle's yaw rate and to estimate its side slip. A distinction has been made between the ways yaw rate and side slip are obtained." Current ESC systems use sensors to measure yaw rate, constituting an actual determination of this crucial metric, but they estimate rather than measure side slip.

Also, the term "yaw velocity" has been changed to "yaw rate" because that is the term used in our research reports. Both terms have the same meaning.

The SAE document also defines four categories of ESC systems: Two wheel and four wheel systems, each with or without engine control. The minimum system capable of understeer and oversteer intervention is the four-wheel system without engine control. SAE describes systems in this category as having the following attributes:

(a) The system must have means to apply all four brakes individually and a control algorithm, which utilizes this capability.

(b) The system must be operational during all phases of driving including acceleration, coasting, and deceleration (including braking).

(c) The system must stay operational when ABS or Traction Control are activated.

The proposed regulatory language would require an ESC system that combines the SAE definition with the minor clarifications discussed and the attributes of the four-wheel system without engine control. Nothing in the regulatory language conflicts with systems that employ engine control.

In addition, the proposed regulatory language supplements the ESC equipment definition with a test of oversteer intervention which would define the minimum intensity of the oversteer intervention under certain test conditions. The test is performed with the vehicle coasting on a dry pavement with a high coefficient of friction. The test conditions are very narrow in comparison with the operational conditions specified in the equipment definition, but they are necessary to produce a practical test with the high level of repeatability. The performance test specifies a severe steering regime that would produce oversteer loss of control in nearly every vehicle without a modern ESC system, and it specifies a maximum time for the vehicle to cease its yaw motion after the steering returns to straight ahead.

At this time, we cannot propose a similar test of the intensity of the ESC system's understeer intervention. Typically, systems on vehicles with high centers of gravity do not perform understeer intervention on dry surfaces because that could increase the possibility of an on-road untripped rollover. In such case, attempting to maintain the driver's desired path would increase lateral acceleration and roll moment. In fact, roll stability control works by inducing high levels of understeer when required to prevent tip-up. Therefore, tests of understeer intervention must be performed on low coefficient surfaces to avoid prohibiting roll stability control systems. Unfortunately, the regular methods of producing wet, slippery, or icy conditions at automotive proving grounds are useful only for such purposes as back-to-back comparisons of vehicles because repeatable friction conditions cannot be maintained or precisely reproduced. A practical test of understeer intervention is a topic of ongoing research.

B. Performance Test of ESC Oversteer Intervention and Stability Criteria

Selection of Maneuver

NHTSA performed research to define a practical, repeatable and realistic maneuver test of ESC oversteer intervention. We also made use of the results of testing performed by the Alliance on some candidate maneuvers to supplement the agency's information. NHTSA's detailed research report [17] has been placed in the docket, and this section represents a summary of its major points.

The desired test should discriminate strongly between vehicles with and without ESC. Vehicles with ESC disabled were used as non-ESC vehicles in the research. It must also facilitate the evaluation of both the lateral stability of the vehicle (prevention of spinout) and its responsiveness in avoiding obstacles on the road, since stability can be gained at the expense of responsiveness. The research program consisted of two phases:

Phase 1: The evaluation of many maneuvers capable of quantifying the performance of ESC oversteer intervention using a small sample of diverse test vehicles.

Phase 2: Evaluation of many vehicles using a reduced suite of candidate maneuvers.

Phase 1 testing occurred during the period of April through October 2004. In this effort, twelve maneuvers were evaluated using five test vehicles. Maneuvers utilized automated and driver-based steering inputs. If driver-based steering was required, multiple drivers were used to assess input variability. To quantify the effects of ESC, each vehicle was evaluated with ESC enabled and disabled. Dry and wet surfaces were utilized; however, the wet surfaces introduced an undesirable combination of test variability and sensor malfunctions. Table 5 summarizes the Phase 1 test matrix. Additional details pertaining to Phase 1, including more detailed maneuver descriptions and details pertaining to test conduct, have been previously documented.[18]

[17] Forkenbrock, G. *et al.* (2005) Development of Criteria for Electronic Stability Control Performance Evaluation, DOT HS 809 974.

[18] Forkenbrock *et al* (2005) NHTSA's Light Vehicle Handling and ESC Effectiveness Research Program, 19th International Technical Conference on the Enhanced Safety of Vehicles (ESV), Washington, DC.

TABLE 5.—NHTSA'S 2004 LIGHT VEHICLE HANDLING/ESC TEST MATRIX

Test group 1	Test group 2	Test group 3
• Slowly Increasing Steer • NHTSA J-Turn (Dry, Wet) • NHTSA Fishhook (Dry, Wet)	• Modified ISO 3888–22 • Constant Radius Turn	• Closing Radius Turn. • Pulse Steer (500 deg/s, 700 deg/s). • Sine Steer (0.5 Hz, 0.6 Hz, 0.7 Hz, 0.8 Hz). • Increasing Amplitude Sine Steer (0.5 Hz, 0.6 Hz, 0.7 Hz. • Sine with Dwell (0.5 Hz, 0.7 Hz). • Yaw Acceleration Steering Reversal (YASR) (500 deg/s, 720 deg/s). • Increasing Amplitude YASR (500 deg/s, 720 deg/s).

To determine whether a particular test maneuver was capable of providing a good assessment of ESC performance, NHTSA considered the extent to which it possessed three attributes:

1. A high level of severity that would exercise the oversteer intervention of every vehicle's ESC system.

2. A high level of repeatability and reproducibility.

3. The ability to assess both lateral stability and responsiveness.

Phase 2 testing examined the four maneuvers that were considered most promising from Phase 1: (1) Sine with Dwell; (2) Increasing Amplitude Sine Steer; (3)Yaw Acceleration Steering Reversal (YASR); and (4) YASR with Pause.[19] The two yaw acceleration steering reversal maneuvers were designed to overcome the possibility that fixed-frequency steering maneuvers would discriminate on the basis of vehicle properties other than ESC performance, such as wheelbase length. They were more complex than the other maneuvers, requiring the automated steering machines to trigger on yaw acceleration peaks. However, Phase 2 research revealed an absence of effects of yaw natural frequency. Therefore, the YASR maneuvers were dropped from further consideration because their increased complexity was not warranted in light of equally effective but simpler alternatives, and their details will not be discussed in this summary of NHTSA research. Additional detail on the remaining maneuvers is presented below:

Sine With Dwell

As shown in Figure 2, the Sine with Dwell maneuver was based on a single cycle of sinusoidal steering input. Although the peak magnitudes of the first and second half-cycles were identical, the Sine with Dwell maneuver included a 500 ms pause after completion of the third quarter-cycle of the sinusoid. In Phase 1, frequencies of 0.5 and 0.7 Hz were used. In Phase 2, only 0.7 Hz Sine with Dwell maneuvers were performed. As described in NHTSA's report,[20] the 0.7 Hz frequency was found to be consistently more severe than its 0.5 Hz counterpart (in the context of this research, severity was quantified by the amount of steering wheel angle required to produce a spinout). In Phase 1, the 0.7 Hz Sine with Dwell was able to produce spinouts with lower steering wheel angles for four of the five vehicles evaluated, albeit by a small margin (no more than 20 degrees of steering wheel angle for any vehicle).

In a presentation[21] given to NHTSA on December 3, 2004, the Alliance also reported that the 0.5 Hz Sine with Dwell did not correlate as well with the responsiveness versus controllability ratings made by its professional test drivers in a subjective evaluation (the same vehicles evaluated with the Sine with Dwell maneuvers were also driven by the test drivers), and it provided less input energy than the 0.7 Hz Sine with Dwell.

Increasing Amplitude Sine

As shown in Figure 3, the Increasing Amplitude Sine maneuver was also based on a single cycle of sinusoidal steering input. However, the amplitude of the second half-cycle was 1.3 times greater than the first half-cycle for this maneuver. In Phase 1, frequencies of 0.5, 0.6, and 0.7 Hz were used for the first half cycle; the duration of the second half cycle was 1.3 times that of the first.

The Phase 1 vehicles were generally indifferent to the frequency associated with the Increasing Amplitude Sine maneuver. Given our desire to reduce the test matrix down from three maneuvers based on three frequencies to one, NHTSA selected just the 0.7 Hz frequency Increasing Amplitude Sine for use in Phase 2. In the previously mentioned presentation given to NHTSA on December 3, 2004, the Alliance also reported that the 0.6 Hz Increasing Amplitude Sine did not induce vehicle responses significantly different than the 0.5 and 0.7 Hz Increasing Amplitude Sine maneuvers.

To select the best overall maneuver from those used in Phase 2, NHTSA considered three attributes: (1) Maneuver severity, (2) face validity, and (2) performability. Of the two sinusoidal maneuvers used in Phase 2, we determined that the Sine with Dwell was the best candidate for evaluating the lateral stability component of ESC effectiveness because of its relatively greater severity. Specifically, it required a smaller steering angle to produce spinouts (for test vehicles with ESC disabled). Also, the Increasing Amplitude Sine maneuver produced the lowest yaw rate peak magnitudes in proportion to the amount of steering, implying the maneuver was the least severe for most vehicles evaluated by NHTSA in Phase 2.

The performability of the Sine with Dwell and Increasing Amplitude Sine maneuvers is excellent. The maneuvers are very easy to program into the steering machine, and their lack of rate or acceleration feedback loops simplifies the instrumentation required to perform the tests. As mentioned previously, Phase 2 testing revealed that the extra complexity of YASR maneuvers was unnecessary because the tests were not affected by yaw natural frequency differences between vehicles.

All Phase 2 maneuvers (including the YASR maneuvers) possess an inherently high face validity because they are each comprised of steering inputs similar to those capable of being produced by a human driver in an emergency obstacle avoidance maneuver. However, the Increasing Amplitude Sine maneuver may possess the best face validity. Conceptually, the steering profile of this maneuver is the most similar to that expected to be used by real drivers, and even with steering wheel angles as large

[19] Ibid.

[20] Forkenbrock, G. *et al.* (2005) Development of Criteria for Electronic Stability Control Performance Evaluation, Dot HS 809 974.

[21] Docketed at NHTSA–2004–19951, item 1.

as 300 degrees, the maneuver's maximum effective steering rate is a very reasonable 650 deg/sec.

In light of the above, NHTSA is proposing to use the Sine with Dwell maneuver to evaluate the performance of light vehicle ESC systems in preventing spinout (oversteer loss of control). On the balance we believe that it offers excellent face validity and performability, and its greater severity makes it a more rigorous test while maintaining steering rates within the capabilities of human drivers.

Spinout Criteria

The foregoing maneuver selection process required a definition of "spinout." Spinout can be best explained in the context of the Sine with Dwell maneuver. Figure 4 shows the steering wheel angle driven by a robotic steering machine during three runs of the maneuver at increasing steering amplitudes and the resulting measurements of the yaw rate of an actual vehicle being tested. The maneuver is the same as that shown in Figure 2, except that the first steering is to the left in Figure 4 while it is to the right in Figure 2.

The test protocol requires the test to be performed at an entrance speed of 50 mph (coasting) in both directions at increasing steering amplitudes up to a preset maximum or to the point at which the vehicle spins out (failing the test). The preset maximum steering angle is the larger of either 270 degrees or an angle equal to 6.5 times the steering angle that produces 0.3g steady state lateral acceleration for the particular test vehicle. This specification of maximum test steering angle takes into account differences in steering gear ratio, wheelbase, and other factors between vehicles, but provides for testing to a steering wheel angle of at least 270 degrees. This maximum steering wheel angle is not achieved in the event that the test is terminated by spinout at a lower steering wheel angle.

As shown in Figure 4, in the first run, the steering wheel is turned 80 degrees to the left, then 80 degrees to the right following a smooth 0.7 Hz sinusoidal pattern. It is held steady for a dwell time of 0.5 second at 80 degrees right, and then returned to zero (straight ahead) also following a sinusoidal pattern. After a short lag, the vehicle begins to yaw counter-clockwise in response to the left steering. The absolute value of the yaw velocity increases with the absolute value of the steering angle, and then the vehicle changes to clockwise yaw velocity in response to right steering. At two seconds after the beginning of steering, the steering wheel has been turned back to straight ahead, and the yaw rate returns to zero after a fraction of a second response time. At that point, the vehicle is being steered straight ahead, and it is going straight ahead without any yaw rotation. The vehicle is responding closely to the steering input, and the driver is in control.

When the steering amplitude is increased to 120 degrees in the next run, the vehicle achieves greater yaw velocity because it is following a tighter path at the same speed, but it exhibits the same good response to steering and remains in control.

However, when the steering amplitude is increased to 169 degrees, the vehicle spins out, exhibiting oversteer loss of control. This condition is identified in the yaw rate trace. When the steering is straight ahead at time = 2 seconds, the yaw rate for this run is still about 35 deg/sec. However, there is a time lag past the instant of steering to straight ahead even for the previous runs where there was no loss of control. What is different is that the yaw rate does not swiftly decline to zero as it does with a vehicle under control. At time = 3 seconds, the yaw rate is still the same, and it has actually increased at time = 4 seconds in this example. The physical interpretation of this graph is that the driver has turned the wheels straight ahead and wants the vehicle to go straight, but the vehicle is spinning clockwise about a vertical axis through its center of gravity. It is out of control in a spinout. The driver's steering input is not causing the vehicle to take the desired path and heading, and the vehicle would depart the road surface sideways or even backward.

Figure 4 illustrates that the Sine with Dwell Maneuver is very severe. It induced a dramatic spinout in this test vehicle with only 169 degrees of steering to one direction followed by 169 degrees to the other. It is possible that steering angles below 169 degrees but above 120 degrees would also have caused spinout. Since the test is predicated on steering angles up to (or possibly exceeding) 270 degrees, it would cause spinout in vehicles with far greater lateral stability than this test vehicle.

Figure 5 shows another series of tests of the same vehicle but with ESC enabled. The first two runs were at 80 and 120 degrees of steering angle, and the vehicle's yaw rate declined to zero in a fraction of a second after the steering command. This is the same good response to steering exhibited by the vehicle with ESC disabled in the previous figure. The third run was conducted at 180 degrees of steering angle. This is greater than the 169 degrees that caused a severe loss of control without ESC, but the yaw rate returned to zero with the steering angle just as quickly as in the runs with less steering.

The final set of curves in Figure 5 represent a run conducted with 279 degrees of steering angle. This would be the left-right portion of the performance test proposed for the ESC system of this vehicle since 279 degrees is 6.5 times the steering angle that produces 0.3g steady state lateral acceleration for this example vehicle. In this case, the yaw rate did not return to zero nearly instantaneously as it had at lower steering angle. Instead, it steadily declined after the steering was turned to straight ahead, and the vehicle was completely stable and going straight in about 1.75 seconds. Clearly, the vehicle remained in control compared to its behavior without ESC (see Figure 4) in which turning the steering to straight ahead had no effect on the vehicle's heading. However, the ESC system required some time to cause the vehicle to stop turning in response to the driver's straight ahead steering command because the preceding maneuver was so destabilizing. The time it takes for the vehicle to stop rotating after it is steered straight ahead in this maneuver is a measure of the aggressiveness of the ESC oversteer intervention. Some of the early ESC systems were tuned to be less aggressive than the example vehicle, and the lag time for the vehicle to "recover" from the Sine with Dwell Maneuver would be longer.

The first goal of an ESC system is to prevent spinout, but there is no hard quantitative definition of spinout. Obviously, the example in Figure 4 shows spinout. The vehicle turned nearly front to rear in four seconds with the steering wheel straight ahead. In the example of Figure 5, the vehicle always responded to steering, but some response time was required for it to fully stabilize. In seeking to define "spinout", the agency believes that the question is: How long must the response time be before the result would be considered a spinout in the severe test maneuver?

NHTSA used an empirical definition of spinout based on observations from vehicle maneuver testing as a rule of thumb. This empirically-based criterion stipulates that in a symmetric steer maneuver, in which the amount of right and left steering is equal, if the final heading angle is more than 90 degrees from the initial heading, the vehicle has spun out. If a symmetric steer maneuver is performed at a very low speed that

eliminates tire slippage, the heading does not change at all. However, a change of heading of about 20 degrees would occur even at low speed in the Sine with Dwell Maneuver because of the asymmetric dwell portion, making this empirical criterion more conservative. NHTSA's research report [22] contains a statistical study on how quickly an ESC system would have to respond to prevent a heading change of more than 90 degrees during the Sine with Dwell Maneuver at 50 mph with full steering using data from all 40 vehicles tested by NHTSA and the Alliance.

Two measures of response time were considered: (1) The remaining yaw rate (as a percent of peak) one second after the steering wheel was turned straight ahead, and (2) the remaining percent of peak yaw rate after 1.75 seconds. The peak yaw rate is the highest yaw rate during the second part of the maneuver. In the example of Figure 5 (test run with 279 degrees steering wheel angle) the steering returned to straight ahead at 2 seconds. At 3 seconds (one second later), the remaining yaw rate was about 30 percent of the peak value achieved at about 1.2 seconds. At 3.75 seconds (1.75 seconds after zero steer), the remaining yaw rate is zero percent. Statistical analyses performed by NHTSA predict that, if the remaining yaw rate at one second after zero steer was no more than 35 percent, there is a 95 percent (or greater) probability that the heading change will not exceed 90 degrees (no spinout by the empirical criterion). For the 1.75 second time interval, a remaining yaw rate of no more than 20 percent leads to the same prediction.

The heading change criterion and its statistical interpretation provide a context in which to view the yaw rate data in the Sine with Dwell tests conducted by NHTSA and by the Alliance on a large sample of 62 vehicles in production in 2005. Figure 6 illustrates the yaw rate response (as a percent of the second yaw rate peak) versus time after completion of steer (COS) input, for the 0.7 Hz Sine with Dwell maneuver (left to right steering) for all vehicles tested by NHTSA and the Alliance. The data represents the most severe yaw rate response produced for each vehicle during a particular test series. The form of the graph corresponds to the yaw rate curve (for the 169 degree test) shown in Figure 4, except that the yaw rate has been normalized and the time axis has been shifted by 2.0 seconds so as to focus on the yaw rate response after COS. The cluster of curves at the top of Figure 6 represents the yaw rate response for vehicles with the ESC totally disabled, and the cluster at the bottom are for vehicles with the ESC fully enabled. Figure 7 shows data from the same vehicles but in a test conducted with right-left steering rather than left-right as in Figure 6.

Figures 6 and 7 also show the proposed criteria for maximum yaw rate at 1.0 second and 1.75 seconds after completion of steering. All of the 62 current production vehicles tested met or exceeded the proposed criteria with ESC enabled when tested in the left-right sequence as shown in Figure 6. However, one of the vehicles did not meet the criteria when tested in the right-left sequence as shown in Figure 7. Nevertheless, we believe the proposed criteria reasonably represent the minimum performance of the oversteer intervention for present vehicles with ESC, and that the vehicle representing the single exception to the rule can be tuned to operate as well in the right-left steering as it did in the left-right test. NHTSA also tested a number of the older vehicles whose crash data were used to evaluate the effectiveness of ESC in crash reduction. We believe that over 85 percent of these vehicles have ESC systems that would pass the proposed criteria. Therefore, the following proposed performance criteria for the Sine with Dwell Maneuver test of ESC oversteer intervention is associated with the high level of crash prevention benefits we expect and is also typical of the minimum performance of the present fleet of ESC vehicles:

$$\text{Criterion \#1: Percent } \dot{\psi}_{\text{Peak, COS = 1.0 sec}} \leq 35\%$$

$$\text{where, Percent } \dot{\psi}_{\text{Peak, COS = 1.0 sec}} = 100 * \left(\frac{\dot{\psi}(t_0 + 1.0)}{\dot{\psi}_{\text{Peak}}} \right)$$

$$\text{Criterion \#2: Percent } \dot{\psi}_{\text{Peak, COS = 1.75 sec}} \leq 20\%$$

$$\text{where, Percent } \dot{\psi}_{\text{Peak, COS = 1.75 sec}} = 100 * \left(\frac{\dot{\psi}(t_0 + 1.75)}{\dot{\psi}_{\text{Peak}}} \right)$$

In both criteria,

$\dot{\psi}_{\text{Peak}}$ = first yaw rate peak produced after the start of dwell period

$\dot{\psi}_{(t_0+x)}$ = yaw rate at x seconds after completion of a maneuver's dynamic steering inputs

C. Responsiveness Criteria

NHTSA's track tests demonstrate dramatic improvements in yaw stability provided by ESC. However, NHTSA believes these improvements should not come at the expense of poor lateral displacement response to the driver's steering inputs. An extreme example of this potential lack of responsiveness would occur if an ESC system locked both front wheels as the driver begins an abrupt obstacle avoidance maneuver. Assuming the road is reasonably level, and the surface friction is uniform, it is very likely the wheel lock would suppress any tendency for the vehicle to spin out or tip up. However, having the wheels lock would also prevent the

[22] Forkenbrock, g. *et al.* (2005) Development of Criteria for Electronic Stability Control Performance Evaluation, DOT HS 809 974

vehicle from responding to the driver's steering inputs. This would cause the vehicle to plow straight ahead and collide with the obstacle the driver was trying to avoid. Clearly this is not a desirable compromise.

To ensure an acceptable balance between lateral stability and the ability for the vehicle to respond to the driver's inputs, NHTSA believes a "responsiveness" criterion must supplement the agency's lateral stability criteria. We propose to use the same series of tests with the Sine with Dwell maneuver to characterize both the aggressiveness of the oversteer intervention and the lateral responsiveness of the vehicle. This maneuver is severe enough to exercise the ESC system on any vehicle and test its oversteer intervention, and it is possible to measure other metrics during the Sine with Dwell maneuver to characterize the vehicle's responsiveness as well.

NHTSA considered a number of metrics to describe the ability of the vehicle to react to the steering input, especially in the direction of the first half sine of the steering pattern that would relate most directly to obstacle avoidance. These metrics involved the lateral movement of the vehicle, the lateral speed of the vehicle, the lateral acceleration of the vehicle and lag times and distances between steering inputs and the various types of responses.

The lateral movement of the vehicle has the most obvious and direct bearing on obstacle avoidance. However, the measurement of lateral movement appeared to introduce an undesirable degree of difficulty. NHTSA has been measuring the path of vehicles during the development of various rollover and handling test maneuvers using a differentially corrected Global Positioning System (GPS) method. This method is capable of measuring the lateral movement of the vehicle at its center of gravity (a good way to compare vehicles of different sizes), but it requires costly instruments both on the track and in the vehicle and complex procedures. Instruments imbedded in the track would seem to be a possible alternative, but they are also problematic. It is difficult to place each test vehicle over the instrumented section of roadway during the exact same position in the Sine with Dwell steering pattern, and it is difficult to determine the lateral movement of the center of gravity from roadway sensors when the vehicles approach at various side slip angles.

However, during a briefing [23] on September 7, 2005, the Alliance presented a technique that would greatly simplify the measurement of NHTSA's preferred responsiveness metric—lateral displacement in the direction of the first steering of the Sine with Dwell maneuver. It involves mathematical integration of the onboard lateral acceleration measurement at the vehicle center of gravity to obtain lateral velocity, and then a second integration of lateral velocity to obtain lateral displacement. Double integration of acceleration to calculate displacement is not used as a general measurement technique because small errors in zero levels of acceleration and speed can produce large errors in displacement over time. However, the idea presented by the Alliance required double integration for only about one second, and the resulting displacement calculations were in good agreement with the GPS measurements for vehicles tested by NHTSA.

Figure 8 shows the typical lateral displacement as a function of time for a vehicle performing the Sine with Dwell maneuver successfully (without spinning out). Since the longitudinal travel is roughly proportional to time, the bottom trace resembles the path of the vehicle with the lateral travel exaggerated. Assuming the wheel is first turned to the left, the figure shows that the maximum movement of the vehicle to the left lags the maximum left steering angle by almost two seconds in this example. Because this maneuver includes a very fast steering reversal, the steering wheel has been turned sharply to the right before the vehicle has achieved its maximum reaction to the initial left steering.

We propose to use the lateral displacement at 1.07 seconds after initiation of steering in the Sine with Dwell maneuver as the responsiveness metric rather than the maximum lateral displacement for the following reasons. The maximum lateral displacement occurs later in the maneuver and occurs at different times for different vehicles. Therefore, it is subject to greater potential error from the double integration technique, and the errors could systematically affect some types of vehicles more than others.

More importantly, since the interpretation of the metric is the obstacle avoidance capability of the vehicle, it makes the most sense to measure the lateral displacement of every vehicle the same distance from the initiation of steering. This is equivalent to placing the same size obstruction at the same place on the roadway for every vehicle. Since steering is initiated at 50 mph for all tests, and not much speed is scrubbed off in the first second (except for a few systems that start automatic braking very early in the maneuver), lateral displacement at a set time is roughly equivalent to lateral displacement at a set distance. Certainly, the difference in distance traveled among test vehicles is much less at 1.07 seconds into the maneuver than at the point of maximum lateral displacement.

A set time of 1.07 seconds is desirable because it coincides with an easily recognized discontinuity in the steering trace (the dwell period); it is short enough to assure accuracy of the double integration technique, and it is long enough to include a high percent of the maximum lateral displacement. It is also important to note that differences between vehicles in the lateral displacement metric at 1.07 seconds correlated well with the subjective evaluations of vehicle responsiveness provided by expert drivers from several vehicle manufacturers.

The choice of the criterion for this metric was based on the responsiveness of the present fleet of cars and light trucks, represented by a group of 61 vehicles in 107 vehicle configurations (ESC on or ESC off). The group ranged from high-performance sports cars to a 15-passenger van with ESC and several long wheelbase diesel pickup trucks with GVWRs near 4,536 Kg (10,000 lb) and no ESC. Figure 9 shows the range of responsiveness for this fleet, characterized by the proposed metric. The least responsive vehicles were not the 15-passenger van or large pickup trucks, but rather SUVs with roll stability control. The highest criterion that can be used without prohibiting these implementations of roll stability control is a minimum lateral displacement of 1.83 m (half a 12-foot lane width), 1.07 seconds after initiation of steering in the Sine with Dwell maneuver conducted with steering angles of 180 degrees or greater. Therefore, we are proposing the test criterion for minimum vehicle responsiveness described above because it is practical for all types of light vehicles including 15-passenger vans, long wheelbase diesel pickups and SUVs with roll stability control. All of the test vehicles would satisfy this criterion, including nine SUVs with a roll stability control function. However, we expect that manufacturers would make some software alterations to the roll stability control programs of a few SUVs to gain a greater margin of compliance.

[23] Docketed at NHTSA–2004–19951, item 21.

D. Other Issues

1. ESC Off Switches

Many vehicles are equipped with ESC systems featuring driver-selectable modes. These modes are generally subdivided into two groups: (1) Systems in which the driver has the ability to fully disable the ESC (i.e., throttle and brake intervention are both eliminated), and (2) those in which the ESC may only be partially disabled. If the option to fully disable the ESC exists, the manner in which it is accomplished depends largely on the vehicle's make and model. For some vehicles, disabling the ESC is accomplished by momentarily pushing an on/off button typically located on the instrument panel, center console, or dashboard. Other vehicles require the driver to push the ESC on/off button for approximately three to five seconds before the ESC can be fully disabled.

Regardless of which method the vehicle manufacturer has selected, the action to manually disable ESC requires a conscious effort by the driver. The default setting of every ESC system known to NHTSA is "ESC-enabled." In other words, at the beginning of each ignition cycle, the ESC is always fully enabled regardless of what mode the driver had been operating the vehicle in during the previous ignition cycle.

Although many contemporary vehicles are equipped with ESC on/off switches, simply pushing the ESC on/off button does not necessarily give the driver the ability to fully disable the vehicle's ESC. For some vehicles, when the drivers select "ESC off," they are actually diminishing, but not fully removing, the aggressiveness of their vehicles' ESC intervention.

Although the crash and test track data clearly demonstrate the profound safety benefits of ESC, there are special circumstances in which drivers may wish to partially or fully disable their vehicles' ESC. Examples of such situations may include:

- Attempting to "rock" a vehicle stuck in a deformable surface such as snow or mud
- Attempting to initiate movement on deep snow or ice (especially if the vehicle is equipped with snow chains)
- Driving through a deep, deformable surface such as mud or sand
- Driving with a compact spare tire, tires of mismatched sizes or tires with chains.

To understand how ESC may hinder a driver's ability to operate his vehicle in these special conditions, it is important to recall the primary ways in which ESC attempts to improve stability: (1) Removal or augmentation of drive torque, and (2) brake intervention. In each of the examples provided above, the vehicle may require significant longitudinal wheel slip in order to initiate or maintain forward progress. If ESC remains fully enabled, it will endeavor to reduce what it perceives as excessive wheel slip via throttle and/or brake intervention. By reducing wheel slip, the vehicle's lateral stability is improved; however, this may also inhibit forward progress to the point that the vehicle may become (or remain) stuck. Not only can this be frustrating for the driver (i.e., the vehicle is not responding to their commands), but it may also introduce a potential safety problem (e.g., the vehicle slows to a near stop while attempting to be driven through a busy intersection).

Another reason a driver may wish to disable ESC has less to do with mobility, and more to do with driving enjoyment. NHTSA acknowledges there is a driver demographic that considers the automobile more than just a means of transportation. These drivers enjoy participation in activities such as motorsports competition and high-performance driving schools. In these situations, it is quite possible the driver may not wish to realize the improved lateral stability offered by a fully enabled ESC, because the intervention providing improved lateral stability is achieved by removing the driver's throttle inputs and applying the brakes. In a controlled environment, such as the confines of a racetrack, this can be frustrating for the driver because ESC intervention will have the effect of slowing the vehicle and contradict the driver's desire to achieve the lowest possible lap times. In other words, aggressive intervention intended to improve safety on the public roads may not be appropriate at a racetrack.

To accommodate these special situations, NHTSA believes vehicle manufacturers should be allowed the freedom to install ESC on/off switches on all vehicles. Furthermore, the agency is hopeful that this provision will have a positive effect on ESC design philosophy. For every ESC system presently in production, there exists a balance between lateral stability and intervention magnitude. Generally speaking, an ESC tuned to optimize lateral stability will require intrusive interventions. Conversely, a vehicle equipped with an ESC designed with transparent intervention which is not noticeable to the driver (often associated with "sport" modes), will tend to exhibit lower lateral stability. By giving vehicle manufacturers the freedom to install ESC on/off switches, both intervention strategies can be accommodated, with the more aggressive safety-biased tuning set as the system default. The more sport-oriented, transparent interventions could then be accessed via the same switch capable of fully disabling the ESC. This provision should satisfy the demand for safe, versatile, and enjoyable vehicles.

Vehicle and ESC manufacturers have expressed concern that if ESC on/off switches were to be prohibited, there would exist a risk that some drivers will fully disable their vehicle's ESC by other means, such as disconnecting or removing sensors required by the ESC. By opting to disable ESC in this manner, drivers might unknowingly disable other important safety features such as the vehicle's antilock brakes. In some cases, the vehicle's electronic brake proportioning may also be adversely affected, thereby resulting in a significant reduction of the vehicle's braking capability. Recognizing the diverse operating conditions their vehicles may encounter, many vehicle manufacturers presently equip their vehicles with ESC on/off switches.

In light of the above, we are proposing to permit installation of ESC Off switches as a manufacturer option. However, in order to preserve the safety benefits presently associated with ESC, NHTSA is proposing to require a vehicle equipped with an ESC on/off switch to satisfy three important criteria:

1. The vehicle's ESC must always be fully enabled at the initiation of each new ignition cycle, regardless of what mode the driver had previously specified.

2. When evaluated with its ESC fully enabled, the vehicle performance must be in compliance with the minimum ESC oversteer intervention and responsiveness test criteria.

3. The vehicle manufacturer must provide a telltale light that illuminates to indicate when the vehicle has been put into a mode that completely disables ESC or renders it unable to satisfy the ESC oversteer intervention test criteria.

In summary, although there is no way to guarantee drivers will not use ESC on/off switches to disable their vehicle's ESC during normal driving, potentially negating the significant safety benefits such systems offer, NHTSA cannot ignore the fact there are certain operating conditions under which on/off switches are advantageous. Furthermore, NHTSA anticipates that ESC developers will utilize this design flexibility facilitated by the use of ESC on/off switches to maximize the ESC effectiveness in its default, fully enabled mode.

2. ESC Activation and Malfunction Symbols and Telltale

Most current ESC systems provide an indication to the driver when the ESC system is actively intervening to stabilize the vehicle and provide a warning to the driver if ESC is unavailable due to a failure in the system. When an ESC Off switch is provided, a telltale reminds the driver when the ESC has been disabled.

We believe that there are safety benefits associated with certain of these warnings. There is an obvious safety need to warn the driver in case of an ESC malfunction so that the system can be repaired. The safety need to remind the driver of a driver-selected ESC Off state is also obvious because the driver should restore the ESC function as soon as possible in order to realize the system's safety benefits. However, the safety need for an ESC activation indicator to alert the driver during an emergency situation that ESC is intervening is not obvious, so the agency undertook research on this point as discussed below.

NHTSA conducted a study [24] using the National Advanced Driving Simulator (NADS) that included experiments to gain insight into the various possibilities regarding ESC activation indicators. The NHTSA study involved 200 participants in four age groups and simulated driving on wet pavement. It used maneuvers similar to those described in Section IV of the Papelis study [25] also using the NADS. The activation indicator experiments used road departures and eye glances to the instrument panel as measures of driver performance. The NHTSA study compared the performance of drivers given either no indication of ESC activation, a steady-burning icon telltale, a flashing icon telltale, or an auditory warning. The ESC telltale used in this study was the ISO J.14 symbol with the text "Active" under it.

Participants presented with only auditory ESC activation indications experienced significantly more road departures (15) than participants receiving visual only indications (steady 8, flashing 8) or no ESC activation indications (7). This finding was most evident for the older driver group who experienced a statistically significant increase in road departure events with the auditory ESC indication compared to the other three conditions. Younger drivers also showed an increased road departure rate with the auditory ESC indication, although not at a statistically significant level. These results of the road departure study are presented in Table 6.

TABLE 6.—PERCENT ROAD DEPARTURES BY ESC ACTIVATION INDICATION AND AGE GROUP—ESC TRIALS ONLY

	All age groups combined (percent)	Novice (percent)	Younger (percent)	Middle (percent)	Older (percent)
None	7	8	8	6	6
Steady	8	10	4	6	10
Flashing	8	9	6	9	8
Auditory	15	6	14	10	30

Eye glance behavior was examined to determine whether providing drivers with an indication of ESC activation would cause them to glance at the instrument panel. Results show that participants presented with a flashing ESC telltale glanced at the instrument panel significantly more frequently (14, statistically significant) during the crash-imminent event than did participants in the other three ESC conditions. Participants presented with a flashing ESC telltale also glanced at the instrument panel approximately twice during the crash-imminent event versus once for participants in the other three ESC conditions. However, average glance duration was approximately twice as long for the auditory ESC indication condition than for the other three ESC conditions (see Table 7), although this difference was not statistically significant.

TABLE 7.—EFFECT OF ESC ACTIVATION INDICATION ON EYE GLANCE BEHAVIOR—ESC TRIALS ONLY

	Percent trials with any glance to icon	Number of glances per trial		Duration of glances(s)	
		M	SD	M	SD
None	28	1.4	3.9	0.3	0.9
Steady	27	1.1	2.6	0.2	0.1
Flashing	41	2.3	4.7	0.3	0.8
Auditory	27	1	2.6	0.6	1.6

Overall, the significant finding was that the drivers who received various ESC activation indicators did not perform better than drivers given no indicator. Therefore, there does not appear to be a safety need to propose a requirement for an ESC activation indicator as part of this rulemaking, and none is proposed. In fact, presentation of an auditory indication of ESC activation was shown to increase the likelihood of road departure, particularly for older drivers. As a result, use of an auditory indication of ESC activation presented during the ESC activation is not recommended.

The flashing indicator was associated with a greater number of glances to the instrument panel during the critical driving maneuvers. Therefore, flashing would not seem to be a desirable feature, but there was no measurable consequence in road departures. The current practice for many vehicles is to

[24] Mazzae, E. *et al.* (2005) The effectiveness of ESC and related Telltales: NADS Wet Pavement Study, DOT HS 809 978.

[25] Papelis *et al.* (2004) Study of ESC Assisted Driver Performance Using a Driving Simulator, Report No. N)4–003–PR, University of Iowa.

use the same ESC telltale for both activation and malfunction. It flashes to indicate activation and stays on continuously in a steady burning mode to indicate ESC malfunction. Since NHTSA is proposing to not regulate the activation mode, the current practice need not be affected.

The threshold of ESC intervention that would trigger an indication of activation is likely to vary with the philosophy of the manufacturer. Some manufacturers would also favor displaying the activation signal to the driver shortly after the critical driving maneuver has ended. This idea may be more intuitively appealing because the driver would be warned of slippery road conditions while avoiding potential distraction during the critical maneuver. This rulemaking does not propose regulation in this area.

NHTSA believes that the symbol used to identify ESC malfunction (and activation if the telltale is shared) should be standardized. This is not the case for presently available systems. There are three main types of identifiers for ESC activation and malfunction. One type of icon shows the rear of a vehicle trailed by a pair of "S" shaped skid marks. This is the ISO ESC symbol (designated J.14 in ISO standard 2575). We observed seven variations of this icon in production vehicles. The second type is based on a triangle surrounding an exclamation mark, which is also used to indicate ABS and traction control activation on some vehicles. A variation of this type adds an outer counterclockwise semicircular arrow to indicate rotation. The third type includes English language phrases and acronyms often referring to trade names for specific ESC systems.

To the extent possible, NHTSA favors symbols over English abbreviations to promote harmonization. Also, acronyms for different trade names for ESC would only serve to confuse drivers who operate different vehicles produced by different manufacturers.

NHTSA collected data on the recognition of various identifiers related to ESC and other vehicle systems by administration of an icon comprehension test. A total of 20 members of the general public participated in this data collection effort. Gender was balanced. Each participant was first presented with an instructional sheet describing the procedure for the icon test. The instructions included the following statement: "You are driving down the road and this image illuminates on your vehicle's instrument panel * * *". Participants were then given the test, which consisted of a hand-sized packet containing the 20 icons, each on a different page. Each page contained two separate questions to ensure that responses were sufficiently detailed. The questions were: "What system or part of the car is the light referring to?" and "What is the light telling you about that part or system?" A fill-in-the-blank line for participant response followed each question.

Responses for ESC-related symbols were given full credit as correct if they contained the words "stability control" or "ESC." ESC icon responses containing the word "traction" were given partial credit. Selected results of the comprehension test are presented in Figure 10. While few people knew what "ESC" meant, the ISO J.14 icon was the most successful in communicating to people a message relating to traction. The icon consisting of a counterclockwise, circular arrow surrounding a triangle containing an exclamation point, while present in a number of current vehicles, was not meaningful to any of the 20 respondents, and there was little recognition of the triangle without the arrow.

Based upon the results of this albeit limited study, the ISO J.14 symbol appears to be the best choice of the identifiers in use for a standard symbol for ESC. As with any symbol, drivers will have to learn its precise meaning, but we believe that, to some extent, it correctly evokes an association with skidding. Also, the ISO J.14 symbol and close variations were the symbols used presently by the greatest number of vehicle manufacturers that used an ESC symbol. Therefore, NHTSA is proposing the ISO J.14 symbol as the required ESC symbol in FMVSS No. 126.

3. ESC Off Switch Symbol and Telltale

There is an obvious safety need to prevent drivers from misunderstanding the operation of the ESC Off switch. Drivers usually encounter vehicle dashboard switches as a means of turning on vehicle functions that are off when the vehicle is started. However, an ESC Off switch presents the opposite situation, because full ESC operation is the default condition of the vehicle following each ignition cycle. Therefore, we believe that the switch must be labeled unambiguously.

The ISO convention is to draw a slash through a symbol to signify negation—the disabling or turning off of a vehicle function. However, Table 8, which examines potential symbols to indicate when the ESC system is off, shows that this convention applied to the ISO J.14 ESC symbol does not create an unambiguous symbol for ESC off.

Table 8. Potential ESC Off Switch Symbols

Once again, the ISO J.14 symbol is desirable because it connoted the idea of traction and skidding even to people who had not heard of electronic stability control. However, the literal meaning of the symbol of a vehicle skidding with a slash through it is the negation of skidding, which could be assumed to mean ESC on. The problem with the slash symbol is not just that a driver will not understand it and have to consult the owner's manual, but that the driver could reasonably understand it to have the opposite meaning and believe it is not necessary to consult the owner's manual. Therefore, a purely pictographic approach to adapting the ESC symbol for the off switch is not feasible. NHTSA believes it is necessary to make the identification of when ESC is turned off explicit by using the English word "OFF," as shown in the right hand box of Table 8.

The same situation occurs for the telltale indicating what the current state of ESC system is. The off switch toggles the ESC system between the on and off states. Even someone who understands that the ESC Off switch is not required to use ESC normally must be certain of the ESC state after he has touched the switch. Therefore, the slash symbol cannot be used for the telltale either because it leads to the same ambiguity regarding the state of the ESC system

when the telltale is lighted. Also, even though it is used for malfunction indication, the ISO J.14 symbol alone would create ambiguity about the on/off state of ESC if it were used with the Off switch. Therefore, the symbol with the English word "OFF" is also proposed for the telltale that will be required for the ESC Off switch.

E. Alternatives to the Agency Proposal

Section 10301 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 [26] (SAFETEA–LU) requires that the Secretary "establish performance criteria to reduce the occurrence of rollovers consistent with stability enhancing technologies" and "issue a proposed rule * * * by October 1, 2006, and a final rule by April 1, 2009." NHTSA has long been concerned about the number of rollover fatalities and injuries, and it has pursued a number of actions in the past to reduce rollovers that were alternatives to the present proposal.

One of the past alternatives sought to require higher rollover resistance for light trucks. NHTSA published an Advance Notice of Proposed Rulemaking in 1992 [27] which explored the idea of setting a minimum level of rollover resistance based on the track width and height of the center of gravity. These are the primary components of "geometric stability" which can be expressed by metrics such as Static Stability Factor (SSF) or Tilt Table Ratio which is a related measurement using a "tilt table" to measure how far a vehicle on a platform could be tilted laterally before tipping over.

However, the contemplated approach of regulating the geometric stability of vehicles did not lead to a mandatory standard. Its effect would have been crash mitigation by reducing the number of single-vehicle crashes that turn into rollovers rather than crash prevention. In order to produce life saving benefits, the proposed geometric stability level would have had to be placed above that of almost all contemporary SUVs, pickup trucks with four-wheel drive, and full size vans. A regulation of this type would have made classes of vehicles with high ground clearance unavailable to consumers.

Rather than pursue such a rulemaking, NHTSA chose instead to add rollover resistance to the NCAP consumer information program in 2001. In this way, persons needing vehicles with high ground clearance (which have poorer rollover resistance) could make an informed choice about the tradeoffs, but consumers would be encouraged to choose vehicles with greater rollover resistance. The NCAP program uses market-based incentives to encourage manufacturers to maximize rollover resistance within the limitations of the vehicle class. Manufacturers responded to these NCAP ratings with improvements in rollover resistance resulting from the generally wider track widths of newer SUVs derived from passenger car platforms and also improvements where possible in truck-based SUVs during major redesigns. A recent trend in improving the rollover resistance of SUVs has been the addition of roll stability control. This feature prevents tip-up in the maneuver test that was added to NCAP in the 2004 model year, resulting in a small reduction in the predicted rollover rate.

We believe the NCAP approach has been a successful way to address the dilemma of higher rollover resistance being at odds with some of the features that draw consumers to light trucks. Despite the recent trend of improvement, SUVs cannot match passenger cars in geometric stability because taller bodies and higher ground clearance are the features that distinguish SUVs from passenger cars. Nevertheless, the rollover resistance of SUVs has substantially improved since the establishment of NCAP ratings, and consumers are in a better position to make vehicle decisions for themselves and for young drivers in their family.

While the use of ESC to prevent single vehicle crashes is a better way of reducing rollovers than any countermeasures previously available, there are alternatives in terms of how NHTSA could regulate ESC systems. The agency considered two alternatives to the proposal. The first was to limit the ESC standard's applicability only to LTVs. The second alternative was to not require a 4-wheel system, which would allow a 2-wheel system to be used by manufacturers.

The agency considered the first alternative for two reasons: (a) The ESC effectiveness rates for LTVs against single-vehicle crashes were almost twice as high of the effectiveness rates for passenger cars (PCs), and (b) LTVs generally had a higher propensity for rollover than PCs. The alternative would address the core rollover issue and target the high-risk rollover vehicle population. However, after examining the safety impact and the cost-effectiveness of the alternative, the agency determined that an excellent opportunity to reduce passenger car crashes would be lost if PCs were excluded from the proposal.

We examined this alternative by looking at the impacts of requiring ESC for passenger cars. Requiring ESC for passenger cars would save 956 lives and reduce 34,902 non-fatal injuries. Following this analysis through the cost-effectiveness equations, the cost-effectiveness analysis shows that ESC is highly cost-effective for PCs alone. For PCs, the cost per equivalent life saved is estimated to be $0.35 million at a 3 percent discount rate and $0.47 million at a 7 percent discount rate. The benefit-cost would be $4.8 billion at a 3 percent discount rate and $3.8 billion at a 7 percent discount rate.

Given the fact that ESC is highly cost-effective and that extending the ESC applicability to PCs would save a large number of additional lives (956) and reduce a large number of additional injuries (34,902), the agency is not proposing this alternative.

The second alternative considered was to require only that ESC operate on the two front wheels. General Motors has utilized a 2-wheel ESC system in many of its ESC-equipped passenger cars through MY 2005, but it is using 4-wheel ESC systems exclusively in MY 2006. All other manufacturers have utilized a 4-wheel ESC system in their vehicles. Only 4-wheel systems are capable of both understeer and oversteer mitigation.

Statistical analyses comparing 2-wheel to 4-wheel ESC systems were performed.[28] The effectiveness estimates show a potentially enhanced benefit of 4-wheel ESC systems over 2-wheel ESC systems in reducing single-vehicle run-off-road crashes (significant at the 0.05 level or better), although the benefit could not have been shown in a separate analysis of fatal-only crashes likely due to the small sample size.

The agency's contractor performed a teardown study to determine the difference in costs between a 2-wheel and 4-wheel system, and it found that the 2-wheel system is about $10.00 less expensive. However, it is not intuitively obvious that the difference need be this much, and with a sample size of one, it is possible that other changes in design may be affecting this estimate.

Since the industry has moved away from the 2-wheel system on its own, and it appears that the difference in cost of $10 or less will be insignificant compared to the additional benefits

[26] Pub. L. 109–59, 119 stat. 1144 (2005).

[27] 57 FR 242 (Jan. 3, 1992).

[28] Dang, J. (2006) Statistical Analysis of The Effectiveness of Electronic Stability Control (ESC) Systems, U.S. Dept. of Transportation, Washington, DC (publication pending peer review). A draft version of this report, as supplied to peer reviewers, has been placed in the docket for this rulemaking.

achieved with 4-wheel ESC, we are not providing a full analysis of this alternative at this time.

Based on the available information, the agency is proposing the 4-wheel system. The agency's decision is based on our and the industry's engineering judgment that the 4-wheel system is more effective, the effectiveness study showing that the 4-wheel system is more effective than the 2-wheel system in reducing crashes, the industry trend towards installing the 4-wheel system in their vehicles, and the minimal cost differences between 2-wheel and 4-wheel ESC systems.

We have also examined the possibility that there may be alternative approaches to achieving the benefits of ESC that could involve simpler or less costly technology. To answer this question we first identified the basic functional requirements of a vehicle control system that would maintain vehicle path control in both oversteer and understeer situations. The first functional requirement is a means of predicting what the driver's intended path, i.e., where the driver wants the vehicle to go. The second functional requirement is to be able to determine the current actual path of the vehicle, i.e., its current dynamic state. The final requirement is to determine how the intended and actual paths deviate and then to exercise automatic control to minimize or eliminate this deviation. The basic question then is whether there exists another fundamentally different technological approach to achieving the three key functional requirements identified above, than those employed in current ESC systems.

Functional Requirement No. 1: One may infer the desired path from a knowledge of the driver's instantaneous steering, throttle, and braking commands as well as the current dynamic state of the vehicle. This requires that sensors be installed to determine the values of each of these control inputs. Although specific sensor technology and costs may vary from one manufacturer to another, there is no known alternative to acquiring knowledge of the driver's intent other than through this system of vehicle sensors.

Functional Requirement No. 2: Once the intended path is established, the next requirement is determine the vehicle's actual path. Here again a range of sensor information is needed to establish the vehicle's dynamic state. Among the state variables that must be determined, the two most critical are lateral acceleration and yaw velocity. Acquiring information of these quantities requires special vehicle dynamic sensors. Again, though sensor technology and cost may vary, we are not aware of any alternative approach to acquiring this essential information.

Functional Requirement No. 3: With information on the driver's desired path and the actual vehicle path, a means of comparing the two and eliminating or minimizing deviations is needed. This requires an electronic comparator and error generator. A means of altering the actual vehicle path so as to bring it into alignment with the desired path is the third critical function. The vehicle path can only be changed as a result of forces generated between the tire and roadway. Drivers intuitively rely on lateral tire forces generated through steering inputs to change the vehicle heading and path. Though not comprehended by most drivers, the heading (and consequently the path) can also be changed by means of unbalanced braking forces, which is the approach used by ESC. We do not believe that an approach that would assume control of the driver's steering authority as an alternative method of correcting the vehicle path would be acceptable to most drivers. Also, braking intervention at individual wheels is much more likely to produce the necessary yaw torque on slippery surfaces than steering intervention, and steering intervention would have limited effect on understeer loss-of-control even on surfaces with high levels of friction. No manufacturer has proposed this method of intervention to correct path deviation in loss of control situations.

In summary, while specific differences in the implementation may exist between ESC systems, the basic elements of the feed-back control systems are common to all. We have concluded that to accomplish the goal of preventing a vehicle from losing path or directional control a vehicle must be equipped with all of the essential components of the current ESC systems. There does not appear to be any current alternative to the technology that is being mandated that attains the goals of this proposed rule. We solicit comment on alternatives to mandating the installation of ESC, consistent with our statutory directive.

VI. Leadtime

Considering the very high level of potential life-saving benefits of this proposed safety standard, NHTSA wishes to avoid excessive delay in its development and implementation. Except for possibly some low-production-volume vehicles with infrequent design changes, NHTSA believes that most other vehicles can reasonably be equipped with ESC within three to four model years (MY) from the date of issuance of a final rule. This proposal does not require improvements in ESC technology over the present 2006 MY systems, and most vehicles would likely experience some level of redesign in the next five years in the normal course of business. There already is a strong trend to provide ESC as standard equipment on SUVs, and it is likely that market segment will be equipped with ESC prior to a final rule becoming effective. We have taken these considerations into account in proposing both the phase-in plan as well as the final compliance date for full implementation of the standard.

Our intention is to have 90 percent of the subject fleet equipped with ESC in the 2011 model year that starts September 1, 2010. Accordingly, assuming the final rule is published in June 2008, and becomes effective September 1, 2008, we are proposing the following phase-in schedule:

September 1, 2008—30 percent of fleet.
September 1, 2009—60 percent of fleet.
September 1, 2010—90 percent of fleet.
September 1, 2011—All light vehicles.

However, NHTSA is proposing to exclude multi-stage manufacturers and alterers from the requirements of the phase-in and to extend by one year the time for compliance by those manufacturers (i.e., until September 1, 2012). This NPRM also proposes to exclude small volume manufacturers (i.e., manufacturers producing less than 5,000 vehicles for sale in the U.S. market in one year) from the phase-in, instead requiring such manufacturers to fully comply with the standard on September 1, 2011.

Under our proposal, vehicle manufacturers would be permitted to earn carry-forward credits for compliant vehicles, produced in excess of the phase-in requirements, which are manufactured between the effective date of the final rule and the conclusion of the phase-in period. We note that carry-forward credits would not be permitted to be used to defer the mandatory compliance date of September 1, 2011 for all covered vehicles.

The initial phase-in of 30 percent occurring almost simultaneously with the effective date is the result of our belief that all manufacturers subject to the phase-in already plan to exceed that level of ESC installation in the 2009 MY. Confidential information submitted to NHTSA by many manufacturers indicate that all responding manufacturers will exceed a 30 percent installation rate, and that several will exceed it by a large margin that would earn considerable carry-forward credits.

VII. Benefits and Costs

A. Summary

This section summarizes our analysis of the benefits, costs, and cost per equivalent life saved as a result of the proposed ESC requirement. As noted previously, the life- and injury-saving potential of ESC is very significant, both in absolute terms and when compared to prior agency rulemakings. This proposal for ESC, if made final, would save 1,536 to 2,211 lives and cause a reduction of 50,594 to 69,630 MAIS 1–5 injuries annually once all passenger vehicles have ESC. This compares favorably with the Regulatory Impact Analyses for other important rulemakings such as FMVSS No. 208 mandatory air bags (1,964 to 3,670 lives saved), FMVSS No. 214 side impact protection (690 to 1,030 lives saved), and FMVSS No. 201 upper interior head impact protection (870 to 1,050 lives saved). The ESC proposal would also save $396 to $555 million annually in property damage and travel delay (undiscounted). The total cost of the proposal is estimated to be $985 million.

The proposal is extremely cost-effective. The cost per equivalent life saved would range from $0.19 to $0.32 million at a 3 percent discount and $0.27 to $0.43 million at a 7 percent discount. Again, the cost-effectiveness for ESC compares favorably with the Regulatory Impact Analyses for other important rulemakings such as FMVSS No. 202 head restraints safety improvement ($2.61 million per life saved), FMVSS No. 208 center seat shoulder belts ($3.39 to $5.92 million per life saved), FMVSS No. 208 advanced air bags ($1.9 to $9.0 million per life saved), and FMVSS No. 301 fuel system integrity upgrade ($1.96 to $5.13 million per life saved).

For a more complete discussion of the benefits and costs associated with this proposed rulemaking for ESC, please consult the Preliminary Regulatory Impact Analysis (PRIA), which is available in the docket for this rulemaking.

B. ESC Benefits

As discussed in detail in Chapter IV (Benefits) of the PRIA, we anticipate that this rulemaking would prevent 70,344 to 95,153 crashes (1,408 to 2,355 fatal crashes and 69,936 to 91,798 non-fatal crashes). Preventing these crashes entirely is the ideal safety outcome and would translate into 1,536 to 2,211 lives saved and 50,594 to 69,630 MAIS 1–5 injuries prevented.

The above figures include benefits related to rollover crashes. However, in light of the relatively severe nature of crashes involving rollover, ESC's contribution toward mitigating the problem associated with this subset of crashes should be noted. We anticipate that this rulemaking would prevent 37,309 to 41,147 rollover crashes (1,057 to 1,314 fatal crashes and 36,252 to 39,833 non-fatal crashes). This would translate into 1,161 to 1,445 lives saved and 43,901 to 49,010 MAIS 1–5 injuries prevented in rollovers.

In addition, preventing crashes would also result in benefits in terms of travel delay savings and property damage savings. We estimate that this rulemaking would save $396 to $555 million, undiscounted, in these two categories ($310 to $348 million of this savings attributable to prevented rollover crashes).

C. ESC Costs

In order to estimate the cost of the additional components required to equip every vehicle in future model years with an ESC system, assumptions were made about future production volume and the relationship between equipment found in anti-lock brake systems (ABS), traction control (TC), and ESC systems. We assumed that in an ESC system, the equipment of ABS is a prerequisite. Thus, if a passenger car did not have ABS, it would require the cost of an ABS system plus the additional incremental costs of the ESC system to comply with an ESC standard. We assumed that traction control (TC) was not required to achieve the safety benefits found with ESC. We estimated a future annual production of 17 million light vehicles consisting of nine million light trucks and eight million passenger cars.

An estimate was made of the MY 2011 installation rates of ABS and ESC. It served as the baseline against which both costs and benefits are measured. Thus, the cost of the standard is the incremental cost of going from the estimated MY 2011 installations to 100 percent installation of ABS and ESC. The estimated MY 2011 installation rates are presented in Table 9.

TABLE 9.—MY 2011 PREDICTED INSTALLATIONS

[Percent of the light vehicle fleet]

	ABS	ABS + ESC
Passenger Cars	86	65
Light Trucks	99	77

Based on the assumptions above and the data provided in Table 9, Table 10 presents the percent of the MY 2011 fleet that would need these specific technologies in order to equip 100 percent of the fleet with ESC.

TABLE 10.—PERCENT OF THE LIGHT VEHICLE FLEET REQUIRING TECHNOLOGY TO ACHIEVE 100% ESC INSTALLATION

	None	ABS + ESC	ESC only
Passenger Cars	65	14	21
Light Trucks	77	1	22

The cost estimates developed for this analysis were taken from tear down studies that contractors have performed for NHTSA. This process resulted in estimates of the consumer cost of ABS at $368 and the incremental cost of ESC at $111. Thus, it would cost a vehicle that does not have ABS currently, $479 to meet this proposal. Combining the technology needs in Table 10 with the cost above and assumed production volumes yields the cost estimate in Table 11 for the proposed standard.

TABLE 11.—SUMMARY OF VEHICLE COSTS FOR THE ESC PROPOSAL

[2005$]

	Average vehicle costs	Total costs (million)
Passenger Cars	$90.3	$728
Light Trucks	29.2	363
Total	58	985

In summary, Table 11 shows that the new vehicle costs of providing electronic stability control and antilock brakes will add approximately $985 million to new light vehicles at a cost averaging over $58 per vehicle.

In addition, we note that this proposal would add weight to vehicles and consequently would increase their lifetime use of fuel. Most of the added weight is for ABS components and very little is for the ESC components. Since 99 percent of light trucks are predicted to have ABS in MY 2011, the weight increase for light trucks is less than one pound and is considered negligible. The average weight gain for passenger cars is estimated to be 2.1 pounds, resulting in 2.6 more gallons of fuel being used over the lifetime of these vehicles. The present discounted value of the added fuel cost over the lifetime of the average passenger car is estimated to be $2.73 at a 7 percent discount rate and $3.35 at a 3 percent discount rate.

We have not included in these cost estimates, allowances for ESC system maintenance and repair. Although all complex electronic systems will experience component failures from time to time necessitating repair, our experience to date with existing systems is that their failure rate is not outside the norm. Also, there are no routine maintenance requirements for ESC systems.

VIII. Public Participation

How Can I Influence NHTSA's Thinking on This Notice?

In developing this notice, NHTSA tried to address the concerns of all stakeholders. Your comments will help us determine what standard should be set for ESC as part of FMVSS No. 126. We invite you to provide different views about the issues presented, new approaches and technologies about which we did not ask, new data, how this notice may affect you, or other relevant information. We welcome your views on all aspects of this notice. Your comments will be most effective if you follow the suggestions below:

- Explain your views and reasoning as clearly as possible.
- Provide empirical evidence, wherever possible, to support your views.
- If you estimate potential costs, explain how you arrived at that estimate.
- Provide specific examples to illustrate your concerns.
- Offer specific alternatives.
- Reference specific sections of the notice in your comments, such as the units or page numbers of the preamble, or the regulatory sections.
- Be sure to include the name, date, and docket number of the proceeding as part of your comments.

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES.**

You may also submit your comments to the docket electronically by logging onto the Dockets Management System Web site at *http://dms.dot.gov.* Click on "Help & Information" or "Help/Info" to obtain instructions for filing your document electronically.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail. Each electronic filer will receive electronic confirmation that his or her submission has been received.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT.** In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES.** When you send a comment containing information claimed to be confidential business information, you should include a cover letter delineating that information, as specified in our confidential business information regulation. (49 CFR part 512.)

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES.** To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider it in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES.** The hours of the Docket are indicated above in the same location.

You may also review filed public comments on the Internet. To read the comments on the Internet, take the following steps:

1. Go to the Docket Management System (DMS) Web page of the Department of Transportation (*http://dms.dot.gov/*).
2. On that page, click on "search."

3. On the next page (*http://dms.dot.gov/search/*), type in the four-digit docket number shown at the beginning of this document. (Example: If the docket number were "NHTSA–1998–1234," you would type "1234.") After typing the docket number, click on "search."

4. On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the comments. Although the comments are imaged documents, instead of word processing documents, the "pdf" versions of the documents are word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

Data Quality Act Statement

Pursuant to the Data Quality Act, in order for substantive data submitted by third parties to be relied upon and used by the agency, it must also meet the information quality standards set forth in the DOT Data Quality Act guidelines. Accordingly, members of the public should consult the guidelines in preparing information submissions to the agency. DOT's guidelines may be accessed at *http://dmses.dot.gov/submit/DataQualityGuidelines.pdf.*

IX. Regulatory Analyses and Notices

A. Vehicle Safety Act

Under 49 U.S.C. Chapter 301, *Motor Vehicle Safety* (49 U.S.C. 30101 *et seq.*), the Secretary of Transportation is responsible for prescribing motor vehicle safety standards that are practicable, meet the need for motor vehicle safety, and are stated in objective terms.[29] These motor vehicle safety standards set the minimum level of performance for a motor vehicle or motor vehicle equipment to be considered safe.[30] When prescribing such standards, the Secretary must consider all relevant, available motor vehicle safety information.[31] The Secretary also must consider whether a proposed standard is reasonable, practicable, and appropriate for the type of motor vehicle or motor vehicle equipment for which it is prescribed and the extent to which the standard will further the statutory purpose of reducing traffic accidents and associated deaths.[32] The responsibility for promulgation of Federal motor vehicle safety standards has been delegated to NHTSA.[33]

As noted previously, section 10301 of SAFETEA–LU mandated a regulation to reduce the occurrence of rollovers "consistent with stability enhancing technologies." In developing this proposed rule for ESC, the agency carefully considered the statutory requirements of both SAFETEA–LU and 49 U.S.C. Chapter 301.

First, in preparing this document, the agency carefully evaluated available research, testing results, and other information related to ESC technology. The agency performed extensive research on its own and made use of research performed by the Alliance of Automobile Manufacturers. We have also performed analyses of ESC using actual crash data to determine the effectiveness of ESC in reducing single-vehicle crashes and rollovers. In sum, this document reflects our consideration of all relevant, available motor vehicle safety information.

Second, to ensure that the ESC requirements are practicable, the agency research and the Alliance research documented the capabilities of current ESC systems and dynamic performance of model year 2005 vehicles equipped with them. We have tentatively concluded that all current production vehicles equipped with ESC systems would comply with the equipment requirements, that all but one vehicle would comply with the performance tests proposed, and that only minor software tuning would be required to bring that vehicle into compliance. In sum, we believe that this proposed rule is practicable, in that it could be implemented with existing technology and is quite cost effective given its potential to prevent thousands of deaths and injuries each year, particularly those associated with single-vehicle crashes leading to rollover.

Third, the regulatory text following this preamble is stated in objective terms in order to specify precisely what equipment constitutes an ESC system, what performance is required and how performance would be tested under the standard. The proposed definition of an ESC system is based on an industry consensus definition developed by the Society of Automotive Engineers (SAE). The proposed rule also includes performance requirements and test procedures for the timing and intensity of the oversteer intervention of the ESC system and the responsiveness of the vehicle. This test procedure involves a precisely defined steering pattern performed by a robotic steering machine under a defined set of test conditions (e.g., ambient temperature, road test surface, vehicle load, vehicle speed). Performance is defined by objective measurements of yaw rate and lateral acceleration taken by scientific instruments at precise times with reference to the steering pattern. The standard's test procedures carefully delineate how testing would be conducted. Thus, the agency believes that this test procedure is sufficiently objective and would not result in any uncertainty as to whether a given vehicle satisfies the requirements of the ESC standard.

Finally, we believe that this proposed rule is reasonable and appropriate for motor vehicles subject to the applicable requirements. As discussed elsewhere in this notice, the agency is addressing Congress' concern about rollover crashes resulting in fatalities and serious injuries. Under section 10301 of SAFETEA–LU, Congress mandated installation of stability enhancing technologies in new vehicles to reduce rollovers. NHTSA has determined that ESC systems meeting the requirements of this proposed rule offer an effective countermeasure to rollover crashes and to other single-vehicle and certain multi-vehicle crashes. Accordingly, we believe that this proposed rule is appropriate for vehicles that would become subject to these provisions because it furthers the agency's objective of preventing deaths and serious injuries, particularly those associated with rollover crashes.

B. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a "significant regulatory action" as one that is likely to result in a rule that may:

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

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

[29] 49 U.S.C. 30111(a).

[30] 49 U.S.C. 30102(a)(9).

[31] 49 U.S.C. 30111(b).

[32] *Id.*

[33] 49 U.S.C. 105 and 322; delegation of authority at 49 CFR 1.50.

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

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

We have considered the impact of this action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This action has been determined to be economically significant under the Executive Order, and it is also a subject of congressional interest and a mandate under section 10301 of SAFETEA–LU. The agency has prepared and placed in the docket a Preliminary Regulatory Impact Analysis. This rulemaking action is also significant within the meaning of the Department of Transportation's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Accordingly, this rulemaking document was reviewed by the Office of Management and Budget under Executive Order 12866, "Regulatory Planning and Review." The agency has estimated that compliance with this proposal would cost approximately $985 million per year and have net benefits as high as $10.6 billion per year. Thus, this rule would have greater than a $100 million effect.

C. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory or flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act and has included an initial regulatory flexibility analysis in the PRE. This analysis discusses potential regulatory alternatives that the agency considered that would still meet the identified safety need of reducing the occurrence of rollovers through stability enhancing technologies. Alternatives considered included (a) applying the standard to light trucks but not to passenger cars and (b) permitting front-wheel-only ESC systems that are incapable of understeer intervention. The first alternative was rejected because passenger car ESC systems would save 956 lives and reduce 34,902 injuries annually at a cost per equivalent fatality that would easily justify a separate rule for passenger cars. The second alternative was rejected because front-wheel-only ESC systems would prevent 30 percent fewer single-vehicle crashes without producing a large cost saving.

To summarize the conclusions of that analysis, the agency believes that the proposal would have a significant economic impact on a substantial number of small businesses. There are currently four small domestic motor vehicle manufacturers in the United States, each having fewer than 1,000 employees. Although the cost for an ESC system is relatively high, we believe that these manufacturers would be able to pass the associated costs on to purchasers without decreasing sales volume, because the demand for these high-end, luxury vehicles tends to be inelastic and the increase in total vehicle cost is expected to be only 0.2–1.1 percent.

There are a significant number of final-stage manufacturers and alterers that could be impacted by the proposed rule for ESC, some of which buy incomplete vehicles. However, final-stage manufacturers and alterers typically do not modify the brake system of the vehicle, so the original manufacturer's certification of the ESC system should pass through for these vehicles. We believe that increased costs associated with ESC would impact all such final-stage manufacturers and alterers equally, and that such costs would be passed on to consumers. Furthermore, we have no reason to believe that an average cost of $90 per passenger car and $29 per truck will cause a significant decline in overall vehicle sales.

We do not expect manufacturers of ESC systems to be classified as small businesses.

D. Executive Order 13132 (Federalism)

Executive Order 13132 sets forth principles of federalism and the related policies of the Federal government. NHTSA has analyzed this rule in accordance with the principles and criteria set forth in Executive Order 13132, Federalism, and has determined that it does not have sufficient Federal implications to warrant consultation with State and local officials or the preparation of a Federalism summary impact statement. The rule will not have any substantial impact on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. However, under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use.

E. Executive Order 12988 (Civil Justice Reform)

Pursuant to Executive Order 12988, "Civil Justice Reform" (61 FR 4729, February 7, 1996), the agency has considered whether this proposed rule would have any retroactive effect. This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending, or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

F. Executive Order 13045 (Protection of Children From Environmental Health and Safety Risks)

Executive Order 13045, "Protection of Children from Environmental Health and Safety Risks" (62 FR 19855, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental, health, or safety risk that the agency has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation

is preferable to other potentially effective and reasonably feasible alternatives considered by the agency.

Although the proposed rule for ESC has been determined to be an economically significant regulatory action under Executive Order 12866, the problems associated with loss of vehicle control equally impact all persons riding in a vehicle, regardless of age. Consequently, the proposed rule does not involve a decision based on environmental, health, or safety risks that disproportionately affect children and would not necessitate further analyses under Executive Order 13045.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. The Department of Transportation is submitting the following information collection request to OMB for review and clearance under the PRA.

Agency: National Highway Traffic Safety Administration (NHTSA).

Title: Phase-In Production Reporting Requirements for Electronic Stability Control Systems.

Type of Request: Routine.

OMB Clearance Number: 2127–New.

Form Number: This collection of information will not use any standard forms.

Affected Public: The respondents are manufacturers of passenger cars, multipurpose passenger vehicles, trucks, and buses having a gross vehicle weight rating of 4,536 Kg (10,000 pounds) or less. The agency estimates that there are about 21 such manufacturers.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting From the Collection of Information: NHTSA estimates that the total annual hour burden is 42 hours.

Estimated Costs: NHTSA estimates that the total annual cost burden, in U.S. dollars, will be $2,100. No additional resources would be expended by vehicle manufacturers to gather annual production information because they already compile this data for their own uses.

Summary of Collection of Information: This collection would require manufacturers of passenger cars, multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 4,536 Kg (10,000 pounds) or less to provide motor vehicle production data for the following three years: September 1, 2008 to August 31, 2009; September 1, 2009 to August 31, 2010; and September 1, 2010 to August 31, 2011.

Description of the Need for the Information and the Proposed Use of the Information: The purpose of the reporting requirements will be to aid NHTSA in determining whether a manufacturer has complied with the requirements of Federal Motor Vehicle Safety Standard No. 126, *Electronic Stability Control Systems,* during the phase-in of those requirements. NHTSA requests comments on the agency's estimates of the total annual hour and cost burdens resulting from this collection of information. These comments must be received on or before October 18, 2006.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272) directs NHTSA to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs NHTSA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards. The NTTAA does not apply to symbols.

The equipment requirements of this standard are based (with minor modifications) on the SAE Surface Vehicle Information Report on Automotive Stability Enhancement Systems J2564 Rev JUN2004 that provides an industry consensus definition of an ESC system. However, there is no voluntary consensus standard for ESC that contains any specifications for a performance test.

I. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year (adjusted for inflation with base year of 1995, so currently about $118 million in 2004 dollars). Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires NHTSA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows NHTSA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if we publish with the final rule an explanation why that alternative was not adopted.

This proposal would not result in the expenditure by State, local, or tribal governments, in the aggregate, of more than $118 million annually, but it would result in the expenditure of that magnitude by vehicle manufacturers and/or their suppliers.

In this proposed rule, the agency is presenting not only its proposed regulatory approach for ESC, but also the regulatory alternatives it has considered. In addition, as part of the public comment process, the agency is open to suggestions regarding ways to promote flexibility and to minimize costs of compliance, while achieving the safety purposes of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005.

J. National Environmental Policy Act

NHTSA has analyzed this proposed rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

K. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

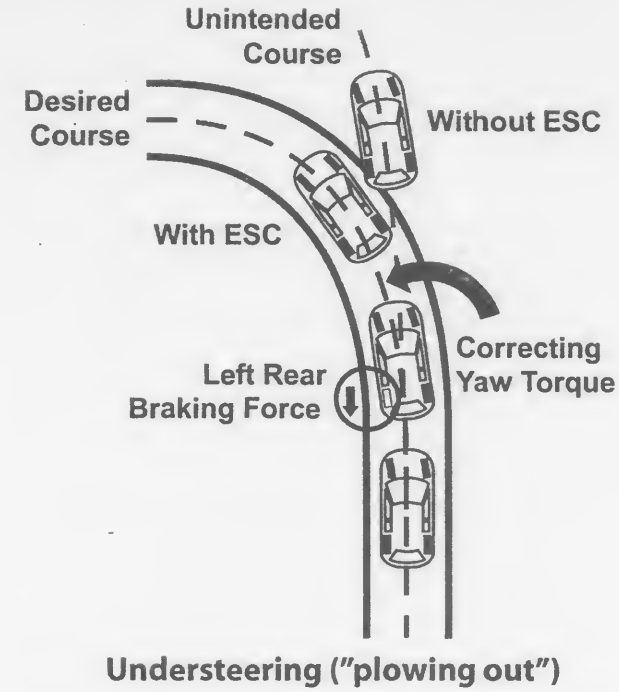
L. Privacy Act

Please note that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete

Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; pages 19477–78) or you may visit *http://dms.dot.gov.*

BILLING CODE 4910–59–P

Figures to Preamble



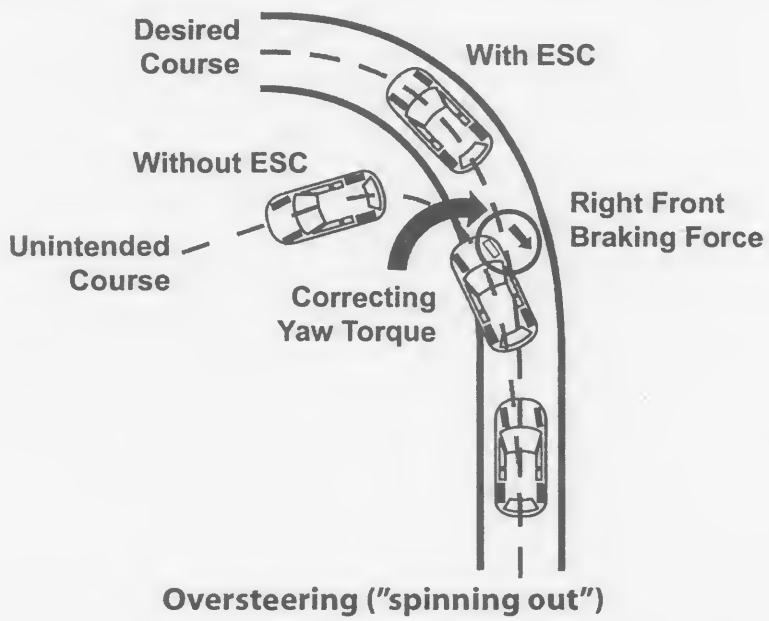


Figure 1. ESC Interventions for Understeering and Oversteering

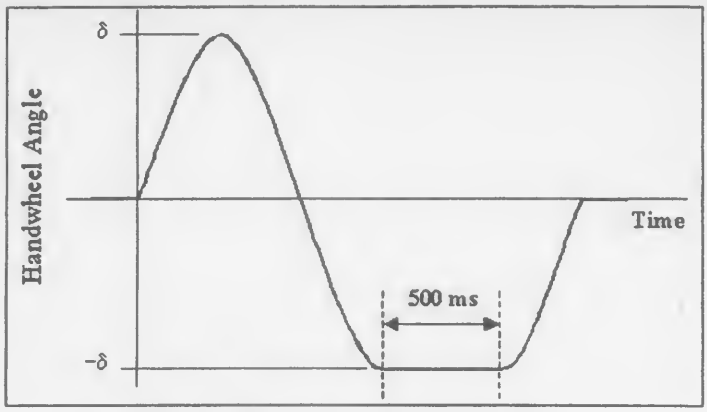


Figure 2. Sine with Dwell handwheel inputs.

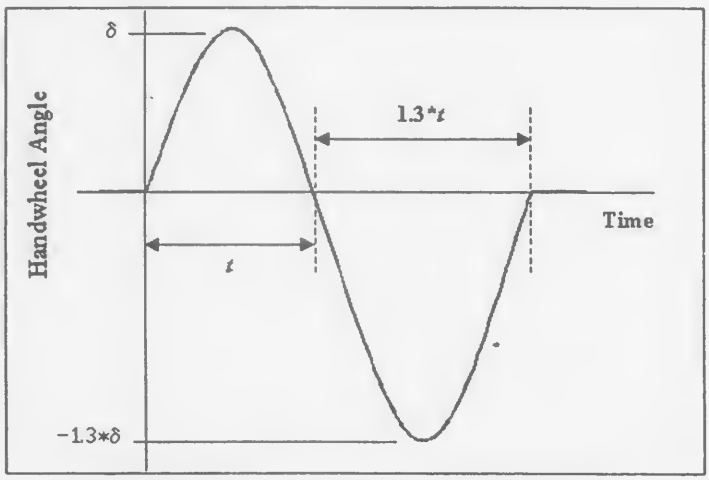


Figure 3. Increasing Amplitude Sine handwheel inputs.

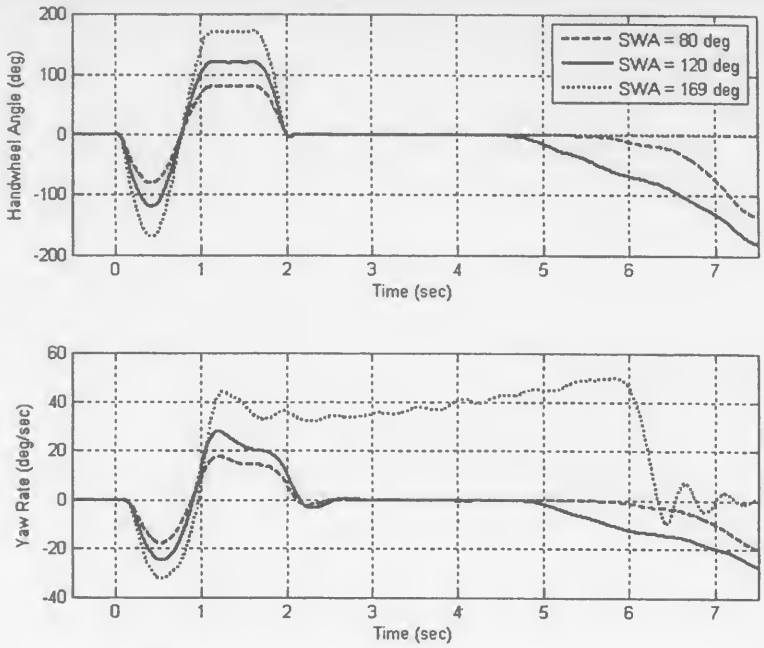


Figure 4. Sine with Dwell Maneuver Test of a Vehicle without ESC

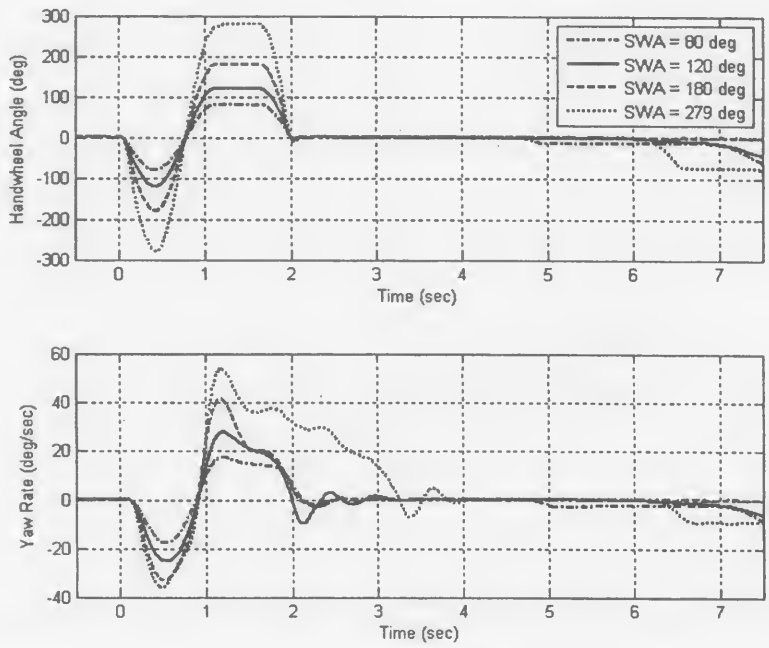


Figure 5. Sine with Dwell Maneuver Test of the Vehicle in Figure 4, with ESC Enabled

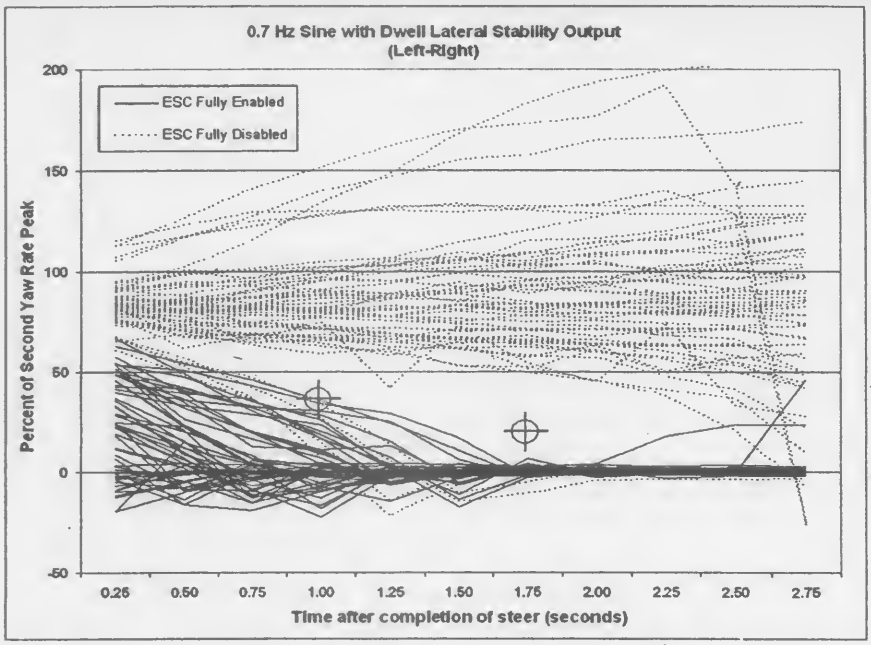


Figure 6. Sine with Dwell tests performed with left-right steering. Yaw rate ratio plotted as a function of time after completion of steer. Two crosshairs indicate proposed lateral stability requirements.

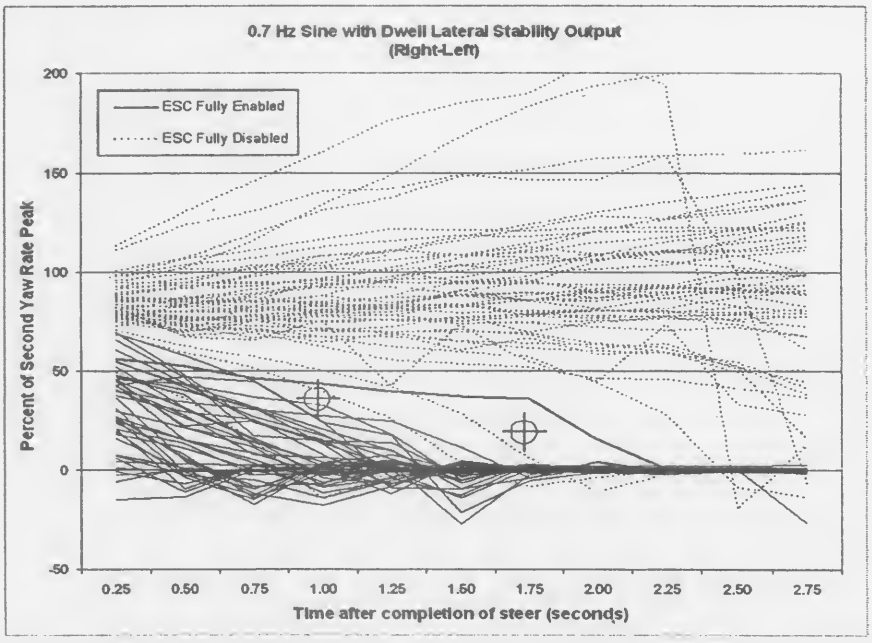


Figure 7. Sine with Dwell tests performed with right-left steering. Yaw rate ratio plotted as a function of time after completion of steer. Two crosshairs indicate proposed lateral stability requirements.

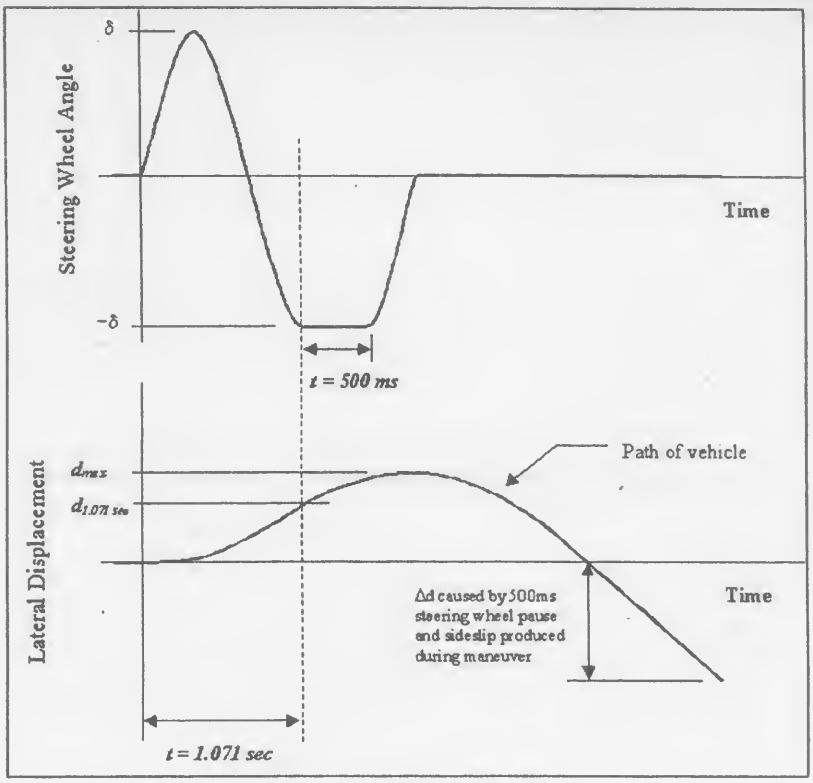


Figure 8. Lateral Displacement in the Sine with Dwell Maneuver

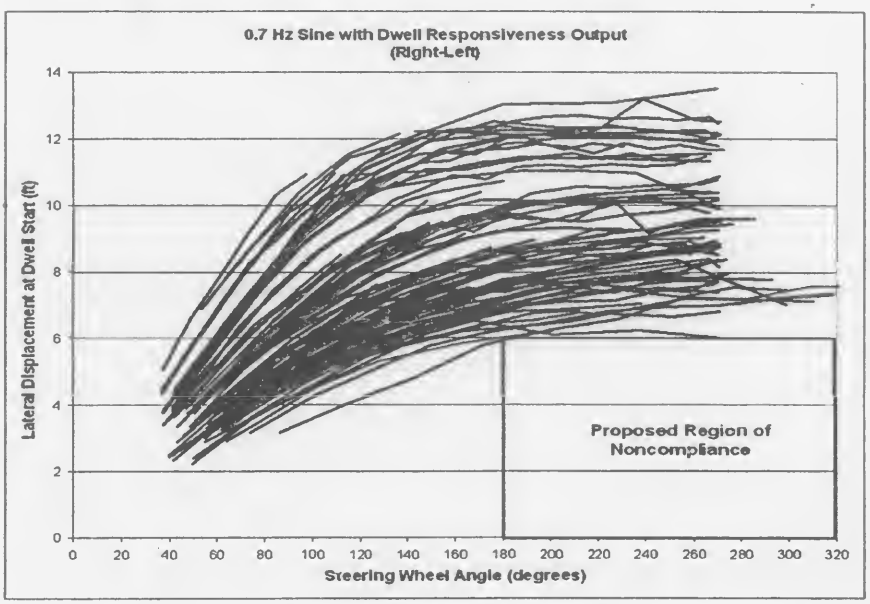


Figure 9. Responsiveness of the vehicle fleet in terms of lateral displacement at 1.07 seconds in the Sine with Dwell maneuver.

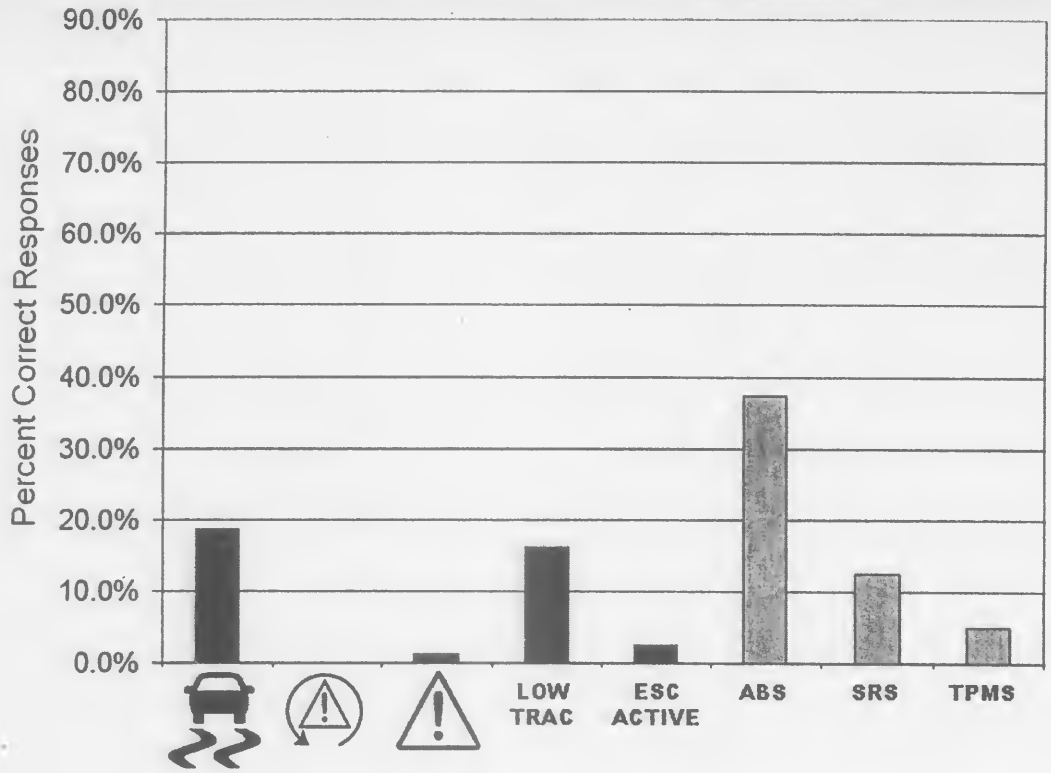


Figure 10. Selected Icon Comprehension Quiz Results

Proposed Regulatory Text

List of Subjects in 49 CFR Parts 571 and 585

Imports, Motor vehicle safety, Report and recordkeeping requirements, Tires.

In consideration of the foregoing, NHTSA is proposing to amend 49 CFR parts 571 and 585 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.101 is amended by revising Table 1 to read as follows:

§ 571.101 Standard No. 101; Controls and displays.

* * * * *

Table 1
Controls, Telltales, and Indicators with Illumination or Color Requirements[1]

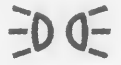
Column 1 ITEM	Column 2 SYMBOL	Column 3 WORDS OR ABBREVIATIONS	Column 4 FUNCTION	Column 5 ILLUMINATION	Column 6 COLOR
Highbeam [2]	 [3,5]	—	Telltale	—	Blue or Green [4]
Turn signals [2]	 [3,6]	—	Control	—	—
			Telltale	—	Green [4]
Hazard warning signal	 [3]	Hazard	Control	Yes	—
		—	Telltale [7]	—	—
Position, side marker, end-outline marker, identification, or clearance lamps	 [3 8]	Marker Lamps or MK Lps [8]	Control	Yes	—
Windshield wiping system		Wiper or Wipe	Control	Yes	—
Windshield washing system		Washer or Wash	Control	Yes	—
Windshield washing and wiping system combined		Washer-Wiper or Wash-Wipe	Control	Yes	—
Windshield defrosting and defogging system		Defrost, Defog or Def.	Control	Yes	—
Rear window defrosting and defogging system		Rear Defrost, Rear Defog, Rear Def., or R-Def.	Control	Yes	—

Table 1
Controls, Telltales, and Indicators with Illumination or Color Requirements [1]

Column 1 ITEM	Column 2 SYMBOL	Column 3 WORDS OR ABBREVIATIONS	Column 4 FUNCTION	Column 5 ILLUMINATION	Column 6 COLOR
Brake system malfunction	—	Brake	Telltale	—	Red[4]
Antilock brake system malfunction for vehicles subject to FMVSS 105 or 135	—	Antilock, Anti-lock, or ABS [9]	Telltale	—	Yellow
Malfunction in Variable Brake Proportioning System	—	Brake Proportioning [9]	Telltale	—	Yellow
Regenerative brake system malfunction	—	RBS or ABS/RBS [9]	Telltale	—	Yellow
Malfunction in antilock system for vehicles other than trailers subject to FMVSS 121	—	ABS or Antilock [9]	Telltale	—	Yellow
Antilock brake system trailer fault for vehicles subject to FMVSS 121		Trailer ABS or Trailer Antilock	Telltale	—	Yellow
Brake Pressure (for vehicles subject to FMVSS 105 or 135)	—	Brake Pressure [9]	Telltale	—	Red[4]
Low brake fluid condition (for vehicles subject to FMVSS 105 or 135)	—	Brake Fluid [9]	Telltale	—	Red[4]
Parking brake applied (for vehicles subject to FMVSS 105 or 135)	—	Park or Parking Brake [9]	Telltale	—	Red[4]
Brake lining wear-out condition (for vehicles subject to FMVSS 135)	—	Brake Wear [9]	Telltale	—	Red[4]
Electronic Stability Control System Malfunction (manufacturer may use this telltale in flashing mode to indicate ESC operation. See FMVSS 126.)		—	Telltale	—	Yellow
Electronic Stability Control System "OFF"		—	Control	Yes	—
		—	Telltale	—	Yellow

Table 1
Controls, Telltales, and Indicators with Illumination or Color Requirements

Column 1 ITEM	Column 2 SYMBOL	Column 3 WORDS OR ABBREVIATIONS	Column 4 FUNCTION	Column 5 ILLUMINATION	Column 6 COLOR
Engine oil pressure	 10	Oil	Telltale	—	—
			Indicator	Yes	—
Engine coolant temperature	 10	Temp	Telltale	—	—
			Indicator	Yes	—
Electrical charge		Volts or Charge or Amp	Telltale	—	—
			Indicator	Yes	—
Engine stop	—	Engine Stop 11	Control	Yes	—
Automatic vehicle speed (cruise control)	—	—	Control	Yes	—
Speedometer	—	MPH, or MPH and km/h 12	Indicator	Yes	—
Heating and Air conditioning system	—	—	Control	Yes	—
Automatic transmission control position *(park) (reverse) (neutral) (drive)*	—	P R N D 13	Indicator	Yes	—
Heating and/or air conditioning fan	 or	Fan	Control	Yes	—
Low Tire Pressure (including malfunction) (See FMVSS 138)	 14	Low Tire 14	Telltale	—	Yellow

Table 1
Controls, Telltales, and Indicators with Illumination or Color Requirements[1]

Column 1 ITEM	Column 2 SYMBOL	Column 3 WORDS OR ABBREVIATIONS	Column 4 FUNCTION	Column 5 ILLUMINATION	Column 6 COLOR
Low Tire Pressure (including malfunction) that identifies involved tire (See FMVSS 138)	 14	Low Tire 14	Telltale	—	Yellow
Tire Pressure Monitoring System Malfunction (See FMVSS 138)[15]	—	TPMS 14, 16	Telltale	—	Yellow

Notes:

1. An identifier is shown in this table if it is required for a control for which an illumination requirement exists or if it is used for a telltale for which a color requirement exists. If a line appears in column 2 and column 3, the control, telltale or indicator is required to be identified, however the form of the identification is the manufacturer's option. Telltales are not considered to have an illumination requirement, because by definition the telltale must light when the condition for its activation exists.
2. Additional requirements in FMVSS 108.
3. Framed areas of the symbol may be solid; solid areas may be framed.
4. Blue may be blue-green. Red may be red-orange.
5. Symbols employing four lines instead of five may also be used.
6. The pair of arrows is a single symbol. When the controls or telltales for left and right turn operate independently, however, the two arrows may be considered separate symbols and be spaced accordingly.
7. Not required when arrows of turn signal telltales that otherwise operate independently flash simultaneously as hazard warning telltale.
8. Separate identification not required if function is combined with master lighting switch.
9. Refer to FMVSS 105 or FMVSS 135, as appropriate, for additional specific requirements for brake telltale labeling and color. If a single telltale is used to indicate more than one brake system condition, the brake system malfunction identifier must be used.
10. Combination of the engine oil pressure symbol and the engine coolant temperature symbol in a single telltale is permitted.
11. Use when engine control is separate from the key locking system.
12. If the speedometer is graduated in both miles per hour and in kilometers per hour, the scales must be identified "MPH" and "km/h", respectively, in any combination of upper- and lowercase letters.
13. The letters 'P', 'R', 'N', and 'D' are considered separate identifiers for the individual gear positions. Their locations within the vehicle, and with respect to each other, are governed by FMVSS 102. The letter 'D' may be replaced by another alphanumeric character or symbol chosen by the manufacturer.
14. Required only for FMVSS 138 compliant vehicles.
15. Alternatively, either low tire pressure telltale may be used to indicate a TPMS malfunction. See FMVSS 138.
16. Required only for vehicles manufactured on or after September 1, 2007.

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* * * * *

3. Section 571.126 is added to read as follows:

§ 571.126 Standard No. 126; Electronic stability control systems.

S1. *Scope.* This standard establishes performance and equipment requirements for electronic stability control (ESC) systems.

S2. *Purpose.* The purpose of this standard is to reduce the number of deaths and injuries that result from crashes in which the driver loses directional control of the vehicle.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less, according to the phase-in schedule specified in S8 of this standard.

S4. *Definitions.*

Ackerman Steer Angle means the angle whose tangent is the wheelbase divided by the radius of the turn at a very low speed.

Electronic Stability Control System or ESC System means a system that has all of the following attributes:

(1) That augments vehicle directional stability by applying and adjusting the vehicle brakes individually to induce correcting yaw torques to a vehicle;

(2) That is computer controlled with the computer using a closed-loop algorithm to limit vehicle oversteer and to limit vehicle understeer when appropriate;

(3) That has a means to determine the vehicle's yaw rate and to estimate its side slip;

(4) That has a means to monitor driver steering inputs, and

(5) That is operational over the full speed range of the vehicle (except below a low-speed threshold where loss of control is unlikely).

Oversteer means a condition in which the vehicle's yaw rate is greater than the yaw rate that would occur at the vehicle's speed as result of the Ackerman Steer Angle.

Sideslip or side slip angle means the arctangent of the lateral velocity of the center of gravity of the vehicle divided by the longitudinal velocity of the center of gravity.

Understeer means a condition in which the vehicle's yaw rate is less than the yaw rate that would occur at the vehicle's speed as result of the Ackerman Steer Angle.

Yaw rate means the rate of change of the vehicle's heading angle measured in degrees/second of rotation about a vertical axis through the vehicle's center of gravity.

S5. *Requirements.* Subject to the phase-in set forth in S8, each vehicle must be equipped with an ESC system that meets the requirements specified in S5 under the test conditions specified in S6 and the test procedures specified in S7 of this standard.

S5.1 *Required Equipment.* Vehicles to which this standard applies must be equipped with an electronic stability control system that:

S5.1.1 Is capable of applying all four brakes individually and has a control algorithm that utilizes this capability.

S5.1.2 Is operational during all phases of driving including acceleration, coasting, and deceleration (including braking), except when the driver has disabled ESC or the vehicle is below a low speed threshold where loss of control is unlikely.

S5.1.3 Remains operational when the antilock brake system or traction control system is activated.

S5.2 *Performance Requirements.* During each test performed under the test conditions of S6 and the test procedure of S7.9, the vehicle with the ESC system engaged must satisfy the stability criteria of S5.2.1 and S5.2.2, and it must satisfy the responsiveness criterion of S5.2.3 during each of those tests conducted with a steering angle amplitude of 180 degrees or greater.

S5.2.1 The yaw rate measured one second after completion of the sine with dwell steering input (time $T_0 + 1$ in Figure 1) must not exceed 35 percent of the first peak value of yaw velocity recorded after the beginning of the dwell period

$$\left(\dot{\Psi}_{Peak} \text{ in Figure 1}\right)$$

during the same test run, and

S5.2.2 The yaw rate measured 1.75 seconds after completion of the sine with dwell steering input must not exceed 20 percent of the first peak value of yaw velocity recorded after the beginning of the dwell period during the same test run.

S5.2.3 The lateral displacement of the vehicle center of gravity with respect to its initial straight path must be at least 1.83 m (6 feet) when computed 1.07 seconds after initiation of steering.

S5.2.3.1 The computation of lateral displacement is performed using double integration with respect to time of the measurement of lateral acceleration at the vehicle center of gravity, as expressed by the formula:

$$\text{Lateral Displacement} = \iint A_{y_{c.g.}} dt$$

S5.2.3.2 Time, t = 0 for the integration operation is the instant of steering initiation.

S5.3 *ESC Malfunction.* The vehicle must be equipped with a telltale that provides a warning to the driver not more than two minutes after the occurrence of one or more malfunctions that affect the generation or transmission of control or response signals in the vehicle's electronic stability control system. The ESC malfunction telltale:

S5.3.1 Must be mounted inside the occupant compartment in front of and in clear view of the driver;

S5.3.2 Must be identified by the symbol shown for "ESC Malfunction Telltale" in Table 1 of Standard No. 101 (49 CFR 571.101);

S5.3.3 Must remain continuously illuminated under the conditions specified in S5.3 for as long as the malfunction(s) exists, whenever the ignition locking system is in the "On" ("Run") position; and

S5.3.4 Except as provided in paragraph S5.3.5, each ESC malfunction telltale must be activated as a check of lamp function either when the ignition locking system is turned to the "On" ("Run") position when the engine is not running, or when the ignition locking system is in a position between "On" ("Run") and "Start" that is designated by the manufacturer as a check position.

S5.3.5 The ESC malfunction telltale need not be activated when a starter interlock is in operation.

S5.3.6 The ESC malfunction telltale must extinguish after the malfunction has been corrected.

S5.3.7 The manufacturer may use the ESC malfunction telltale in a flashing mode to indicate ESC operation.

S5.4 *ESC Off Switch and Telltale.* The manufacturer may include a driver selectable switch that places the ESC system in a mode in which it will not satisfy the performance requirements of S5.2.1, S5.2.2 and S5.2.3 provided that:

S5.4.1 The vehicle's ESC system must always return to a mode that satisfies the requirements of S5.1 and S5.2 at the initiation of each new ignition cycle, regardless of what mode the driver had previously selected. If the system has more than one mode that satisfies these requirements, the default mode must be the mode that satisfies the performance requirements of S5.2 by the greatest margin.

S5.4.2 The vehicle manufacturer must provide a telltale indicating that the vehicle has been put into a mode that renders it unable to satisfy the requirements of S5.2.1, S5.2.2 and S5.2.3.

S5.4.3 The "ESC Off" switch and telltale must be identified by the symbol shown for "ESC Off" in Table 1 of Standard No. 101 (49 CFR 571.101).

S5.4.4 The "ESC Off" telltale must be mounted inside the occupant

compartment in front of and in clear view of the driver.

S5.4.5 The "ESC Off" telltale remain continuously illuminated for as long as the ESC is in a mode that renders it unable to satisfy the requirements of S5.2.1, S5.2.2 and S5.2.3, and

S5.4.6 Except as provided in paragraph S5.4.7, each "ESC Off" telltale must be activated as a check of lamp function either when the ignition locking system is turned to the "On" ("Run") position when the engine is not running, or when the ignition locking system is in a position between "On" ("Run") and "Start" that is designated by the manufacturer as a check position.

S5.4.7 The "ESC Off" telltale need not be activated when a starter interlock is in operation.

S5.4.8 The "ESC Off" telltale must extinguish after the ESC system has been returned to its fully functional default mode.

S6. *Test Conditions.*

S6.1. *Ambient conditions.*

S6.1.1 The ambient temperature is between 0 °C (32 °F) and 40 °C (104 °F).

S6.1.2 The maximum wind speed is no greater than 10m/s (22 mph).

S6.2. *Road test surface.*

S6.2.1 The tests are conducted on a dry, uniform, solid-paved surface. Surfaces with irregularities and undulations, such as dips and large cracks, are unsuitable.

S6.2.2 The road test surface must produce a peak friction coefficient (PFC) of 0.9 ± 0.05 when measured using an American Society for Testing and Materials (ASTM) E1136 standard reference test tire, in accordance with ASTM Method E 1337–90, at a speed of 64.4 km/h (40 mph), without water delivery.

S6.2.3 The test surface has a consistent slope between level and 2%. All tests are to be initiated in the direction of positive slope (uphill).

S6.3 *Vehicle conditions.*

S6.3.1 The ESC system is enabled for all testing.

S6.3.2 *Test Weight.* The vehicle is loaded with the fuel tank filled to at least 75 percent of capacity, and total interior load of 168 kg (370 lbs) comprised of the test driver, approximately 59 kg (130 lbs) of test equipment (automated steering machine, data acquisition system and the power supply for the steering machine), and ballast as required by differences in the weight of test drivers and test equipment.

S6.3.3 *Tires.* The vehicle is tested with the tires installed on the vehicle at time of initial vehicle sale. The tires are inflated to the vehicle manufacturer's recommended cold tire inflation pressure(s) specified on the vehicle's placard or the tire inflation pressure label. Tubes may be installed to prevent tire de-beading.

S6.3.4 *Outriggers.* Outriggers must be used for tests of Sport Utility Vehicles (SUVs), and they are permitted on other test vehicles if deemed necessary for driver safety.

S6.3.5 A steering machine programmed to execute the required steering pattern must be used in S7.5.2, S7.5.3, S7.6 and S7.9.

S7. *Test Procedure.*

S7.1 Inflate the vehicles' tires to the cold tire inflation pressure(s) provided on the vehicle's placard or the tire inflation pressure label.

S7.2 *Telltale bulb check.* With the vehicle stationary and the ignition locking system in the "Lock" or "Off" position, activate the ignition locking system to the "On" ("Run") position or, where applicable, the appropriate position for the lamp check. The ESC system must perform a check of lamp function for the ESC malfunction telltale, and if equipped, the "ESC Off" telltale, as specified in S5.3.4 and S5.4.6.

S7.3 *"ESC Off" switch check.* For vehicles equipped with an "ESC Off" feature, with the vehicle stationary and the ignition locking system in the "Lock" or "Off" position, activate the ignition locking system to the "On" ("Run") position. Activate the "ESC Off" switch and verify that the "ESC Off" telltale is illuminated. Turn the ignition locking system to the "Lock" or "Off" position. Again, activate the ignition locking system to the "On" ("Run") position and verify that the "ESC Off" telltale has extinguished indicating that the ESC system has been reactivated as specified in S5.4.

S7.4 *Brake Conditioning.* Condition the vehicle brakes as follows:

S7.4.1 Ten stops are performed from a speed of 56 km/h (35 mph), with an average deceleration of approximately 0.5 g.

S7.4.2 Immediately following the series of 56 km/h (35 mph) stops, three additional stops are performed from 72 km/h (45 mph).

S7.4.3 When executing the stops in S7.4.2, sufficient force is applied to the brake pedal to activate the vehicle's antilock brake system (ABS) for a majority of each braking event.

S7.4.4 Following completion of the final stop in S7.4.2, the vehicle is driven at a speed of 72 km/h (45 mph) for five minutes to cool the brakes.

S7.5 *Tire Conditioning.* Condition the tires using the following procedure to wear away mold sheen and achieve operating temperature immediately before beginning the test runs of S7.6 and S7.9.

S7.5.1 The test vehicle is driven around a circle 30 meters (100 feet) in diameter at a speed that produces a lateral acceleration of approximately 0.5 to 0.6 g for three clockwise laps followed by three counterclockwise laps.

S7.5.2 Using a sinusoidal steering pattern at a frequency of 1 Hz, a peak steering wheel angle amplitude corresponding to a peak lateral acceleration of 0.5–0.6 g, and a vehicle speed of 56 km/h (35 mph), the vehicle is driven through four passes performing 10 cycles of sinusoidal steering during each pass.

S7.5.3 The steering wheel angle amplitude of the final cycle of the final pass is twice that of the other cycles. The maximum time permitted between all laps and passes is five minutes.

S7.6 *Slowly Increasing Steer Test.* The vehicle is subjected to two series of runs of the Slowly Increasing Steer Test using a steering pattern that increases by 13.5 degrees per second until a lateral acceleration of approximately 0.5 g is obtained. Three repetitions are performed for each test series. One series uses counterclockwise steering, and the other series uses clockwise steering. The maximum time permitted between each test run is five minutes.

S7.6.1 From the Slowly Increasing Steer tests, the quantity "A" is determined. "A" is the steering wheel angle in degrees that produces a steady state lateral acceleration of 0.3 g for the test vehicle. Utilizing linear regression, A is calculated, to the nearest 0.1 degrees, from each of the six Slowly Increasing Steer tests. The absolute value of the six A's calculated is averaged and rounded to the nearest degree to produce the final quantity, A, used below.

S7.7 After the quantity A has been determined, without replacing the tires, the tire conditioning procedure described in S7.5 is performed immediately prior to conducting the Sine with Dwell Test of S7.9.

S7.8 Check that the ESC system is enabled by ensuring that the ESC malfunction and "ESC Off" (if provided) telltales are not illuminated.

S7.9 *Sine with Dwell Test of Oversteer Intervention and Responsiveness.* The vehicle is subjected to two series of test runs using a steering pattern of a sine wave at 0.7 Hz frequency with a 500 ms delay beginning at the second peak amplitude as shown in Figure 2 (the Sine with Dwell tests). One series uses counterclockwise steering for the first half cycle, and the other series uses

clockwise steering for the first half cycle. The maximum time permitted between each test run is five minutes.

S7.9.1 The steering motion is initiated with the vehicle coasting in high gear at 80 ± 1 km/h (50 ± 1 mph).

S7.9.2 In each series of test runs, the steering amplitude is increased from run to run, by 0.5A, provided that no such run will result in a steering amplitude greater than that of the final run specified in S7.9.4.

S7.9.3 The steering amplitude for the initial run of each series is 1.5A where A is the steering wheel angle determined in S7.6.1.

S7.9.4 The steering amplitude of the final run in each series is the greater of 6.5A or 270 degrees.

S7.9.5 Notwithstanding S7.9.4, the test is terminated after a run in which the vehicle does not satisfy S5.2.1 or S5.2.2.

S7.10 *ESC Malfunction Detection.*

S7.10.1 Simulate one or more ESC malfunction(s) by disconnecting the power source to any ESC component, or disconnecting any electrical connection between ESC components. When simulating an ESC malfunction, the electrical connections for the telltale lamp(s) are not to be disconnected.

S7.10.2 With the vehicle stationary and the ignition locking system in the "Lock" or "Off" position, activate the ignition locking system to the "On" ("Run") position. Verify that within two minutes of activating the ignition locking system, the ESC malfunction indicator illuminates in accordance with S5.3.

S7.10.3 Deactivate the ignition locking system to the "Off" or "Lock" position. After a five-minute period, activate the vehicle's ignition locking system to the "On" ("Run") position. Verify that the ESC malfunction indicator again illuminate to signal a malfunction and remains illuminated as long as the ignition locking system is in the "On" ("Run") position.

S7.10.4 Restore the ESC system to normal operation and verify that the telltale has extinguished.

S8 *Phase-in schedule.*

S8.1 *Vehicles manufactured on or after September 1, 2008, and before September 1, 2009.* For vehicles manufactured on or after September 1, 2008, and before September 1, 2009, the number of vehicles complying with this standard must not be less than 30 percent of:

(a) The manufacturer's average annual production of vehicles manufactured on or after September 1, 2005, and before September 1, 2008; or

(b) The manufacturer's production on or after September 1, 2008, and before September 1, 2009.

S8.2 *Vehicles manufactured on or after September 1, 2009, and before September 1, 2010.* For vehicles manufactured on or after September 1, 2009, and before September 1, 2010, the number of vehicles complying with this standard must not be less than 60 percent of:

(a) The manufacturer's average annual production of vehicles manufactured on or after September 1, 2006, and before September 1, 2009; or

(b) The manufacturer's production on or after September 1, 2009, and before September 1, 2010.

S8.3 *Vehicles manufactured on or after September 1, 2010, and before September 1, 2011.* For vehicles manufactured on or after September 1, 2010, and before September 1, 2011, the number of vehicles complying with this standard must not be less than 90 percent of:

(a) The manufacturer's average annual production of vehicles manufactured on or after September 1, 2007, and before September 1, 2010; or

(b) The manufacturer's production on or after September 1, 2010, and before September 1, 2011.

S8.4 *Vehicles manufactured on or after September 1, 2011.* All vehicles manufactured on or after September 1, 2011 must comply with this standard.

S8.5 *Calculation of complying vehicles.*

(a) For purposes of complying with S8.1, a manufacturer may count a vehicle if it is certified as complying with this standard and is manufactured on or after (date to be inserted that is 60 days after publication date of final rule), but before September 1, 2009.

(b) For purpose of complying with S8.2, a manufacturer may count a vehicle if it:

(1)(i) Is certified as complying with this standard and is manufactured on or after (date to be inserted that is 60 days after date of publication of the final rule), but before September 1, 2010; and

(ii) Is not counted toward compliance with S8.1; or

(2) Is manufactured on or after September 1, 2009, but before September 1, 2010.

(c) For purposes of complying with S8.3, a manufacturer may count a vehicle if it:

(1)(i) Is certified as complying with this standard and is manufactured on or after (date to be inserted that is 60 days after date of publication of the final rule), but before September 1, 2011; and

(ii) Is not counted toward compliance with S8.1 or S8.2; or

(2) Is manufactured on or after September 1, 2010, but before September 1, 2011.

S8.6 *Vehicles produced by more than one manufacturer.*

S8.6.1 For the purpose of calculating average annual production of vehicles for each manufacturer and the number of vehicles manufactured by each manufacturer under S8.1 through S8.4, a vehicle produced by more than one manufacturer must be attributed to a single manufacturer as follows, subject to S8.6.2:

(a) A vehicle that is imported must be attributed to the importer.

(b) A vehicle manufactured in the United States by more than one manufacturer, one of which also markets the vehicle, must be attributed to the manufacturer that markets the vehicle.

S8.6.2 A vehicle produced by more than one manufacturer must be attributed to any one of the vehicle's manufacturers specified by an express written contract, reported to the National Highway Traffic Safety Administration under 49 CFR Part 585, between the manufacturer so specified and the manufacturer to which the vehicle would otherwise be attributed under S8.6.1.

S8.7 *Small volume manufacturers.*

Vehicles manufactured during any of the three years of the September 1, 2008 through August 31, 2011 phase-in by a manufacturer that produces fewer than 5,000 vehicles for sale in the United States during that year are not subject to the requirements of S8.1, S8.2, S8.3, and S8.5

S8.8 *Final-stage manufacturers and alterers.*

Vehicles that are manufactured in two or more stages or that are altered (within the meaning of 49 CFR 567.7) after having previously been certified in accordance with Part 567 of this chapter are not subject to the requirements of S8.1 through S8.5. Instead, all vehicles produced by these manufacturers on or after September 1, 2012 must comply with this standard.

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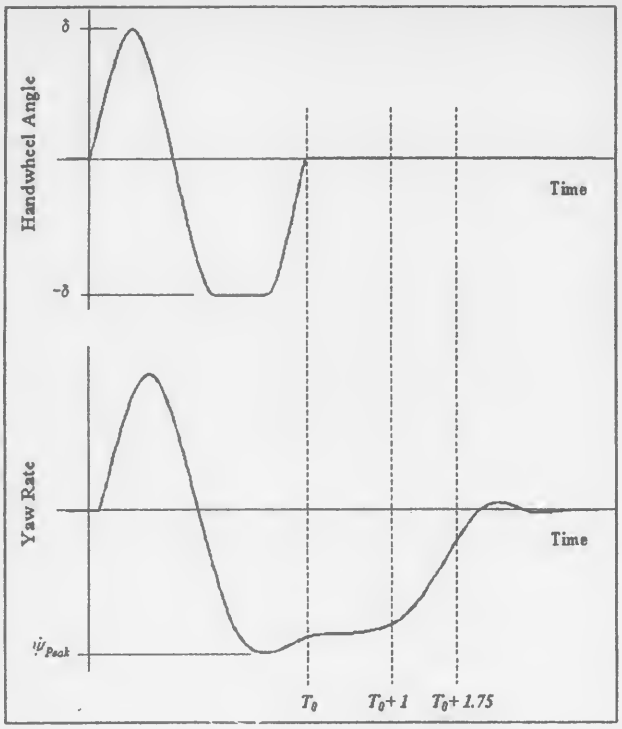

Figure 1. Steering wheel position and yaw velocity information used to assess lateral stability.

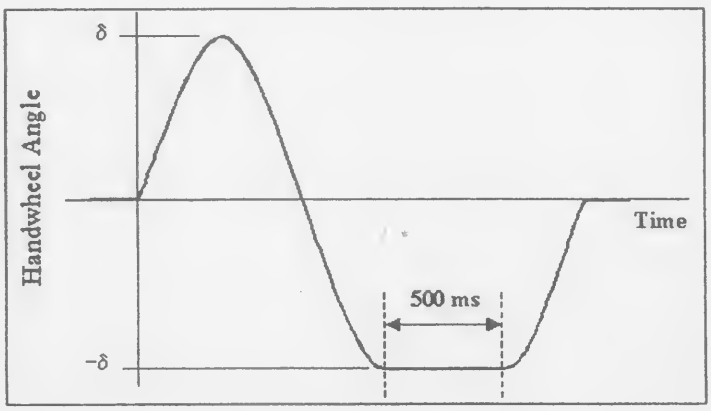

Figure 2. Sine with Dwell steering profile.

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PART 585—PHASE-IN REPORTING REQUIREMENTS

4. The authority citation for part 585 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

5. Subpart I is added to read as follows:

Sec.

Subpart I—Electronic Stability Control System Phase-in Reporting Requirements

585.81 Scope.
585.82 Purpose.
585.83 Applicability.
585.84 Definitions.
585.85 Response to inquiries.
585.86 Reporting requirements.
585.87 Records.
585.88 Petition to extend period to file report.

Subpart I—Electronic Stability Control System Phase-in Reporting Requirements

§ 585.81 Scope.

This subpart establishes requirements for manufacturers of passenger cars, multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less to submit a report, and maintain records related to the report, concerning the number of such vehicles that meet the requirements of Standard No. 126, *Electronic stability control systems* (49 CFR 571.126).

§ 585.82 Purpose.

The purpose of these reporting requirements is to assist the National Highway Traffic Safety Administration in determining whether a manufacturer has complied with Standard No. 126 (49 CFR 571.126).

§ 585.83 Applicability.

This subpart applies to manufacturers of passenger cars, multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less. However, this subpart does not apply to manufacturers whose production consists exclusively of vehicles manufactured in two or more stages, and vehicles that are altered after previously having been certified in accordance with part 567 of this chapter. In addition, this subpart does not apply to manufacturers whose production of motor vehicles for the United States market is less than 5,000 vehicles in a production year.

§ 585.84 Definitions.

For the purposes of this subpart:

Production year means the 12-month period between September 1 of one year and August 31 of the following year, inclusive.

§ 585.85 Response to inquiries.

At any time prior to August 31, 2011, each manufacturer must, upon request from the Office of Vehicle Safety Compliance, provide information identifying the vehicles (by make, model, and vehicle identification number) that have been certified as complying with Standard No. 126 (49 CFR 571.126). The manufacturer's designation of a vehicle as a certified vehicle is irrevocable. Upon request, the manufacturer also must specify whether it intends to utilize carry-forward credits, and the vehicles to which those credits relate.

§ 585.86 Reporting requirements.

(a) *General reporting requirements.* Within 60 days after the end of the production years ending August 31, 2009, August 31, 2010, and August 31, 2011, each manufacturer must submit a report to the National Highway Traffic Safety Administration concerning its compliance with Standard No. 126 (49 CFR 571.126) for its passenger cars, multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of less than 4,536 kilograms (10,000 pounds) produced in that year. Each report must—

(1) Identify the manufacturer;

(2) State the full name, title, and address of the official responsible for preparing the report;

(3) Identify the production year being reported on;

(4) Contain a statement regarding whether or not the manufacturer complied with the requirements of Standard No. 126 (49 CFR 571.126) for the period covered by the report and the basis for that statement;

(5) Provide the information specified in paragraph (b) of this section;

(6) Be written in the English language; and

(7) Be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

(b) *Report content.*

(1) *Basis for statement of compliance.* Each manufacturer must provide the number of passenger cars, multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less, manufactured for sale in the United States for each of the three previous production years, or, at the manufacturer's option, for the current production year. A new manufacturer that has not previously manufactured these vehicles for sale in the United States must report the number of such vehicles manufactured during the current production year.

(2) *Production.* Each manufacturer must report for the production year for which the report is filed: The number of passenger cars, multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less that meet Standard No. 126 (49 CFR 571.126).

(3) *Statement regarding compliance.* Each manufacturer must provide a statement regarding whether or not the manufacturer complied with the ESC requirements as applicable to the period covered by the report, and the basis for that statement. This statement must include an explanation concerning the use of any carry-forward credits.

(4) *Vehicles produced by more than one manufacturer.* Each manufacturer whose reporting of information is affected by one or more of the express written contracts permitted by S8.6.2 of Standard No. 126 (49 CFR 571.126) must:

(i) Report the existence of each contract, including the names of all parties to the contract, and explain how the contract affects the report being submitted.

(ii) Report the actual number of vehicles covered by each contract.

§ 585.87 Records.

Each manufacturer must maintain records of the Vehicle Identification Number for each vehicle for which information is reported under § 585.86(b)(2) until December 31, 2013.

§ 585.88 Petition to extend period to file report.

A manufacturer may petition for extension of time to submit a report under this Part. A petition will be granted only if the petitioner shows good cause for the extension and if the extension is consistent with the public interest. The petition must be received not later than 15 days before expiration of the time stated in § 585.86(a). The filing of a petition does not automatically extend the time for filing a report. The petition must be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

Issued: September 7, 2006.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 06–7598 Filed 9–14–06; 10:00 am]

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H.R. 4646/P.L. 109–273

To designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building". (Aug. 17, 2006; 120 Stat. 773)

H.R. 4811/P.L. 109–274

To designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hammerschmidt Post Office Building". (Aug. 17, 2006; 120 Stat. 774)

H.R. 4962/P.L. 109–275

To designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building". (Aug. 17, 2006; 120 Stat. 775)

H.R. 5104/P.L. 109–276

To designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office". (Aug. 17, 2006; 120 Stat. 776)

H.R. 5107/P.L. 109–277

To designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building". (Aug. 17, 2006; 120 Stat. 777)

H.R. 5169/P.L. 109–278

To designate the facility of the United States Postal Service located at 1310 Highway 64 NW. in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office". (Aug. 17, 2006; 120 Stat. 778)

H.R. 5540/P.L. 109–279

To designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sergeant Jacob Dan Dones Post Office". (Aug. 17, 2006; 120 Stat. 779)

H.R. 4/P.L. 109–280

Pension Protection Act of 2006 (Aug. 17, 2006; 120 Stat. 780)

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1	(869–060–00001–4)	5.00	[4]Jan. 1, 2006
2	(869–060–00002–0)	5.00	Jan. 1, 2006
3 (2003 Compilation and Parts 100 and 101)	(869–056–00003–1)	35.00	[1] Jan. 1, 2005
4	(869–060–00004–6)	10.00	Jan. 1, 2006
5 Parts:			
1–699	(869–060–00005–4)	60.00	Jan. 1, 2006
700–1199	(869–060–00006–2)	50.00	Jan. 1, 2006
1200–End	(869–060–00007–1)	61.00	Jan. 1, 2006
6	(869–060–00008–9)	10.50	Jan. 1, 2006
7 Parts:			
1–26	(869–060–00009–7)	44.00	Jan. 1, 2006
27–52	(869–060–00010–1)	49.00	Jan. 1, 2006
53–209	(869–060–00011–9)	37.00	Jan. 1, 2006
210–299	(869–060–00012–7)	62.00	Jan. 1, 2006
300–399	(869–060–00013–5)	46.00	Jan. 1, 2006
400–699	(869–060–00014–3)	42.00	Jan. 1, 2006
700–899	(869–060–00015–1)	43.00	Jan. 1, 2006
900–999	(869–060–00016–0)	60.00	Jan. 1, 2006
1000–1199	(869–060–00017–8)	22.00	Jan. 1, 2006
1200–1599	(869–060–00018–6)	61.00	Jan. 1, 2006
1600–1899	(869–060–00019–4)	64.00	Jan. 1, 2006
1900–1939	(869–060–00020–8)	31.00	Jan. 1, 2006
1940–1949	(869–060–00021–6)	50.00	Jan. 1, 2006
1950–1999	(869–060–00022–4)	46.00	Jan. 1, 2006
2000–End	(869–060–00023–2)	50.00	Jan. 1, 2006
8	(869–060–00024–1)	63.00	Jan. 1, 2006
9 Parts:			
1–199	(869–060–00025–9)	61.00	Jan. 1, 2006
200–End	(869–060–00026–7)	58.00	Jan. 1, 2006
10 Parts:			
1–50	(869–060–00027–5)	61.00	Jan. 1, 2006
51–199	(869–060–00028–3)	58.00	Jan. 1, 2006
200–499	(869–060–00029–1)	46.00	Jan. 1, 2006
500–End	(869–060–00030–5)	62.00	Jan. 1, 2006
11	(869–060–00031–3)	41.00	Jan. 1, 2006
12 Parts:			
1–199	(869–060–00032–1)	34.00	Jan. 1, 2006
200–219	(869–060–00033–0)	37.00	Jan. 1, 2006
220–299	(869–060–00034–8)	61.00	Jan. 1, 2006
300–499	(869–060–00035–6)	47.00	Jan. 1, 2006
500–599	(869–060–00036–4)	39.00	Jan. 1, 2006
600–899	(869–056–00037–5)	56.00	Jan. 1, 2005
900–End	(869–060–00038–1)	50.00	Jan. 1, 2006
13	(869–060–00039–9)	55.00	Jan. 1, 2006
14 Parts:			
1–59	(869–060–00040–2)	63.00	Jan. 1, 2006
60–139	(869–060–00041–1)	61.00	Jan. 1, 2006
140–199	(869–060–00042–9)	30.00	Jan. 1, 2006
200–1199	(869–060–00043–7)	50.00	Jan. 1, 2006
1200–End	(869–060–00044–5)	45.00	Jan. 1, 2006
15 Parts:			
0–299	(869–060–00045–3)	40.00	Jan. 1, 2006
300–799	(869–060–00046–1)	60.00	Jan. 1, 2006
800–End	(869–060–00047–0)	42.00	Jan. 1, 2006
16 Parts:			
0–999	(869–060–00048–8)	50.00	Jan. 1, 2006
1000–End	(869–060–00049–6)	60.00	Jan. 1, 2006
17 Parts:			
1–199	(869–060–00051–8)	50.00	Apr. 1, 2006
200–239	(869–060–00052–6)	60.00	Apr. 1, 2006
240–End	(869–060–00053–4)	62.00	Apr. 1, 2006
18 Parts:			
1–399	(869–060–00054–2)	62.00	Apr. 1, 2006
400–End	(869–060–00055–1)	26.00	[6]Apr. 1, 2006
19 Parts:			
1–140	(869–060–00056–9)	61.00	Apr. 1, 2006
141–199	(869–060–00057–7)	58.00	Apr. 1, 2006
200–End	(869–060–00058–5)	31.00	Apr. 1, 2006
20 Parts:			
1–399	(869–060–00059–3)	50.00	Apr. 1, 2006
400–499	(869–060–00060–7)	64.00	Apr. 1, 2006
500–End	(869–060–00061–5)	63.00	Apr. 1, 2006
21 Parts:			
1–99	(869–060–00062–3)	40.00	Apr. 1, 2006
100–169	(869–060–00063–1)	49.00	Apr. 1, 2006
170–199	(869–060–00064–0)	50.00	Apr. 1, 2006
200–299	(869–060–00065–8)	17.00	Apr. 1, 2006
300–499	(869–060–00066–6)	30.00	Apr. 1, 2006
500–599	(869–060–00067–4)	47.00	Apr. 1, 2006
600–799	(869–060–00068–2)	15.00	Apr. 1, 2006
800–1299	(869–060–00069–1)	60.00	Apr. 1, 2006
1300–End	(869–060–00070–4)	25.00	Apr. 1, 2006
22 Parts:			
1–299	(869–060–00071–2)	63.00	Apr. 1, 2006
300–End	(869–060–00072–1)	45.00	[10]Apr. 1, 2006
23	(869–060–00073–9)	45.00	Apr. 1, 2006
24 Parts:			
0–199	(869–060–00074–7)	60.00	Apr. 1, 2006
200–499	(869–060–00075–5)	50.00	Apr. 1, 2006
500–699	(869–060–00076–3)	30.00	Apr. 1, 2006
700–1699	(869–060–00077–1)	61.00	Apr. 1, 2006
1700–End	(869–060–00078–0)	30.00	Apr. 1, 2006
25	(869–060–00079–8)	64.00	Apr. 1, 2006
26 Parts:			
§§ 1.0–1–1.60	(869–060–00080–1)	49.00	Apr. 1, 2006
§§ 1.61–1.169	(869–060–00081–0)	63.00	Apr. 1, 2006
§§ 1.170–1.300	(869–060–00082–8)	60.00	Apr. 1, 2006
§§ 1.301–1.400	(869–060–00083–6)	47.00	Apr. 1, 2006
§§ 1.401–1.440	(869–060–00084–4)	56.00	Apr. 1, 2006
§§ 1.441–1.500	(869–060–00085–2)	58.00	Apr. 1, 2006
§§ 1.501–1.640	(869–060–00086–1)	49.00	Apr. 1, 2006
§§ 1.641–1.850	(869–060–00087–9)	61.00	Apr. 1, 2006
§§ 1.851–1.907	(869–060–00088–7)	61.00	Apr. 1, 2006
§§ 1.908–1.1000	(869–060–00089–5)	60.00	Apr. 1, 2006
§§ 1.1001–1.1400	(869–060–00090–9)	61.00	Apr. 1, 2006
§§ 1.1401–1.1550	(869–060–00091–2)	58.00	Apr. 1, 2006
§§ 1.1551–End	(869–060–00092–5)	50.00	Apr. 1, 2006
2–29	(869–060–00093–3)	60.00	Apr. 1, 2006
30–39	(869–060–00094–1)	41.00	Apr. 1, 2006
40–49	(869–060–00095–0)	28.00	Apr. 1, 2006
50–299	(869–060–00096–8)	42.00	Apr. 1, 2006

Title	Stock Number	Price	Revision Date
300–499	(869–060–00097–6)	61.00	Apr. 1, 2006
500–599	(869–060–00098–4)	12.00	[5]Apr. 1, 2006
600–End	(869–060–00099–2)	17.00	Apr. 1, 2006
27 Parts:			
1–399	(869–060–00100–0)	64.00	Apr. 1, 2006
400–End	(869–060–00101–8)	18.00	Apr. 1, 2006
28 Parts:			
0–42	(869–060–00102–6)	61.00	July 1, 2006
43–End	(869–060–00103–4)	60.00	July 1, 2006
29 Parts:			
0–99	(869–060–00104–2)	50.00	July 1, 2006
100–499	(869–060–00105–1)	23.00	July 1, 2006
500–899	(869–060–00106–9)	61.00	July 1, 2006
900–1899	(869–060–00107–7)	36.00	[7]July 1, 2006
1900–1910 (§§ 1900 to 1910.999)	(869–060–00108–5)	61.00	July 1, 2006
1910 (§§ 1910.1000 to end)	(869–060–00109–3)	46.00	July 1, 2006
1911–1925	(869–060–00110–7)	30.00	July 1, 2006
1926	(869–060–00111–5)	50.00	July 1, 2006
*1927–End	(869–060–00112–3)	62.00	July 1, 2006
30 Parts:			
1–199	(869–056–00113–4)	57.00	July 1, 2005
200–699	(869–056–00114–2)	50.00	July 1, 2005
700–End	(869–060–00115–8)	58.00	July 1, 2006
31 Parts:			
0–199	(869–060–00116–6)	41.00	July 1, 2006
200–499	(869–060–00117–4)	46.00	July 1, 2006
500–End	(869–056–00118–5)	33.00	July 1, 2005
32 Parts:			
1–39, Vol. I		15.00	[2]July 1, 1984
1–39, Vol. II		19.00	[2]July 1, 1984
1–39, Vol. III		18.00	[2]July 1, 1984
1–190	(869–056–00119–3)	61.00	July 1, 2005
191–399	(869–056–00120–7)	63.00	July 1, 2005
400–629	(869–060–00121–2)	50.00	July 1, 2006
630–699	(869–056–00122–3)	37.00	July 1, 2005
700–799	(869–056–00123–1)	46.00	July 1, 2005
800–End	(869–060–00124–7)	47.00	July 1, 2006
33 Parts:			
1–124	(869–056–00125–8)	57.00	July 1, 2005
125–199	(869–056–00126–6)	61.00	July 1, 2005
200–End	(869–056–00127–4)	57.00	July 1, 2005
34 Parts:			
*1–299	(869–060–00128–0)	50.00	July 1, 2006
300–399	(869–060–00129–8)	40.00	July 1, 2006
400–End & 35	(869–060–00130–1)	61.00	July 1, 2006
36 Parts:			
1–199	(869–060–00131–0)	37.00	July 1, 2006
*200–299	(869–060–00132–8)	37.00	July 1, 2006
300–End	(869–056–00133–9)	61.00	July 1, 2005
37	(869–056–00134–7)	58.00	July 1, 2005
38 Parts:			
0–17	(869–060–00135–2)	60.00	July 1, 2006
18–End	(869–060–00136–1)	62.00	July 1, 2006
39	(869–060–00137–9)	42.00	July 1, 2006
40 Parts:			
1–49	(869–056–00138–0)	60.00	July 1, 2005
50–51	(869–060–00139–5)	45.00	July 1, 2006
52 (52.01–52.1018)	(869–056–00140–1)	60.00	July 1, 2005
52 (52.1019–End)	(869–056–00141–0)	61.00	July 1, 2005
53–59	(869–060–00142–5)	31.00	July 1, 2006
60 (60.1–End)	(869–056–00143–6)	58.00	July 1, 2005
*60 (Apps)	(869–060–00144–7)	57.00	July 1, 2006
61–62	(869–060–00145–0)	45.00	July 1, 2006
63 (63.1–63.599)	(869–056–00146–1)	58.00	July 1, 2005
63 (63.600–63.1199)	(869–056–00147–9)	50.00	July 1, 2005
63 (63.1200–63.1439)	(869–056–00148–7)	50.00	July 1, 2005
63 (63.1440–63.6175)	(869–056–00149–5)	32.00	July 1, 2005
63 (63.6580–63.8830)	(869–056–00150–9)	32.00	July 1, 2005
63 (63.8980–End)	(869–056–00151–7)	35.00	[7]July 1, 2005
64–71	(869–056–00152–5)	29.00	July 1, 2005
72–80	(869–056–00153–5)	62.00	July 1, 2005
81–85	(869–056–00154–1)	60.00	July 1, 2005
*86 (86.1–86.599–99)	(869–060–00155–7)	58.00	July 1, 2006
86 (86.600–1–End)	(869–056–00156–8)	50.00	July 1, 2005
87–99	(869–056–00157–6)	60.00	July 1, 2005
100–135	(869–056–00158–4)	45.00	July 1, 2005
136–149	(869–056–00159–2)	61.00	July 1, 2005
150–189	(869–056–00160–6)	50.00	July 1, 2005
*190–259	(869–060–00161–1)	39.00	July 1, 2006
260–265	(869–056–00162–2)	50.00	July 1, 2005
266–299	(869–056–00163–1)	50.00	July 1, 2005
300–399	(869–056–00164–9)	42.00	July 1, 2005
400–424	(869–056–00165–7)	56.00	[8]July 1, 2005
425–699	(869–056–00166–5)	61.00	July 1, 2005
700–789	(869–056–00167–3)	61.00	July 1, 2005
790–End	(869–056–00168–1)	61.00	July 1, 2005
41 Chapters:			
1, 1–1 to 1–10		13.00	[3]July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3]July 1, 1984
3–6		14.00	[3]July 1, 1984
7		6.00	[3]July 1, 1984
8		4.50	[3]July 1, 1984
9		13.00	[3]July 1, 1984
10–17		9.50	[3]July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3]July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3]July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3]July 1, 1984
19–100		13.00	[3]July 1, 1984
1–100	(869–056–00169–0)	24.00	July 1, 2005
101	(869–060–00170–1)	21.00	[11]July 1, 2006
102–200	(869–056–00171–1)	56.00	July 1, 2005
201–End	(869–056–00172–0)	24.00	July 1, 2005
42 Parts:			
1–399	(869–056–00173–8)	61.00	Oct. 1, 2005
400–429	(869–056–00174–6)	63.00	Oct. 1, 2005
430–End	(869–056–00175–4)	64.00	Oct. 1, 2005
43 Parts:			
1–999	(869–056–00176–2)	56.00	Oct. 1, 2005
1000–end	(869–056–00177–1)	62.00	Oct. 1, 2005
44	(869–056–00178–9)	50.00	Oct. 1, 2005
45 Parts:			
1–199	(869–056–00179–7)	60.00	Oct. 1, 2005
200–499	(869–056–00180–1)	34.00	Oct. 1, 2005
500–1199	(869–056–00171–9)	56.00	Oct. 1, 2005
1200–End	(869–056–00182–7)	61.00	Oct. 1, 2005
46 Parts:			
1–40	(869–056–00183–5)	46.00	Oct. 1, 2005
41–69	(869–056–00184–3)	39.00	[9]Oct. 1, 2005
70–89	(869–056–00185–1)	14.00	[9]Oct. 1, 2005
90–139	(869–056–00186–0)	44.00	Oct. 1, 2005
140–155	(869–056–00187–8)	25.00	Oct. 1, 2005
156–165	(869–056–00188–6)	34.00	[9]Oct. 1, 2005
166–199	(869–056–00189–4)	46.00	Oct. 1, 2005
200–499	(869–056–00190–8)	40.00	Oct. 1, 2005
500–End	(869–056–00191–6)	25.00	Oct. 1, 2005
47 Parts:			
0–19	(869–056–00192–4)	61.00	Oct. 1, 2005
20–39	(869–056–00193–2)	46.00	Oct. 1, 2005
40–69	(869–056–00194–1)	40.00	Oct. 1, 2005
70–79	(869–056–00195–9)	61.00	Oct. 1, 2005
80–End	(869–056–00196–7)	61.00	Oct. 1, 2005
48 Chapters:			
1 (Parts 1–51)	(869–056–00197–5)	63.00	Oct. 1, 2005
1 (Parts 52–99)	(869–056–00198–3)	49.00	Oct. 1, 2005
2 (Parts 201–299)	(869–056–00199–1)	50.00	Oct. 1, 2005
3–6	(869–056–00200–9)	34.00	Oct. 1, 2005
7–14	(869–056–00201–7)	56.00	Oct. 1, 2005
15–28	(869–056–00202–5)	47.00	Oct. 1, 2005

Title	Stock Number	Price	Revision Date
29–End	(869–056–00203–3)	47.00	Oct. 1, 2005
49 Parts:			
1–99	(869–056–00204–1)	60.00	Oct. 1, 2005
100–185	(869–056–00205–0)	63.00	Oct. 1, 2005
186–199	(869–056–00206–8)	23.00	Oct. 1, 2005
200–299	(869–056–00207–6)	32.00	Oct. 1, 2005
300–399	(869–056–00208–4)	32.00	Oct. 1, 2005
400–599	(869–056–00209–2)	64.00	Oct. 1, 2005
600–999	(869–056–00210–6)	19.00	Oct. 1, 2005
1000–1199	(869–056–00211–4)	28.00	Oct. 1, 2005
1200–End	(869–056–00212–2)	34.00	Oct. 1, 2005
50 Parts:			
1–16	(869–056–00213–1)	11.00	Oct. 1, 2005
17.1–17.95(b)	(869–056–00214–9)	32.00	Oct. 1, 2005
17.95(c)–end	(869–056–00215–7)	32.00	Oct. 1, 2005
17.96–17.99(h)	(869–056–00215–7)	61.00	Oct. 1, 2005
17.99(i)–end and 17.100–end	(869–056–00217–3)	47.00	Oct. 1, 2005
18–199	(869–056–00218–1)	50.00	Oct. 1, 2005
200–599	(869–056–00218–1)	45.00	Oct. 1, 2005
600–End	(869–056–00219–0)	62.00	Oct. 1, 2005
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[1] Because Title 3 is on annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2006. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2004 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2004 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2003 should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 2004, through October 1, 2005. The CFR volume issued as of October 1, 2004 should be retained.

[10] No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2005 should be retained.

[11] No amendments to this volume were promulgated during the period July 1, 2005, through July 1, 2006. The CFR volume issued as of July 1, 2005 should be retained.

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109th Congress

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