



# Federal Register

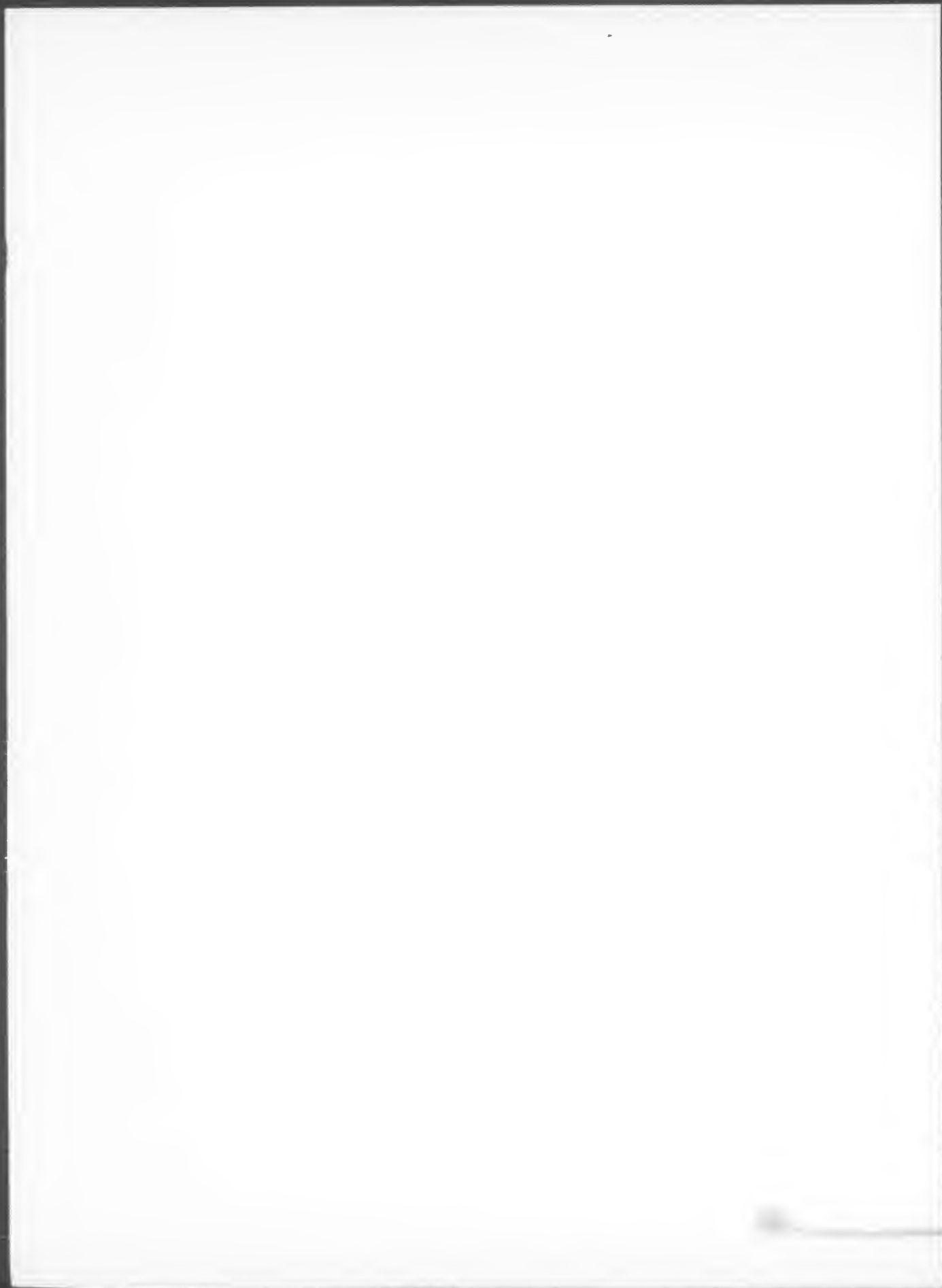
3-1-06  
Vol. 71 No. 40

Wednesday  
Mar. 1, 2006

United States  
Government  
Printing Office  
SUPERINTENDENT  
OF DOCUMENTS  
Washington, DC 20402  
OFFICIAL BUSINESS  
Penalty for Private Use, \$300

\*\*\*\*\*3-DIGIT  
A FR BONNI346B MAR 07 R 481  
BONNIE COLVIN  
PROQUEST I & L  
PO BOX 1346  
ANN ARBOR MI 48106

PERIODICALS  
Postage and Fees Paid  
U.S. Government Printing Office  
(ISSN 0097-6326)





# Federal Register

---

3-01-06

Vol. 71 No. 40

Wednesday

Mar. 1, 2006

Pages 10411-10604



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see [www.archives.gov](http://www.archives.gov).

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** [www.gpoaccess.gov/nara](http://www.gpoaccess.gov/nara), available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov). The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday-Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 71 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

**Subscriptions:**  
 Paper or fiche 202-512-1800  
 Assistance with public subscriptions 202-512-1806

**General online information** 202-512-1530; 1-888-293-6498

**Single copies/back copies:**  
 Paper or fiche 202-512-1800  
 Assistance with public single copies 1-866-512-1800  
 (Toll-Free)

### FEDERAL AGENCIES

**Subscriptions:**  
 Paper or fiche 202-741-6005  
 Assistance with Federal agency subscriptions 202-741-6005





# Contents

## Administration on Aging

See Aging Administration

## Aging Administration

### NOTICES

#### Meetings:

- 2005 White House Conference on Aging Policy Committee, 10536-10537

## Agriculture Department

See Federal Crop Insurance Corporation

See Food Safety and Inspection Service

See Grain Inspection, Packers and Stockyards Administration

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10462

## Census Bureau

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10472-10474

## Centers for Disease Control and Prevention

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10537-10538

#### Meetings:

- Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, 10538
- ICD-9-CM Coordination and Maintenance Committee, 10538-10539
- National Institute for Occupational Safety and Health—Fire Fighter Fatality Investigation and Prevention Program, 10539

## Coast Guard

### RULES

Drawbridge operations:

- New Jersey, 10433-10435

Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:

- Hempstead, NY; Wantagh Parkway 3 Bridge over Sloop Channel, 10436-10438

### NOTICES

#### Meetings:

- Ballast water treatment systems, experimental shipboard installation approval; workshop, 10546-10547
- National Offshore Safety Advisory Committee, 10547-10548

## Commerce Department

See Census Bureau

See Economic Analysis Bureau

See International Trade Administration

See National Institute of Standards and Technology

See National Oceanic and Atmospheric Administration

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10472

## Federal Register

Vol. 71, No. 40

Wednesday, March 1, 2006

## Commission of Fine Arts

### NOTICES

Meetings, 10478

## Community Development Financial Institutions Fund

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10596-10598

## Economic Analysis Bureau

### PROPOSED RULES

International services surveys:

- BE-577; direct investment abroad; transactions of U.S. reporter with foreign affiliate; quarterly survey, 10454-10456

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10475

## Education Department

### NOTICES

Grants and cooperative agreements; availability, etc.:

Safe and drug-free schools programs—

- Carol M. White Physical Education Program, 10479-10482

- Emergency Response and Crisis Management Program, 10482-10486

## Election Assistance Commission

### NOTICES

Meetings: Sunshine Act, 10486

## Employment Standards Administration

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10555-10556

## Energy Department

See Federal Energy Regulatory Commission

## Environmental Protection Agency

### RULES

Air pollutants, hazardous; national emission standards:

- Miscellaneous organic chemical manufacturing, 10439-10442

Pesticide programs:

- Pesticide management and disposal standards for containers and containments; notification to Agriculture Secretary, 10438-10439

### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10499-10500

Committees; establishment, renewal, termination, etc.: Science Advisory Board, 10500-10501

Meetings:

- Local Government Advisory Committee, 10501
- Science Advisory Board, 10501-10502

Pesticide, food, and feed additive petitions:

- BASF AG, 10505-10506

- Gowan Co., 10506-10508

- Interregional Research Project (No. 4) et al., 10508-10511

Pesticide registration, cancellation, etc.:

- Thiodan technical, etc., 10503-10505

Pesticides; emergency exemptions, etc.:  
 Carbofuran, 10511-10512  
 Privacy Act; system of records, 10512-10514  
 Superfund; response and remedial actions, proposed settlements, etc.:  
 San Joaquin Drum Removal Site, CA, 10514

#### Executive Office of the President

See Presidential Documents

#### Export-Import Bank

##### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10514-10527

#### Federal Aviation Administration

##### RULES

Airworthiness directives:  
 Rolls-Royce plc, 10415-10417  
 Class E airspace, 10417-10418  
 Colored Federal airways, 10418-10419

##### PROPOSED RULES

Airworthiness directives:  
 Sicma Aero Seat, 10453-10454

#### Federal Communications Commission

##### RULES

Practice and procedure:  
 Office of Management and Budget list of approved information collection requirements; revision, 10442-10451

##### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10528-10530  
 Meetings:  
 2007 World Radiocommunication Conference Advisory Committee, 10530

#### Federal Crop Insurance Corporation

##### NOTICES

Grants and cooperative agreements; availability, etc.:  
 Community Outreach and Assistance Partnership Program, 10462-10468

#### Federal Deposit Insurance Corporation

##### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10530-10531  
 Meetings:  
 Wal-Mart Bank; deposit insurance application; public hearing, 10531-10533

#### Federal Energy Regulatory Commission

##### NOTICES

Electric rate and corporate regulation combined filings, 10491-10494  
 Environmental statements; notice of intent:  
 Northern Natural Gas Co., 10494-10496  
 Hydroelectric applications, 10496-10498  
 Meetings:  
 Gulf LNG Energy, LLC; technical conference, 10498  
 Standards of Conduct for Transmission Providers; technical conference, workshop, 10498-10499  
*Applications, hearings, determinations, etc.:*  
 ANR Pipeline Co., 10486  
 Bobcat Gas Storage, 10486-10487  
 Cameron LNG, LLC, 10487-10488  
 CenterPoint Energy - Mississippi River Transmission Corp., 10488

Colorado Interstate Gas Co., 10488-10489  
 Entrega Gas Pipeline LLC, 10489  
 North Baja Pipeline, LLC, 10489-10490  
 Vermont-Hydro-electric Power Authority et al., 10490-10491  
 Viking Gas Transmission Co., 10491  
 Wyoming Interstate Co., Ltd., 10491

#### Federal Highway Administration

##### NOTICES

Grants and cooperative agreements; availability, etc.:  
 Surface Transportation Environment and Planning Cooperative Research Program, 10586

#### Federal Maritime Commission

##### NOTICES

Agreements filed, etc., 10533  
 Ocean transportation intermediary licenses:  
 Dockside International Forwarders-et al., 10533-10534  
 Fastlane Shipping, Inc.; correction, 10534  
 Maritime and Intermodal Logistics Systems, Inc., et al., 10534  
 Patrick & Rosenfeld Shipping Corp. et al., 10534-10535

#### Federal Motor Carrier Safety Administration

##### NOTICES

Motor carrier safety standards:  
 Driver qualifications; vision requirement exemptions, 10587-10588

#### Federal Railroad Administration

##### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 10588-10589

#### Federal Reserve System

##### NOTICES

Banks and bank holding companies:  
 Change in bank control, 10535

#### Federal Retirement Thrift Investment Board

##### NOTICES

Meetings:  
 Employee Thrift Advisory Council, 10535

#### Federal Trade Commission

##### NOTICES

Reports and guidance documents; availability, etc.:  
 Food industry marketing practices to children and adolescents; information and comment request, 10535-10536

#### Federal Transit Administration

##### NOTICES

Public transportation projects; claims limitation, 10589-10590

#### Fine Arts Commission

See Commission of Fine Arts

#### Fish and Wildlife Service

##### NOTICES

Endangered and threatened species permit applications, 10549-10550

**Food and Drug Administration****RULES**

## Medical devices:

## Microbiology devices—

Hepatitis A virus serological assays; reclassification; correction, 10433

**Food Safety and Inspection Service****NOTICES**

## Meetings:

Codex Alimentarius Commission—

Food Labelling Committee, 10468–10469

**Grain Inspection, Packers and Stockyards Administration****NOTICES**

## Agency designation actions:

Various States, 10469–10472

**Health and Human Services Department**

See Aging Administration

See Centers for Disease Control and Prevention

See Food and Drug Administration

See National Institutes of Health

**Homeland Security Department**

See Coast Guard

See Transportation Security Administration

**Housing and Urban Development Department****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 10548–10549

**Interior Department**

See Fish and Wildlife Service

See Land Management Bureau

See National Park Service

See Reclamation Bureau

**International Trade Administration****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 10475–10476

## Antidumping:

Individually quick frozen red raspberries from—  
Chile; correction, 10599

## Antidumping and countervailing duties:

Five year (sunset) reviews—

Initiation of reviews, 10476–10477

## Countervailing duties:

Low enriched uranium from—

Various countries [Editorial Note: This document appearing at 71 FR 10062 in the February 28, 2006 Federal Register was inadvertently placed under International Trade Commission in that issue's Table of Contents]

**International Trade Commission****NOTICES**

## Import investigations:

Stainless steel bar from—

Various countries, 10552–10554

**Labor Department**

See Employment Standards Administration

See Mine Safety and Health Administration

See Occupational Safety and Health Administration

**NOTICES**

## International Labor Affairs Bureau:

Korea; labor rights and laws governing exploitative child labor; information request, 10554–10555

**Land Management Bureau****NOTICES**

## Survey plat filings:

Oregon and Washington, 10550

**Maritime Administration****NOTICES**

## Relocation and decommissioning:

NS Savannah, 10590–10591

**Mine Safety and Health Administration****NOTICES**

Petitions for safety standards modification; summary of affirmative decisions, 10556–10557

**National Archives and Records Administration****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 10565

**National Commission on Libraries and Information Science****NOTICES**

Meetings, 10565–10566

**National Highway Traffic Safety Administration****NOTICES**

## Motor vehicle safety standards:

Nonconforming vehicles importation eligibility determinations, 10591–10596

**National Institute of Standards and Technology****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 10477–10478

**National Institutes of Health****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 10539–10540

## Meetings:

National Cancer Institute, 10540–10541

National Institute of Allergy and Infectious Diseases, 10544

National Institute of Arthritis and Musculoskeletal and Skin Diseases, 10542–10543, 10545

National Institute of Child Health and Human Development, 10543–10544

National Institute of Dental and Craniofacial Research, 10541–10542

National Institute of General Medical Sciences, 10542–10543

National Institute of Mental Health, 10542

National Institute on Drug Abuse, 10544

Scientific Review Center, 10545–10546

**National Oceanic and Atmospheric Administration****RULES**

## Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—  
Pacific cod, 10451–10452

**PROPOSED RULES**

## Fishery conservation and management:

- Magnuson-Stevens Act provisions—
- Bering Sea and Aleutian Islands king and tanner crabs; fishing capacity reduction program; industry free system, 10459–10461

**National Park Service****NOTICES**

## Environmental statements; availability, etc.:

- Fallen Timbers Battlefield and Fort Miamis National Historic Site, OH; general management plan, 10550–10551

## Environmental statements; record of decision:

- Low Country Gullah Culture, NC and FL; special resource study, 10551

**Nuclear Regulatory Commission****NOTICES**

## Reports and guidance documents; availability, etc.:

- Abnormal occurrence criteria; revised policy statement, 10568–10570

*Applications, hearings, determinations, etc.:*

- Florida Power & Light Co. et al., 10566–10568

**Occupational Safety and Health Administration****NOTICES**

## Variance applications, etc.

- Commonwealth Dynamics, Inc., et al, 10557–10565

**Presidential Documents****PROCLAMATIONS***Special observances:*

- American Red Cross Month (Proc. 7982), 10411–10412
- Irish-American Heritage Month (Proc. 7983), 10413

**ADMINISTRATIVE ORDERS**

- Zimbabwe; continuation of national emergency blocking property of persons undermining democratic processes or institutions (Notice of February 27, 2006), 10601–10603

**Reclamation Bureau****NOTICES**

## Meetings:

- California Bay-Delta Public Advisory Committee, 10551–10552

**Securities and Exchange Commission****NOTICES**

## Agency information collection activities; proposals, submissions, and approvals, 10570–10571

## Self-regulatory organizations; proposed rule changes:

- American Stock Exchange LLC, 10571–10572
- Boston Stock Exchange, Inc., 10573–10574
- Chicago Board Options Exchange, Inc., 10574–10577
- Chicago Stock Exchange, Inc., 10577–10579
- International Securities Exchange, LLC, 10579–10580
- National Association of Securities Dealers, Inc., 10580–10582
- Pacific Exchange, Inc., 10582–10583

**Social Security Administration****RULES**

## Social security benefits:

- Federal old age, survivors, and disability insurance—
- Medical equivalence; evidentiary requirements for making findings, 10419–10433

**PROPOSED RULES**

## Social security benefits and supplemental security income:

- Federal old age, survivors, and disability insurance, and aged, blind, and disabled—
- Optometrists acceptability as medical sources for establishing medically determinable impairments, 10456–10459

**NOTICES**

## Privacy Act; computer matching programs, 10583–10584

## Social security rulings and acquiescence rulings:

- Hickman v. Apfel; medical equivalence; evidentiary requirements for making findings, 10584

**State Department****NOTICES**

## Culturally significant objects imported for exhibition determinations:

- Cradle of Christianity: Treasures from the Holy Land, 10585

## Environmental statements; availability, etc.:

- Antarctic activities of more than minor or transitory impact; comprehensive evaluations—
- Belgium, 10585

## Meetings:

- Defense Trade Advisory Group, 10585–10586

**Transportation Department***See* Federal Aviation Administration*See* Federal Highway Administration*See* Federal Motor Carrier Safety Administration*See* Federal Railroad Administration*See* Federal Transit Administration*See* Maritime Administration*See* National Highway Traffic Safety Administration**Transportation Security Administration****NOTICES**

## Agency information collection activities; proposals, submissions, and approvals, 10548

**Treasury Department***See* Community Development Financial Institutions Fund**Separate Parts In This Issue****Part II**

## Executive Office of the President, Presidential Documents, 10601–10603

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov> and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**3 CFR****Proclamations:**

7982 .....10411  
7983 .....10413

**Administrative Orders:****Notices:**

Notice of February 27,  
2006 (See: EO  
13288, 3/6/2003; EO  
13391, 11/22/  
2005) .....10603

**14 CFR**

39 .....10415  
71 (2 documents) .....10417,  
10418

**Proposed Rules:**

39 .....10453

**15 CFR****Proposed Rules:**

806 .....10454

**20 CFR**

404 .....10419  
416 .....10419

**Proposed Rules:**

404 .....10456  
416 .....10456

**21 CFR**

866 .....10433

**33 CFR**

117 .....10433  
165 .....10436

**40 CFR**

9 .....10438  
63 .....10439  
156 .....10438  
165 .....10438

**47 CFR**

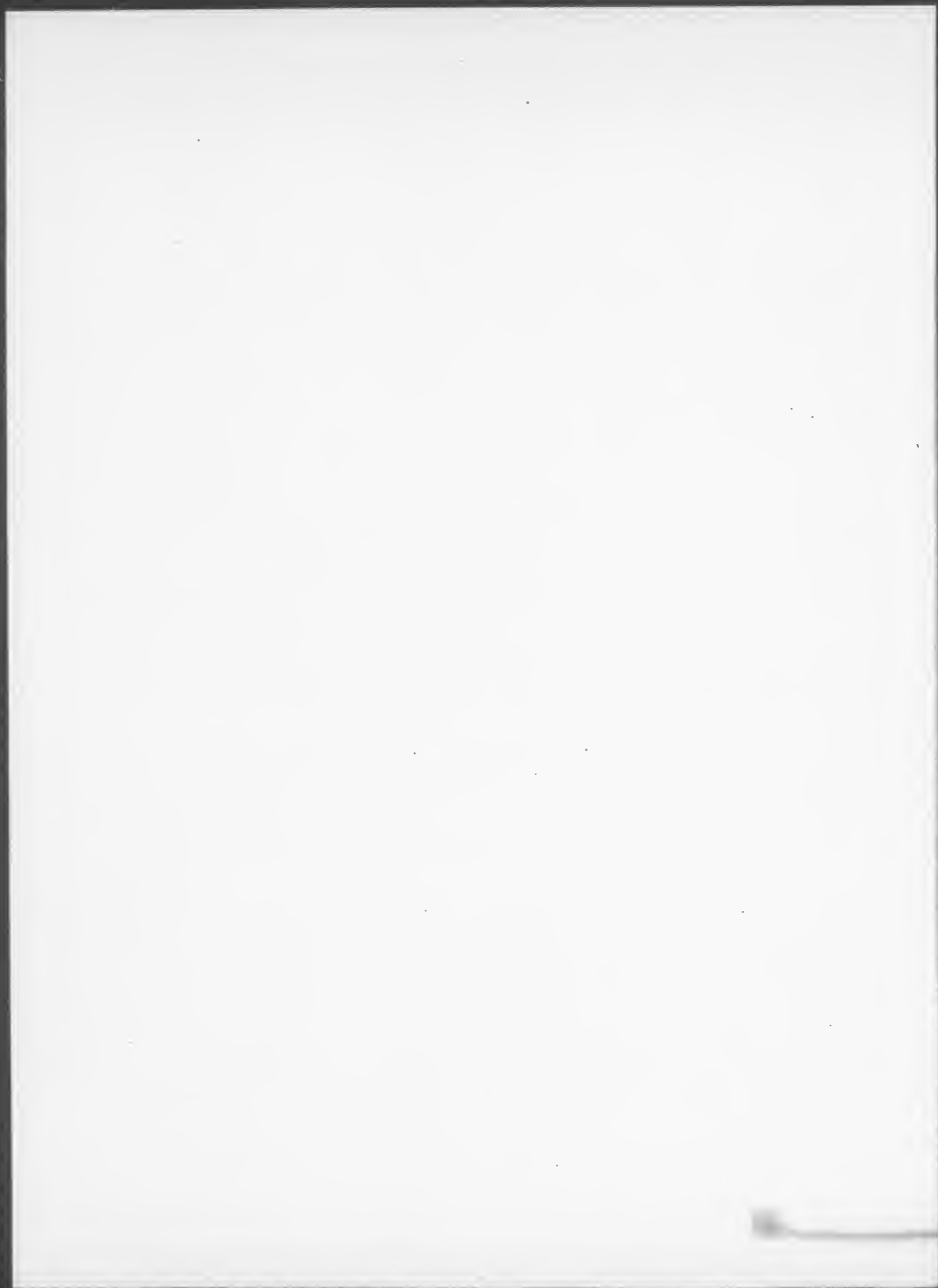
0 .....10442

**50 CFR**

679 .....10451

**Proposed Rules:**

600 .....10459



## Presidential Documents

Title 3—

Proclamation 7982 of February 24, 2006

The President

American Red Cross Month, 2006

By the President of the United States of America

### A Proclamation

Throughout our Nation's history, Americans have worked together to care for those in need. The work of the American Red Cross exemplifies this tradition and reflects the good heart of our country. This year during American Red Cross Month, we recognize this organization for its 125 years of faithful service to our Nation and for its continued mission to help those in need at home and abroad.

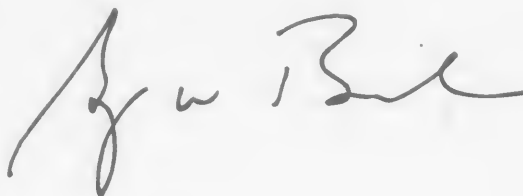
Since Clara Barton founded the organization in 1881, the American Red Cross has offered aid and disaster relief to millions of individuals. From conducting blood drives and arranging family communications and other forms of support for our troops to providing relief for victims of natural disasters, the American Red Cross carries out emergency response around the globe. Local chapters help American communities respond to regional catastrophes and promote emergency preparedness with American Red Cross First Aid and CPR courses. Members of these chapters serve their communities by visiting homebound seniors, mentoring youth, distributing hot lunches, volunteering at homeless shelters, and offering transitional housing. They also educate young people on violence and substance abuse prevention and help in hospitals and nursing homes.

In 2005, a devastating hurricane season left millions displaced and homeless. The American Red Cross network of more than 800 chapters and thousands of volunteers provided food, shelter, counseling, and care to more than a million Gulf Coast families. Working in coordination with the International Red Cross and Red Crescent Movement, the American Red Cross has also assisted with relief efforts for victims of hurricanes and landslides in Latin America and the recent earthquake in South Asia.

By donating their time and energy to selflessly serve others, American Red Cross volunteers demonstrate the compassion and generosity for which Americans are known. Their service paves the way to a brighter future for our citizens and people around the world.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2006 as American Red Cross Month. I commend the good work of the American Red Cross, and I encourage all Americans to continue to help the recovery efforts in the Gulf Coast region and around the world through volunteering their time, energy, and talents for others.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of February, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

A handwritten signature in black ink, appearing to read "G. W. Bush". The signature is fluid and cursive, with a large initial "G" and a distinct "W" and "B".

[FR Doc. 06-1968  
Filed 2-28-06; 8:45 am]  
Billing code 3195-01-P



**Presidential Documents**

Title 3—

Proclamation 7983 of February 24, 2006

The President

Irish-American Heritage Month, 2006

By the President of the United States of America

**A Proclamation**

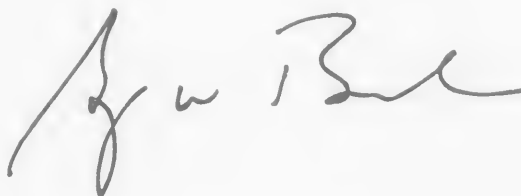
The histories of Ireland and the United States are deeply intertwined. For generations, the sons and daughters of Ireland have come to America with a spirit of determination and optimism that has strengthened our Nation's character and enriched our history. During Irish-American Heritage Month, we celebrate Irish Americans and the significant contributions they have made to our Nation.

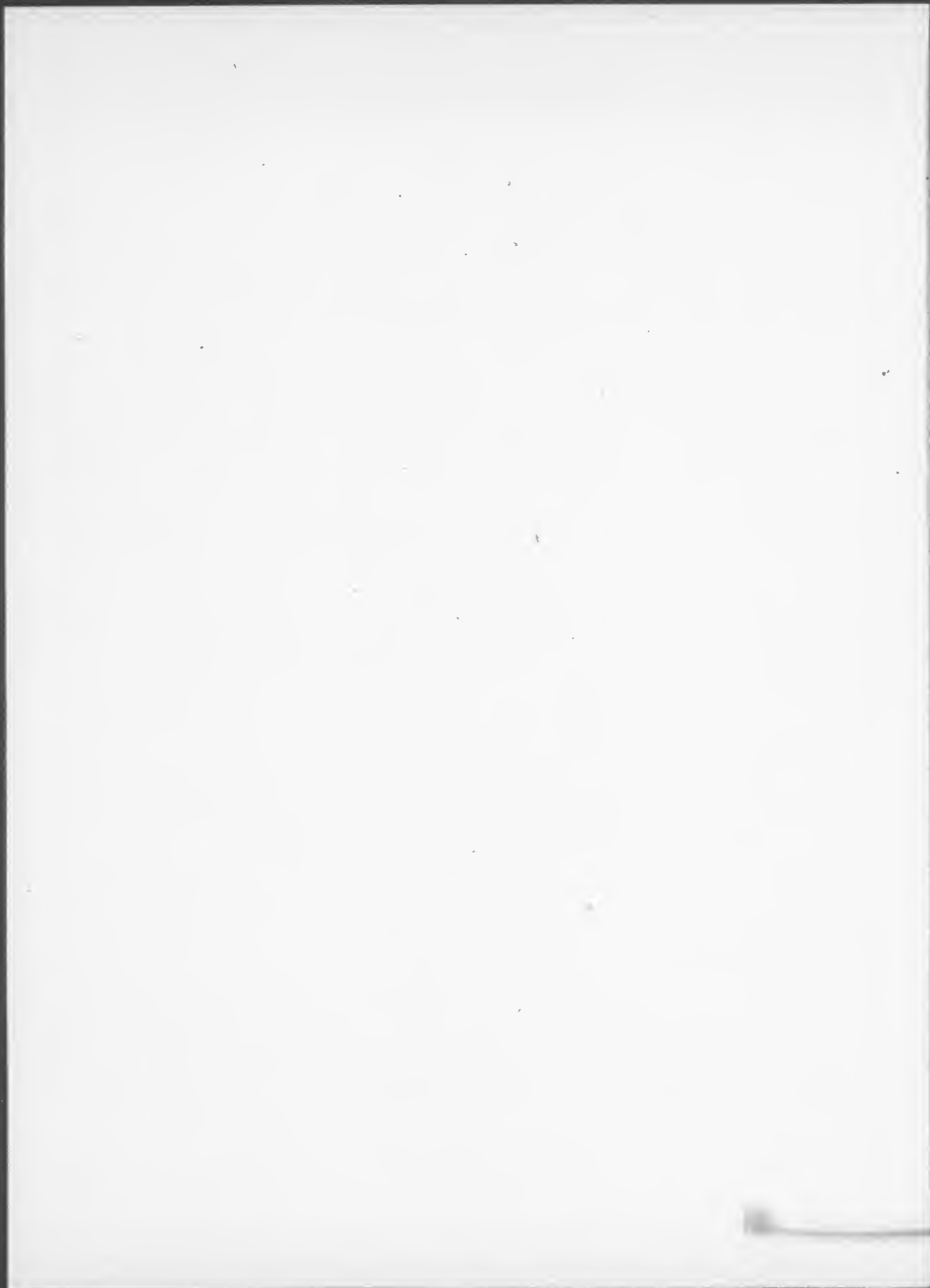
During the Great Potato Famine of the 19th century, approximately 1 million Irish came to America. And over the last 150 years, millions more have come from Ireland to the United States. In this country, Irish Americans have ably served in their communities, in the government, and in the Armed Forces. They have achieved great success in all walks of life. Actress Grace Kelly entertained us and influenced our culture; industrialist Henry Ford transformed factory production and transportation; and President Ronald Reagan dedicated himself to the spread of peace, liberty, and democracy, helping to change our country and the world.

This month, we recognize the proud history and many accomplishments of Irish Americans. Our Nation is grateful for the role they have played in defending and renewing the ideals that we cherish. Their hard work, firm values, and strong faith have made our Nation a better place.

NOW, THEREFORE I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2006 as Irish-American Heritage Month. I call upon all Americans to observe this month by celebrating the contributions of Irish Americans to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of February, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.





# Rules and Regulations

Federal Register

Vol. 71, No. 40

Wednesday, March 1, 2006

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

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-23604, Directorate Identifier 2005-NE-49-AD; Amendment 39-14498; AD 2006-05-01]

RIN 2120-AA64

#### Airworthiness Directives; Rolls-Royce plc RB211 Trent 500, 700 and 800 Series Turbofan Engines

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for Rolls-Royce plc (RR) RB211 Trent 500, 700, and 800 series turbofan engines. This AD requires inspecting all engines to determine those that are equipped with a suspect oil filler cap assembly. This AD also requires, within seven days of the effective date of this AD, an initial and repetitive check of oil cap security following oil servicing of multiple-engine airplanes having more than one suspect oil filler cap assembly installed. Finally, this AD requires replacing affected oil filler cap assemblies. This AD results from four in-service oil loss events since March 2005, following failures to properly install the oil tank filler cap after oil servicing. We are issuing this AD to prevent oil loss that could result in multiple engine in-flight shutdowns during a flight.

**DATES:** Effective March 16, 2006.

We must receive any comments on this AD by May 1, 2006.

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

- DOT Docket web site: Go to <http://dms.dot.gov> and follow the

instructions for sending your comments electronically.

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

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

#### FOR FURTHER INFORMATION CONTACT:

Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7175; fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** The European Aviation Safety Agency (EASA), on behalf of the United Kingdom, recently notified us that an unsafe condition might exist on RR RB211 Trent 500, 700, and 800 series turbofan engines. EASA advises that four in-service oil loss events have occurred since March 2005, after failures to properly install the oil tank filler cap after oil servicing. An unseated O-ring compromised the secondary sealing feature (flap valve) of the oil tank filler assembly, which would have prevented significant loss of oil on these engines during flight. The manufacturer omitted an optional notch on the O-ring locating slot of the filler cap. They have since determined that omitting the notch can cause the O-ring to unseat during flight. The manufacturer has identified a suspect group of affected oil filler cap assemblies that must be replaced. We are issuing this AD to prevent oil loss that could result in multiple engine in-flight shutdowns during a flight.

#### Bilateral Airworthiness Agreement

These RR RB211 Trent 500, 700, and 800 series engines are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Under this bilateral

airworthiness agreement, EASA kept the FAA informed of the situation described above. We have examined the findings of the EASA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### FAA's Determination and Requirements of This AD

Although no airplanes that are registered in the United States use these engines, the possibility exists that the engines could be used on airplanes that are registered in the United States in the future. The unsafe condition described previously is likely to exist or develop on other RR RB211 Trent 500, 700, and 800 series engines of the same type design. We are issuing this AD to prevent oil loss that could result in multiple engine in-flight shutdowns. This AD requires inspection of all engines to determine those that are equipped with a suspect oil filler cap assembly. This AD also requires, within seven days of the effective date of this AD, an initial and repetitive check of oil cap security following oil servicing of multiple-engine airplanes having more than one suspect oil filler cap assembly installed. Finally, this AD requires replacement of the suspect group of oil filler cap assemblies. You must use the service information described previously to perform the actions required by this AD.

#### FAA's Determination of the Effective Date

Since there are currently no domestic operators of this engine model, notice and opportunity for public comment before issuing this AD are unnecessary. A situation exists that allows the immediate adoption of this regulation.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. FAA-2006-23604; Directorate Identifier 2005-NE-49-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy

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

#### Examining the AD Docket

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

#### Authority for This Rulemaking

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

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

#### Regulatory Findings

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

responsibilities among the various levels of government. For the reasons discussed above, I certify that the regulation:

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

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

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**2006-05-01 Rolls-Royce plc:** Amendment 39-14498. Docket No. FAA-2006-23604; Directorate Identifier 2005-NE-49-AD.

#### Effective Date

- (a) This airworthiness directive (AD) becomes effective March 16, 2006.

#### Affected ADs

- (b) None.

#### Applicability

(c) This AD applies to Rolls-Royce plc RB211 Trent 768-60, 772-60, 772B-60, 892-17, 884-17, 892B-17, 895-17, 675-17, 884B-17, and 877-17 turbofan engines with oil filler cap assembly part number (P/N) 436-408-2 and serial numbers (SNs) 1156 through 1410 not marked with the letter "R" next to the SN. These engines are installed on, but not limited to, Airbus A340-541, A340-642, A330-243, A330-341, A330-342, and Boeing 777 airplanes.

#### Unsafe Condition

- (d) This AD results from four in-service oil loss events since March 2005, following failures to properly install the oil tank filler

cap after oil servicing. We are issuing this AD to prevent oil loss that could result in multiple engine in-flight shutdowns during a flight.

#### Compliance

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

#### Identification of Affected Engines

- (f) Identify all engines with oil filler cap assembly, P/N 436-408-2, and SNs 1156 through 1410, not marked with the letter "R" next to the SN.

#### Independent Inspection

- (g) Within seven days after the effective date of this AD, conduct an independent inspection for security of the oil filler cap after oil servicing on any airplane with more than one of the affected oil filler cap assemblies installed.

- (h) Repeat the inspection after every oil servicing.

#### Replacement of Affected Oil Filler Cap Assemblies

- (i) Replace affected oil filler cap assemblies as follows:

(1) For Trent 768-60, 772-60, 772B-60, 892-17, 884-17, 892B-17, 895-17, 675-17, 884B-17, and 877-17 turbofan engines with two affected oil filler cap assemblies on the same airplane, replace one oil filler cap assembly within 75 days after the effective date of this AD, and the other within 165 days after the effective date of this AD.

(2) For Trent 553-61, 556B-61, 556-61, 560-61, 553A2-61, 556A2-61, 556B2-61, 560A2-61 turbofan engines in position 1 or 4, replace the affected oil filler cap assemblies within 75 days after the effective date of this AD, and

(3) For Trent 553-61, 556B-61, 556-61, 560-61, 553A2-61, 556A2-61, 556B2-61, 560A2-61 engines in position 2 or 3, replace the affected oil filler cap assemblies within 165 days after the effective date of this AD.

#### Definition

- (j) For the purposes of this AD, an "independent inspection" means inspection and confirmation by a qualified person who was not involved in the original oil servicing.

#### Alternative Methods of Compliance

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

#### Related Information

- (l) Information on replacing the oil filler cap can be found in Rolls-Royce Alert Non Modification Service Bulletin RB.211-79-AE964, dated October 13, 2005.

- (m) EASA airworthiness directive 2005-0025, dated October 26, 2005, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on February 22, 2006.

Peter A. White,

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

[FR Doc. 06-1827 Filed 2-28-06; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2006-23896; Airspace Docket No. 06-ACE-2]

#### Modification of Class E Airspace; Scott City Municipal Airport, KS

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action amends Title 14 Code of Federal Regulations, part 71 (14 CFR 71) by revising the Class E airspace area at Scott City, KS. A review of the controlled airspace at Scott City, KS revealed that the area does not comply with the criteria for 700 feet above ground level (AGL) airspace required for diverse departures and does not reflect the current Scott City, KS Municipal Airport airport reference point (ARP). This action increases the radius of the existing controlled airspace at Scott City, KS and corrects the ARP in the legal description.

**DATES:** This direct final rule is effective on 0901 UTC, June 8, 2006. Comments for inclusion in the Rules Docket must be received on or before March 31, 2006.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2006-23896/Airspace Docket No. 06-ACE-2, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust,

Kansas City, MO 64106; telephone: (816) 329-2524.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR 71 modifies the Class E airspace area extending upward from 700 feet AGL at Scott City, KS. A review of the controlled airspace at Scott City, KS revealed that the area does not comply with the criteria for 700 feet above ground level (AGL) airspace required for diverse departures and does not reflect the current ARP. The radius of the Class E airspace area is expanded from within a 6.5-mile radius to within a 6.9 mile radius of the airport and corrects the ARP in the legal description.

These modifications bring the legal description of the Scott City, KS Class E airspace area into compliance with FAA Orders 7400.2F and 8260.19C. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### The Direct Final Rule Procedure

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

#### Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions

presented are participating helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2006-23896/Airspace Docket No. 06-ACE-2." The postcard will be date/time stamped and returned to the commenter.

#### Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

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

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

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

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

**§ 71.1 [Amended]**

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

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**ACE KS E5 Scott City, KS**

Scott City Municipal Airport, KS  
(Lat. 38°28'27" N, long. 100°53'06" W)  
Scott City NDB  
(Lat. 38°28'49" N, long. 100°53'18" W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Scott City Municipal Airport and within 2.5 miles each side of the 169° bearing from the Scott City NDB extending from the 6.9-mile radius to 7 miles south of the airport.

\* \* \* \* \*

Issued in Kansas City, MO, on February 9, 2006.

**Donna R. McCord,**  
*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 06–1914 Filed 2–28–06; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA–2005–23081; Airspace Docket No. 05–AAL–31]

**RIN 2120–AA66**

**Amendments to Colored Federal Airways; AK**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action revokes Colored Federal Airway B–12, modifies three Colored Federal Airways B–4, R–50 and G–7, and establishes Colored Federal Airway R–4 in Alaska. These amendments remove all airways and routes off the Bishop, AK,

Nondirectional Radio Beacon (NDB) in preparation for the NDB's eventual decommissioning from the National Airspace System (NAS).

**DATES:** *Effective Date:* 0901 UTC, June 8, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

**SUPPLEMENTARY INFORMATION:**

**History**

In October 2005, it was determined that continued operation of the Bishop, AK, NDB was in jeopardy at its current location because of riverbank erosion along the Yukon River to within 150 feet of the NDB site. This action is needed to reconfigure the airways to exclude the Bishop, AK, NDB. On December 8, 2005, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend several Colored Federal Airways in Alaska (70 FR 72949). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. One comment was received. The commenter suggested that the Bishop NDB should not be decommissioned until Global Positioning System (GPS) becomes a viable Instrument Flight Rules (IFR) navigation system. He pointed out that on some airway segments, made up from the Bishop NDB, Minimum Enroute Altitude (MEA) are lower than those on the associated Very High Frequency Omnidirectional Range airways. He also pointed out that he believes that the NDB will not be affected by Yukon River erosion for several years. The FAA has authorized IFR GPS navigation in Alaska at or above Minimum Instrument Altitudes (MIA) between published waypoints. MIA altitudes are available that are as low as NDB MEAs. Pilots may request GPS routings in the area affected by the loss of the Bishop NDB. The erosion of the Yukon River bank is impossible to accurately predict. For safety purposes, the Bishop NDB has been out of service for several months already. With the exception of editorial changes, this amendment is the same as that proposed in the notice.

Colored Federal Airways are published in paragraph 6009 of FAA Order 7400.9N dated September 1, 2005 and effective September 15, 2005, which is incorporated by reference in 14 CFR 71.1. The Colored Federal Airways

listed in this document will be published substantial in the order.

**The Rule**

The FAA is amending to Title 14 Code of Federal Regulations (14 CFR) part 71 by revoking Colored Federal Airway B–12, modifying three Colored Federal Airways B–4, R–50 and G–7, and establishing Colored Federal Airway R–4 in Alaska. The FAA is taking this action to remove all airways and routes off the Bishop NDB, AK, in preparation for the NDB's eventual decommissioning from the NAS.

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

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

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

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

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

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

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 15, 2005, is amended as follows:

*Paragraph 6009(d) Blue Federal Airways*

\* \* \* \* \*  
B–12 [Revoked]  
\* \* \* \* \*



B-4 [Revised]

From Utopia Creek, AK, NDB; Evansville, AK, NDB; to Yukon River, AK, NDB.

\* \* \* \* \*

Paragraph 6009(b) Red Federal Airways

\* \* \* \* \*

R-4 [New]

From Chena, AK, NDB; to Bear Creek, AK, NDB

\* \* \* \* \*

R-50 [Revised]

From Nanwak, AK, NDB; via Oscarville, AK, NDB; Anvik, AK, NDB.

\* \* \* \* \*

Paragraph 6009(a) Green Federal Airways

\* \* \* \* \*

G-7 [Revised]

From Gambell, AK, NDB; Fort Davis, AK, NDB; Norton Bay, AK, NDB

\* \* \* \* \*

Issued in Washington, DC on February 22, 2006.

Edith V. Parish,

Manager, Airspace and Rules.

[FR Doc. 06-1913 Filed 2-28-06; 8:45 am]

BILLING CODE 4910-13-P

**SOCIAL SECURITY ADMINISTRATION**

**20 CFR Parts 404 and 416**

RIN 0960-AF19

**Evidentiary Requirements for Making Findings About Medical Equivalence**

**AGENCY:** Social Security Administration.

**ACTION:** Final rules.

**SUMMARY:** We are revising our regulations that pertain to the processing of claims for disability benefits under title II and title XVI of the Social Security Act (the Act). These revisions make the language in the rules we use under title II of the Act for making findings about medical equivalence consistent with the language in the rules that we use under title XVI of the Act. These revisions also clarify our rules about the evidence we

use when we make findings about medical equivalence for adults and children. We are also updating and clarifying our rules that explain the Listing of Impairments (the listings) and how your impairment(s) can meet a listing.

**DATES:** These rules will be effective on March 31, 2006.

**Electronic Version**

The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>.

**FOR FURTHER INFORMATION CONTACT:**

Suzanne DiMarino, Social Insurance Specialist, Office of Regulations, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, (410) 965-1769 or TTY (410) 966-5609. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet Web site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:** We are revising our regulations that explain how we make findings about whether your impairment(s) medically equals a listing. Since February 11, 1997, § 416.926, our regulation for making findings about medical equivalence under title XVI, included different language from § 404.1526, our regulation about medical equivalence under title II. We are now updating § 404.1526 so that it is the same as § 416.926.

As we discuss in more detail below, we are also clarifying language in our regulations that was at issue in the decision in *Hickman v. Apfel*, 187 F.3d 683 (7th Cir. 1999), about the evidence we consider when we make findings about medical equivalence. Because these final rules clarify our regulatory policy that was at issue in *Hickman*, we are also rescinding Acquiescence Ruling (AR) 00-2(7), which we issued in response to the court's decision under the authority of §§ 404.985(e)(4) and

416.1485(e)(4) of our regulations concurrently with the effective date of these final rules.

In addition, we are updating and clarifying our rules in §§ 404.1525 and 416.925. As we explain below, the changes are not substantive.

We are also making minor editorial changes throughout §§ 404.1525, 404.1526, 416.925, and 416.926, as well as conforming changes in other regulations to reflect the changes we are making in these sections.

**What Programs Do These Regulations Affect?**

These regulations affect disability determinations and decisions that we make under title II and title XVI of the Act. In addition, to the extent that Medicare entitlement and Medicaid eligibility are based on whether you qualify for disability benefits under title II or title XVI, these final regulations also affect the Medicare and Medicaid programs.

**Who Can Get Disability Benefits?**

Under title II of the Act, we provide for the payment of disability benefits if you are disabled and belong to one of the following three groups:

- Workers insured under the Act,
- Children of insured workers, and
- Widows, widowers, and surviving divorced spouses (see § 404.336) of insured workers.

Under title XVI of the Act, we provide for Supplemental Security Income (SSI) payments on the basis of disability if you are disabled and have limited income and resources.

**How Do We Define Disability?**

Under both the title II and title XVI programs, disability must be the result of any medically determinable physical or mental impairment or combination of impairments that is expected to result in death or which has lasted or is expected to last for a continuous period of at least 12 months. Our definitions of disability are shown in the following table:

If you file a claim under * * *	And you are * * *	Disability means you have a medically determinable impairment(s) as described above that results in * * *
Title II .....	An adult or child .....	The inability to do any substantial gainful activity (SGA).
Title XVI .....	A person age 18 or older .....	The inability to do any SGA.
Title XVI .....	A person under age 18 .....	Marked and severe functional limitations.

### How Do We Decide Whether You Are Disabled?

If you are seeking benefits under title II of the Act, or if you are an adult seeking benefits under title XVI of the Act, we use a five-step "sequential evaluation process" to decide whether you are disabled. We describe this five-step process in our regulations at §§ 404.1520 and 416.920. We follow the five steps in order and stop as soon as we can make a determination or decision. The steps are:

1. Are you working, and is the work you are doing substantial gainful activity? If you are working and the work you are doing is substantial gainful activity, we will find that you are not disabled, regardless of your medical condition or your age, education, and work experience. If you are not, we will go on to step 2.

2. Do you have a "severe" impairment? If you do not have an impairment or combination of impairments that significantly limits your physical or mental ability to do basic work activities, we will find that you are not disabled. If you do, we will go on to step 3.

3. Do you have an impairment(s) that meets or medically equals the severity of an impairment in the listings? If you do, and the impairment(s) meets the duration requirement, we will find that you are disabled. If you do not, we will go on to step 4.

4. Do you have the residual functional capacity to do your past relevant work? If you do, we will find that you are not disabled. If you do not, we will go on to step 5.

5. Does your impairment(s) prevent you from doing any other work that exists in significant numbers in the national economy, considering your residual functional capacity, age, education, and work experience? If it does, and it meets the duration requirement, we will find that you are disabled. If it does not, we will find that you are not disabled.

We use a different sequential evaluation process for children who apply for payments based on disability under SSI. If you are already receiving benefits, we also use a different sequential evaluation process when we decide whether your disability continues. See §§ 404.1594, 416.924, 416.994, and 416.994a of our regulations. However, all of these processes include steps at which we consider whether your impairment(s) meets or medically equals one of our listings.

### What Are the Listings?

The listings are examples of impairments that we consider severe enough to prevent you as an adult from doing any gainful activity. If you are a child seeking SSI payments based on disability, the listings describe impairments that we consider severe enough to result in marked and severe functional limitations. Although the listings are contained only in appendix 1 to subpart P of part 404 of our regulations, we incorporate them by reference in the SSI program in § 416.925 of our regulations, and apply them to claims under both title II and title XVI of the Act.

### How Do We Use the Listings?

The listings are in two parts. There are listings for adults (part A) and for children (part B). If you are a person age 18 or over, we apply the listings in part A when we assess your claim, and we never use the listings in part B.

If you are a person under age 18, we first use the criteria in part B of the listings. If the listings in part B do not apply, and the specific disease process(es) has a similar effect on adults and children, we then use the criteria in part A. (See §§ 404.1525 and 416.925.) If your impairment(s) does not meet any listing, we will consider whether it medically equals any listing; that is, whether it is as medically severe. (See §§ 404.1526 and 416.926.)

### What If You Do Not Have An Impairment(s) That Meets or Medically Equals a Listing?

We use the listings only to decide that you are disabled or that you are still disabled. We will never deny your claim or decide that you no longer qualify for benefits because your impairment(s) does not meet or medically equal a listing. If you have a severe impairment(s) that does not meet or medically equal any listing, we may still find you disabled based on other rules in the "sequential evaluation process." Likewise, we will not decide that your disability has ended only because your impairment(s) does not meet or medically equal a listing.

Also, when we conduct reviews to determine whether your disability continues, we will not find that your disability has ended because we have changed a listing. Our regulations explain that, when we change our listings, we continue to use our prior listings when we review your case, if you qualified for disability benefits or SSI payments based on our determination or decision that your impairment(s) met or medically equalled

a listing. In these cases, we determine whether you have experienced medical improvement, and if so, whether the medical improvement is related to the ability to work. If your condition(s) has medically improved, so that you no longer meet or medically equal the prior listing, we evaluate your case further to determine whether you are currently disabled. We may find that you are currently disabled, depending on the full circumstances of your case. See §§ 404.1594(c)(3)(i) and 416.994(b)(2)(iv)(A). If you are a child who is eligible for SSI payments, we follow a similar rule when we decide whether you have experienced medical improvement in your condition(s). See § 416.994a(b)(2).

### What Do We Mean by "Final Rules" and "Prior Rules"?

Even though these rules will not go into effect until 30 days after publication of this notice, for clarity, we refer to the changes we are making here as the "final rules" and to the rules that will be changed by these final rules as the "prior rules."

### Why Are We Revising Our Evidentiary Requirements for Making Findings About Medical Equivalence?

Prior §§ 404.1526 and 416.926 did not contain the same language because of changes we made to § 416.926 in final rules that we published on February 11, 1997. On that date, we published interim final rules to implement the childhood disability provisions of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The rules became effective on April 14, 1997 (62 FR 6408).

Before April 14, 1997, §§ 404.1526 and 416.926 were essentially identical, with only minor differences specific to titles II and XVI. However, § 416.926 applied only to adults; our rules for evaluating medical equivalence for children under the SSI program were in § 416.926a of our regulations, along with our policies about functional equivalence in children. In the interim final rules that became effective on April 14, 1997, we moved the rules for medical equivalence in children into the same section as the rules for medical equivalence in adults, reserving § 416.926a solely for functional equivalence.

Before April 14, 1997, we provided more detailed rules for determining medical equivalence for children in § 416.926a than in the corresponding rules for determining medical equivalence for adults in §§ 404.1526 and 416.926. We adopted this language



in our childhood regulations from internal operating instructions about medical equivalence that we applied to all individuals. When we revised § 416.926 in 1997, we decided to use the more detailed rules for both children and adults. We explained in the preamble to the interim final rules that:

[w]e decided to use the provisions of former § 416.926a(b) to explain our rules for determining medical equivalence for both adults and children. This is not a substantive change, but a clearer statement of our longstanding policy on medical equivalence than was previously included in prior § 416.926(a), as it was clarified for children in prior § 416.926a(b). This merely allows us to address only once in our regulations the policy of medical equivalence, which is and always has been the same for adults and children.

62 FR at 6413.

While we did not revise § 404.1526 when we revised § 416.926 in 1997, we also recognized that there was no substantive difference between the two rules. We noted in the preamble that “[a]lthough some of the text of [§ 416.926(a)] will differ from the text of § 404.1526(a), both sections \* \* \* will continue to provide the same substantive rules.” 62 FR at 6413. Since we did not revise § 404.1526 when we published the interim final rules for evaluating disability in children, we also did not revise it when we published final rules in 2000. 65 FR 54747, 54768 (2000). We are now revising prior § 404.1526 so that it includes the same language as § 416.926.

In addition, we are making minor revisions to the language in our rules on medical equivalence to clarify that we consider all information that is relevant to our finding about whether your impairment(s) medically equals the criteria of a listing. In *Hickman v. Apfel*, 187 F.3d 683 (7th Cir. 1999), the Court of Appeals interpreted our statement in prior § 416.926(b) that “[w]e will always base our decision about whether your impairment(s) is medically equal to a listed impairment on medical evidence only” differently from what we intended. The *Hickman* court held that this provision meant that we could use evidence only from medical sources when we made findings about medical equivalence. However, we intended the phrase “medical evidence only” in the prior regulation section only to exclude consideration of the vocational factors of age, education, and work experience, as defined in a number of our other regulations. See, for example, §§ 404.1501(g), 404.1505, 404.1520(g), 404.1560(c)(1), 416.901(j), 416.905, 416.920(g), and 416.960(c)(1) of our

regulations. Under our interpretation of our regulations, the phrase “medical evidence” included not just findings reported by medical sources but other information about your medical condition(s) and its effects, including your own description of your impairment(s).

The *Hickman* court believed that when we amended the regulations in 1997 to add § 416.926(b) we added a rule that “explicitly eliminates any recourse to non-medical evidence.” *Hickman*, 187 F.3d at 688. However, as we have already noted in the above quotes from the preamble to the 1997 interim final regulations, we stated in that preamble that this was not our intent. Thus, the court’s decision interpreted the language of our regulations more narrowly than we intended.

Because of this, we issued AR 00–2(7) to implement the Court of Appeals’ holding within the States in the Seventh Circuit. 65 FR 25783 (2000). In the AR, we stated that we intended to clarify the language at issue in *Hickman* at §§ 404.1526 and 416.926 through the issuance of a regulatory change and that we might rescind the AR once we clarified the regulations. 65 FR at 25785. Likewise, when we published the final rules for evaluating disability in children on September 11, 2000, we indicated in response to comments that we planned to revise § 404.1526 to clarify this issue in response to *Hickman*. 65 FR at 54768. We are now revising §§ 404.1526 and 416.926 to clarify our longstanding interpretation of the regulations in response to the *Hickman* decision. As we have already noted, we are also publishing a separate notice rescinding AR 00–2(7) effective on the same date that these rules become effective.

#### When Will We Start To Use These Final Rules?

We will start to use these final rules on their effective date. We will continue to use our prior rules until the effective date of these final rules. When the final rules become effective, we will apply them to new applications filed on or after the effective date of these rules and to claims pending before us, as we describe below.

As is our usual practice when we make changes to our regulations, we will apply these final rules on or after their effective date when we make a determination or decision, including those claims in which we make a determination or decision after remand to us from a Federal court. With respect to claims in which we have made a final decision, and that are pending judicial

review in Federal court, we expect that the court’s review of the Commissioner’s final decision would be made in accordance with the rules in effect at the time of the administrative law judge’s (ALJ) decision, if the ALJ’s decision is the final decision of the Commissioner. If the court determines that the Commissioner’s final decision is not supported by substantial evidence, or contains an error of law, we would expect that the court would reverse the final decision, and remand the case for further administrative proceedings pursuant to the fourth sentence of section 205(g) of the Act, except in those few instances in which the court determines that it is appropriate to reverse the final decision and award benefits without remanding the case for further administrative proceedings. In those cases decided by a court after the effective date of the rules, where the court reverses the Commissioner’s final decision and remands the case for further administrative proceedings, on remand, we will apply the provisions of these final rules to the entire period at issue in the claim.

#### What Revisions Are We Making?

##### *Section 404.1526 Medical Equivalence*

##### *Section 416.926 Medical Equivalence for Adults and Children*

We are revising §§ 404.1526 and 416.926 so that they use the same language. We are also revising these sections to clarify that we consider all relevant evidence in your case record when we make a finding about whether your impairment or combination of impairments medically equals a listing. The specific revisions are as follows.

We are replacing all of the headings with questions, revising text to put it into active voice and to use simpler language where possible, and reorganizing text and providing more subparagraphs for ease of reading.

Final §§ 404.1526(a) and 416.926(a)—“What is medical equivalence?”—correspond to the first sentence of prior § 416.926(a)—“How medical equivalence is determined.” They provide a basic definition of medical equivalence.

Final §§ 404.1526(b) and 416.926(b)—“How do we determine medical equivalence?”—correspond to the last sentence of prior § 416.926(a) and the provisions of prior §§ 416.926(a)(1) and (a)(2). Throughout these sections, we have removed the word “medical” from the phrase “medical findings” in the prior rules to help clarify that we consider all relevant information when we determine whether your

impairment(s) medically equals the requirements of a listing.

We are also adding new §§ 404.1526(b)(4) and 416.926(b)(4) to provide cross-references to §§ 404.1529(d)(3) and 416.929(d)(3). Those sections explain how we consider symptoms when we make findings about medical equivalence.

Final §§ 404.1526(c) and 416.926(c)—“What evidence do we consider when we determine if your impairment(s) medically equals a listing?”—correspond to prior §§ 404.1526(b) and 416.926(b) and the third sentence of prior § 416.926(a). In these sections, we clarify that we consider all evidence in your case record about your impairment(s) and its effects on you that is relevant to our finding whether your impairment(s) medically equals a listing. We also explain that this means only that we do not consider your vocational factors of age, education, and work experience. The last sentence of final §§ 404.1526(c) and 416.926(c) corresponds to the last sentence of prior §§ 404.1526(b) and 416.926(b). We are making minor editorial changes to the language of that sentence, including the deletion of the word “medical” from the phrase “medical opinion” that was in the prior rules. Under §§ 404.1527(a) and 416.927(a) of our regulations, the term “medical opinion” has a specific meaning that does not include opinions about medical equivalence. This change only updates the language of §§ 404.1526(b) and 416.926(b) to match our other rules.

Because we are adding new §§ 404.1526(c) and 416.926(c), we are redesignating prior §§ 404.1526(c) and 416.926(c) as §§ 404.1526(d) and 416.926(d). These paragraphs explain who we consider to be designated medical and psychological consultants for purposes of determining medical equivalence. We are making only a minor editorial correction to the heading of prior paragraph (c) (final paragraph (d)): the addition of a question mark.

We are also redesignating prior § 416.926(d) as § 416.926(e) because of the addition of new final § 416.926(c). This paragraph explains who is responsible for determining medical equivalence at each level of the administrative review process. In addition, we are making a minor correction to the second sentence to reflect our current organization. The prior sentence referred to “the Associate Commissioner for Disability.” This reference is out of date because we no longer have an organization called the Office of Disability. The appropriate reference is now to “the Associate

Commissioner for Disability Determinations.” For an explanation of the reorganization that resulted in this change, see 67 FR 69287 (November 15, 2002). (For similar reasons, we are replacing the title “Director of the Office of Disability Hearings” with the title “Associate Commissioner for Disability Determinations” in a number of our rules in subpart J of part 404 and subpart N of part 416 to update those rules as well.) We are also making a minor revision in the heading of final § 416.926(e).

Prior § 404.1526 did not include a provision analogous to prior § 416.926(d) (final § 416.926(e)), so we are adding § 404.1526(e) to make § 404.1526 the same as final § 416.926.

#### What Other Revisions Are We Making?

##### *Section 404.1525 Listing of Impairments in Appendix 1*

##### *Section 416.925 Listing of Impairments in Appendix 1 of Subpart P of Part 404 of This Chapter*

We are updating and clarifying these sections, which describe the listings and how we use them. As in final §§ 404.1526 and 416.926, we are replacing all of the headings with questions, deleting the word “medical” from the phrase “medical criteria,” revising text to put it into active voice and into simpler language where possible, and reorganizing text and providing more subparagraphs for ease of reading. We are also explaining better how we organize listings sections and providing an explanation of what it means to “meet” a listing.

We are also updating our descriptions of the part B listings to reflect the current listings. As we explain below, some of the prior provisions regarding the part B listings dated back to 1977 and no longer accurately described the content of those listings. Finally, we are moving the provisions on symptoms as they pertain to meeting the listings to §§ 404.1529 and 416.929, our rules on evaluating symptoms, and deleting a provision that was unnecessary because it was redundant.

The following is a summary of the major changes we are making in final §§ 404.1525 and 416.925.

We are moving the discussion of duration in the last two sentences of prior §§ 404.1525(a) and 416.925(a) to final §§ 404.1525(c) and 416.925(c), where we discuss how we use the listings.

Final §§ 404.1525(b) and 416.925(b)—“How is appendix 1 organized?”—correspond to prior §§ 404.1525(b) and 416.925(b). They explain that the listings are in two parts: part A, which

is primarily for adults, and part B, which is only for children. In paragraph (b)(2), the paragraph that describes part B of the listings, we are deleting language from the prior rule that was out of date and no longer necessary.

When we originally published the part B listings for children in 1977, we intended them to supplement the part A listings. In the preamble to the publication of the part B listings, we explained that we originally developed the part A listings primarily for determining disability in adults. We indicated that a number of the listings for adults at that time were appropriate for evaluating disability in children too, but that there were also some listings that were not appropriate because certain listed impairments had different effects in children. We also noted that there were some diseases and other impairments in young children that were not addressed in the adult listings. Therefore, we published the part B listings, which we referred to as “additional criteria.” See 42 FR 14705 (March 16, 1977). The regulation at that time stated:

Part B is used where the criteria in Part A do not give appropriate consideration to the particular effects of disease processes in childhood; i.e., when the disease process is generally found only in children or when the disease process differs in its effect on children than on adults. Where additional criteria are included in Part B, the impairment categories are, to the extent feasible, numbered to maintain a relationship with their counterparts in Part A. The method for adjudicating claims for children under age 18 is to look first to Part B. Where the medical criteria in Part B are not applicable, the medical criteria in Part A should be used.

20 CFR 416.906 (1977). (In 1977, we published the childhood listings and the regulation that explained them only in subpart I of part 416 of our regulations. In 1980, we changed to the current version of our rules, in which we publish both the child and adult listings only in appendix 1 of subpart P of part 404 of our regulations and provide explanations of the listings in both §§ 404.1525 and 416.925. (45 FR 55566, August 20, 1980.))

With minor editorial changes, the corresponding language of the rules in prior §§ 404.1525(b)(2) and 416.925(b)(2) was essentially the same as the language that we first published. However, since we originally published the listings, we have greatly expanded the childhood listings in part B so that it is no longer appropriate to speak of them as a supplement to the part A listings. To the contrary, the part B listings are for the most part stand-

alone; that is, in addition to listings that are specifically for children, and with relatively few exceptions, they include the same listings as part A when those listings are applicable to both adults and children. Although it is still appropriate in claims of children to refer to certain listings in part A when the part B listings do not apply, the current relationship of part A to part B is the opposite of what it was when we first published the part B listings in 1977. For children, the primary listings are in part B, and we may use certain part A listings in addition to the part B listings.

We believe that the language in the first three sentences of prior §§ 404.1525(b)(2) and 416.925(b)(2) was not only out of date but also unnecessary. We first published it (and the part B listings) to provide rules for adjudicating claims of children under the SSI program when that program was still relatively young. Rules explaining the relationship between part A and the new part B were helpful in those early years, but we believe that we do not need this kind of explanation in our regulations anymore. They do not provide rules for adjudication or guidelines for our adjudicators to follow when they determine disability in children under the listings, and we do not believe that they provide information that is especially helpful to public understanding of our rules.

Therefore, we are deleting most of the language in the first three sentences of prior §§ 404.1525(b)(2) and 416.925(b)(2). We are clarifying in the third sentence of final §§ 404.1525(b)(2) and 416.925(b)(2)(i) that, if the criteria in part B do not apply, we may use the criteria in part A when those criteria give appropriate consideration to the effects of the impairment(s) in children. This is a more accurate statement of how we now use the part A listings in childhood claims. In the fourth sentence of the final rules, we are retaining the provision in the third sentence of the prior rules that explains that, to the extent possible, we number the provisions in part B to maintain a relationship with part A. We are retaining this statement in our rules because there are still some body systems in part B in which the listings are not numbered consecutively because of this relationship, and this provision will continue to answer questions about why some listings in part B are not consecutively numbered.

In the prior rules, § 416.925(b)(2) was longer than § 404.1525(b)(2). This was because the paragraph in part 416 included rules about our definition of the phrase "listing-level severity," which we use when we evaluate claims

of children seeking SSI payments based on disability under title XVI of the Act. We are not making any substantive changes to this language, but we are making minor editorial changes in final § 416.925(b)(2)(ii). None of these revisions, which are set forth in the bullets below, is a substantive change from the prior rules.

- First, because the prior paragraph was long, we are dividing it into two subparagraphs. Final § 416.925(b)(2)(i) is the same as final § 404.1525(b)(2). Final § 416.925(b)(2)(ii) contains the provisions unique to part 416 that started with the sixth sentence of prior § 416.925(b)(2).

- Second, the prior section referred to both "domains of functioning" and "broad areas of functioning." These terms are synonymous in our rules; however, we currently use the phrase "domains of functioning" more frequently. Therefore, in the final rules, we are changing the phrase "broad areas of functioning" to "domains of functioning" for consistency of language within the rules.

- Third, in the prior rules, we inadvertently referred inconsistently to both "extreme limitations" and "extreme limitation" in a domain as a standard of listing-level severity. We are correcting this inconsistency by changing the word "limitations" to "limitation" consistent with the standards in our other rules; see, for example, § 416.926a(a).

- Finally, we are deleting a duplicate cross-reference to § 416.926a. We inadvertently included the same parenthetical cross-reference to the definitions of the terms "marked" and "extreme" in the seventh and ninth sentences of prior § 416.925(b). We are deleting the second reference.

Final §§ 404.1525(c) and 416.925(c)—"How do we use the listings?"—correspond to prior §§ 404.1525(c) and 416.925(c). We are breaking up the prior paragraph into shorter subparagraphs and making editorial changes for clarity. In the second sentence of final §§ 404.1525(c)(2) and 416.925(c)(2), we are expanding and clarifying the second sentence of prior §§ 404.1525(c) and 416.925(c). The final rules clarify that we sometimes provide information in the introductory section of each body system that is necessary to show whether your impairment meets the criteria of a particular listing, not just to establish a diagnosis or the existence of a medically determinable impairment. For example, to meet most musculoskeletal listings, you must show that you have either an "inability to ambulate effectively" or an "inability to perform fine and gross movements

effectively." We define these severity terms from the individual musculoskeletal listings in the introductory text of the musculoskeletal body system, in section 1.00B2 for adults and 101.00B2 for children. Likewise, to meet listings 12.05 and 112.05, you must have mental retardation that satisfies the criteria in the introductory paragraph of those listings (the so-called capsule definition) in addition to the criteria in one of the paragraphs that follows the capsule definition; that is, listing 12.05A, B, C, or D for adults or 112.05A, B, C, D, or E for children. We explain this requirement for meeting listings 12.05 and 112.05 in the fourth paragraph of section 12.00A for adults and the eighth paragraph of section 112.00A for children.

Final §§ 404.1525(c)(3) and 416.925(c)(3) correspond to the next-to-last sentence of prior §§ 404.1525(c) and 416.925(c). However, we are expanding the information from the prior rules and clarifying it to define what we mean when we say that your impairment "meets" the requirements of a listing. We are deleting the explanation in the next-to-last sentence of the prior rules that the required level of severity in a listing is shown by "one or more sets of medical findings" and deleting the last sentence, which said that the medical findings "consist of symptoms, signs, and laboratory findings." These descriptions of our listings were not accurate. We have always had some listings that also include functional criteria. Further, we have a number of listings that do not include symptoms, signs, and laboratory findings in their criteria. We are not replacing the prior sentences because we believe that the final rules are clear enough without a detailed description of all the possible kinds of criteria a given listing might contain. Instead, we simply provide that your impairment(s) meets the requirements of a listing when it satisfies all of the criteria of that listing, including any relevant criteria in the introduction to the body system, and meets the duration requirement.

Final §§ 404.1525(c)(4) and 416.925(c)(4) correspond to the last two sentences of prior §§ 404.1525(a) and 416.925(a). In the prior rules, these sentences explained that

[m]ost of the listed impairments are permanent or expected to result in death, or a specific statement of duration is made. For all others, the evidence must show that the impairment has lasted or is expected to last for a continuous period of at least 12 months.

We are moving this language to the section of the final rules in which we

explain how we decide whether your impairment(s) meets a listing because it is most relevant to that finding. We are also making revisions to this language to better explain what we meant by the statement "or a specific statement of duration is made" in our prior rules. We meant by this statement that in some listings we state that we will find that your impairment(s) will meet the listing for a specific period of time. For example, in listings 13.06A and 113.06A, acute leukemia, we state that we will find that your impairment is disabling until at least 24 months from the date of diagnosis or relapse or at least 12 months from the date of the bone marrow or stem cell transplantation, whichever is later. Thereafter, we will evaluate any residual impairment under the criteria for the affected body systems.

Final §§ 404.1525(c)(5) and 416.925(c)(5) are new. They explain that when your impairment(s) does not meet a listing, it can "medically equal" the criteria of a listing, and provide a cross-reference to §§ 404.1526 and 416.926, our rules on medical equivalence. They also explain that when your impairment(s) does not meet or medically equal a listing we may find you disabled or still disabled at a later step in the sequential evaluation process. We do not specify the step in the process at which we may find you disabled or still disabled because there are different sequential evaluation processes for adults and children who file initial claims and for continuing disability reviews of adults and children.

We are removing prior §§ 404.1525(e) and 416.925(e) because we have more recent rules. Our policy on how we consider drug addiction and alcoholism is in §§ 404.1535 and 416.935, which we published in 1995. See 60 FR 8140, at 8147 (February 10, 1995).

Because of this deletion, we are redesignating §§ 404.1525(f) and 416.925(f) as §§ 404.1525(e) and 416.925(e). We are also simplifying these sections and making our regulations on the evaluation of symptoms more consistent by exchanging the provisions in prior §§ 404.1525(f) and 416.925(f) (final §§ 404.1525(e) and 416.925(e)) with the provisions of prior §§ 404.1529(d)(2) and 416.929(d)(2). In both prior and current §§ 404.1529(d) and 416.929(d), we explain how we consider your symptoms (such as pain) at each step of the sequential evaluation process. For example, in paragraph (d)(1) we explain how we consider your symptoms when we determine if your impairment(s) is "severe," and in paragraph (d)(3) we

explain how we consider your symptoms when we determine if your impairment(s) medically equals a listing. However, in prior paragraph (d)(2), instead of explaining how we consider your symptoms when we determine if your impairment meets a listing, we provided only a cross-reference to §§ 404.1525(f) and 416.925(f), where we explained our policy on symptoms and meeting listings.

For consistency, we are now moving the explanation of our policy on symptoms and meeting listings from prior §§ 404.1525(f) and 416.925(f) to §§ 404.1529(d)(2) and 416.929(d)(2) so that it is together with our explanations of how we consider symptoms at other steps in the sequential evaluation process. In final §§ 404.1525(e) and 416.925(e), we are providing a cross-reference to final §§ 404.1529(d)(2) and 416.929(d)(2) to ensure that our adjudicators refer to the provisions that we moved from prior §§ 404.1525(f) and 416.925(f) to final §§ 404.1529(d)(2) and 416.929(d)(2). As we have already noted, we are adding similar new §§ 404.1526(b)(4) and 416.926(b)(4) to provide cross-references to §§ 404.1529(d)(3) and 416.929(d)(3) to refer to our rules for considering symptoms when making medical equivalence determinations.

#### *Sections 404.1528 and 416.928 Symptoms, Signs, and Laboratory Findings*

We are deleting the opening statement of these sections, which said that "[m]edical findings consist of symptoms, signs, and laboratory findings." We believe that the statement is unnecessary and that deleting it will help to remove any confusion about the evidence we consider wherever we use "medical findings" in our rules.

#### *Sections 404.1529 and 416.929 How We Evaluate Symptoms, Including Pain*

As we have already explained, we are replacing §§ 404.1529(d)(2) and 416.929(d)(2) with the text of prior §§ 404.1525(f) and 416.925(f). Except for minor editorial revisions, the language is unchanged.

We are adding the word "medically" to the heading of final §§ 404.1529(d)(3) and 416.929(d)(3) so that they read, "Decision whether the Listing of Impairments is medically equaled." We are revising the third sentence in those sections, for conformity with the changes in final §§ 404.1526 and 416.926, to indicate that we will base a finding of medical equivalence on all relevant evidence in the case record

about the impairment(s) and its effect on the individual.

We are making a number of minor editorial changes throughout final §§ 404.1529 and 416.929 to update them to match our current rules. For example, throughout these sections we are changing references to "your treating or examining physician or psychologist" to "your treating or nontreating source." This change updates the rules to match the terms we use in §§ 404.1502 and 416.902 and our other rules that refer to medical sources; it does not change the meaning of the sentence. We are also correcting a cross-reference in the second sentence of §§ 404.1529(a) and 416.929(a) to reflect our current rules.

#### **Public Comments**

In the Notice of Proposed Rulemaking (NPRM) we published on June 17, 2005 (70 FR 35188), we provided the public with a 60-day period in which to comment. The period ended on August 16, 2005.

We received comments from four public commenters. One commenter sent in comments supporting the proposed changes; because it was entirely supportive, that letter did not require summary or response. We carefully considered the three remaining comment letters. Because some of the comments in these letters were long, we have condensed, summarized, and paraphrased them. We have tried, however, to summarize the commenters' views accurately and to respond to all of the significant issues raised by the commenters that were within the scope of the proposed rules. We provide our reasons for adopting or not adopting the comments in our responses below.

*Comment:* One commenter did not agree with our proposal to remove language from the last two sentences of prior §§ 404.1525(c) and 416.925(c). We explained in the NPRM that we proposed to delete the explanation in the next-to-last sentence of the prior rules that the required level of severity in a listing is shown by "one or more sets of medical findings" and to delete the last sentence, which said that the medical findings "consist of symptoms, signs, and laboratory findings," because these descriptions of our listings were not accurate. The commenter disagreed, saying that "[a]ll listings do require, in some combination, symptoms, signs and/or laboratory findings." The commenter further stated that the proposed rules seemed to "overestimate the importance of function[.]" The commenter said that any functional restriction(s) described in the listings must still result from the impairment, and that the presence of the impairment



must still be established by medical findings.

*Response:* We did not make any changes in the final rules as a result of this comment. Like these final rules, the proposed rules only provided a clearer explanation of the criteria various listings may contain and how we use listings. The rules indicate that "[w]ithin each listing, we specify the objective medical and other findings needed to satisfy the criteria of that listing." See proposed and final §§ 404.1525(c)(3) and 416.925(c)(3). Therefore, the rules do continue to require consideration of clinical signs or laboratory findings, or both, under every listing, in addition to the symptoms and functional limitations that result from the medically determinable impairment when those factors are criteria in a listing.

Likewise, we explain that in the introductory text of listings "we may also include specific criteria for establishing a diagnosis" or for "confirming the existence of an impairment." We also state that "[e]ven if we do not include specific criteria for establishing a diagnosis or confirming the existence of your impairment, you must still show that you have a severe medically determinable impairment(s), as defined in [§§ 404.1508, 404.1520(c), 416.908, and 416.920(c)]." See proposed and final §§ 404.1525(c)(2) and 416.925(c)(2). Sections 404.1508 and 416.908 of our regulations provide that an individual must show an impairment that results from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical and laboratory diagnostic techniques, and that an impairment "must be established by medical evidence consisting of signs, symptoms, and laboratory findings."

*Comment:* The same commenter also did not support our proposal to delete the word "medical" from the phrase "medical opinion" in the last sentence of prior §§ 404.1526(b) and 416.926(b) (proposed and final §§ 404.1526(c) and 416.926(c)). The commenter said that opinions from medical or psychological consultants designated by the Commissioner "would obviously be medical opinions." (Emphasis in original.)

*Response:* We did not adopt the comment because it is not correct under our regulatory definition of the term "medical opinion." As we explained in the preamble to the NPRM (70 FR at 35190), "[u]nder §§ 404.1527(a) and 416.927(a) of our regulations, the term 'medical opinion' has a specific meaning that does not include opinions

about medical equivalence." Sections 404.1527(a)(2) and 416.927(a)(2) of our regulations define "medical opinions" as "statements from physicians and psychologists or other acceptable medical sources that reflect judgments about the nature and severity of your impairment(s), including your symptoms, diagnosis and prognosis, what you can still do despite impairment(s), and your physical or mental restrictions." The term "medical opinion" is different from the term "medical source opinions on issues reserved to the Commissioner," which we define in §§ 404.1527(e) and 416.927(e) of our regulations. In those sections, we explain that opinions on some issues are not "medical opinions," and we follow with examples of such opinions. In §§ 404.1527(e)(2) and 416.927(e)(2), we explain that opinions from medical sources about whether an impairment(s) meets or medically equals the requirements of a listing are "opinions on issues reserved to the Commissioner."

*Comment:* The same commenter also recommended editorial changes. The commenter recommended that we add the word "medical" before the words "history" and "signs" in proposed §§ 404.1529(c)(1) and (c)(4) and 416.929(c)(1) and (c)(4). The commenter also recommended that instead of using the term "nontreating source" throughout §§ 404.1529 and 416.929 we use the phrase "others who have examined but not treated you." Finally, the commenter suggested that we add a sentence to indicate that we will consider information from the individual and from others who can provide information about the individual's medical condition.

*Response:* We did not adopt the comments. The reason we proposed to delete the word "medical" before the words "history" and "sign" in §§ 404.1529(c)(1) and (c)(4) and 416.929(c)(1) and (c)(4) is that it did not add anything meaningful to the prior regulations and could have been misinterpreted. Although we do not define the phrase "medical history" in our regulations, we do define the term "complete medical history" in §§ 404.1512(d) and 416.912(d). In those rules, we define the term as meaning "records of your medical source(s) covering at least the 12 months preceding the month in which you file your application" or preceding other dates in certain special situations we describe in the rules. Since we do not intend to restrict the meaning of the word "history" only to records from medical sources, we believe that it is important to delete the word in

§§ 404.1529(c) and 416.929(c) to avoid any confusion with the term "complete medical history."

The reason we proposed to delete the word "medical" from before the word "signs" is that it was redundant. We define the term "signs" in §§ 404.1528(b) and 416.928(b) of our regulations as "anatomical, physiological, or psychological abnormalities which can be observed, apart from your statements (symptoms)" and explain that "signs" must be shown by "medically acceptable clinical diagnostic techniques." Therefore, under our definition "signs" are always "medical."

There are two reasons that we did not adopt the recommendation to replace our proposed references to the term "nontreating source" with the phrase "others who have examined but not treated you." First, the sentence proposed by the commenter was not an accurate paraphrase of our definition of "nontreating source" in §§ 404.1502 and 416.902 of our regulations. Under our regulations, a "nontreating source" may have provided treatment to the individual. Our regulations specify that a nontreating source is an acceptable medical source who "does not have, or did not have, an *ongoing* treatment relationship" with the individual. (Emphasis supplied.) This does not necessarily mean that the source provided no treatment; for example, an acceptable medical source who treats an individual one time in an emergency room is a "nontreating source" under our rules even though the source has provided some treatment. Second, and as we explained in the preamble to the NPRM (70 FR at 35193), we proposed to use the phrase "nontreating source" throughout §§ 404.1529 and 416.929 so that it would match our use of the term in other disability rules. If we replaced it with another phrase, it would not be consistent with those other rules.

Finally, we did not add the sentence suggested by the commenter that would provide that we consider evidence from the individual and others. The commenter did not indicate where the additional sentence should go, but in the context of the commenter's letter it appears that the commenter was suggesting that we add it to §§ 404.1529 and 416.929, our regulations that explain how we consider symptoms, such as pain. We did not adopt the comment because we already explain throughout those regulations that we consider all evidence relevant to our consideration of a person's symptoms, which can include evidence from the individual and from others who can

provide information about the individual's condition.

*Comment:* Another commenter indicated concerns about our policy of medical equivalence. The commenter believed that we should not review unlisted impairments under our listings because approvals "necessarily end up based on ailments the claimant does not have and therefore cannot demonstrate as still existing upon review." The commenter believed that the policy of medical equivalence does not "contribute to [an] accurate, money saving and streamlined approval process."

The commenter was also concerned that it is more difficult for people with unlisted impairments and combinations of impairments to be approved. The commenter suggested that we update our listings to include new illnesses that are currently being approved under the present impairment listings and provide a listing for people who have a combination of impairments.

The commenter also said that it is difficult for beneficiaries to determine which doctor visits to put down on our forms when we do a continuing disability review if they do not know which impairments we considered when we found them disabled. The commenter believed that on review it would be necessary to change our records regarding an individual's impairments and that there is a chance of losing benefits because of this. Finally, the commenter made a number of comments that were relevant to another NPRM, "Administrative Review Process for Adjudicating Initial Disability Claims," 70 FR 43589 (July 25, 2005).

*Response:* These final rules only clarify our longstanding policies for determining medical equivalence to listings. As long as the listings do not include every disabling impairment or combination of impairments that a person might have, we will still need the policy of medical equivalence to ensure that we allow individuals who should be allowed as early in our process as possible. It is often easier, faster, and less costly to find individuals disabled based on medical equivalence than to proceed to consider disability based on assessment of their residual functional capacity and their age, education, and previous work experience.

Under our policy of medical equivalence we do find individuals to be disabled based on the impairments they have even if the impairment is unlisted or there is a combination of impairments. We compare an individual's impairment or combination

of impairments with a closely analogous listing for purposes of establishing the severity of the impairment(s). For example, we may find that an individual's migraine headaches (an unlisted impairment) are medically equivalent in severity to listing 11.03, a seizure disorder listing that is the most closely analogous listing we have for comparison. When we do, we find that the individual is disabled from migraine headaches that are equally as severe as the seizures described in listing 11.03; we code the individual's impairment in our computer system as migraine headaches, not seizures, and we show in the individual's case record that we found disability based on migraine headaches. Even when we do not have a specific code for an individual's particular medical impairment, we still show the medical impairment(s) we considered—not the impairment in the listing we used for comparison—in the individual's case record. Therefore, beneficiaries should not be concerned about there being a need to change our records to reflect a "true diagnosis" in order to avoid losing benefits. Also, we do not find individuals disabled based only on their diagnoses; rather, we consider the severity of their impairments.

Under our regulations for considering whether a beneficiary continues to be disabled, we must review the individual's case record and consider all of the impairments the individual had at the time we last found disability, including those that were not the basis for our last finding of disability. If necessary, we also consider new impairments the individual has developed since the last time we found him or her disabled. See §§ 404.1594, 416.994, and 416.994a of our regulations. Under these regulations, we generally must show that there has been medical improvement in the individual's original medical impairment(s). If there is, we must also consider all of the individual's current impairments before we can determine that the individual is no longer disabled. Therefore, when we review the continuing disability of beneficiaries, we ask them to provide us with information about all of their medical conditions since the last time we found them disabled and the names of all of the doctors and other treatment sources they have. Individuals should not choose which of their doctor visits to tell us about, but should report all of their medical history to us.

As we revise the listings, we are trying to make them more inclusive. For example, we revised the musculoskeletal listings in 2001 to place

less emphasis on diagnosis and more on functional outcomes than we had in the past. Instead of listing specific diagnoses, we generally list categories of impairments; for example, "major dysfunction of a joint(s)" for any medical reason (see listings 1.02 and 101.02). More recently, we published revisions to the skin listings that also use categories of skin disorders instead of specific diagnoses (see sections 7.00 and 107.00 of our listings). By revising the listings in this way, we allow more people to show that their impairments are included in the listings. We also believe that more people, especially people with combinations of impairments, can show that their impairments medically equal listings when listings include these kinds of criteria. Again, our emphasis is less on the specific medical conditions the individuals have and more on the specific effects the impairments have on their ability to work (or in the case of a child, to function compared to other children the same age who do not have impairments).

The comments that were relevant to the other NPRM cited above were outside the scope of this rulemaking. They are included with the public comments for that NPRM and we will address them when we issue final rules in connection with that NPRM.

*Comment:* The last commenter's letter first noted that

\* \* \* at least some of the listings can be broken down into (a) cause(s) and (b) effects. That is to say, someone will 'meet' the listings if they have the listed cause(s) and the listed effects.

The commenter asked whether the causes and effects are both "findings" and if not, why not. The commenter further said that "[t]he proposed regulations appear[ed] to emphasize cause over effects," that this would "require assessments which are both subjective [and] arbitrary," and that "[a]s long as a 'severe' cause(s) [is] present, it is the effects of the cause(s) that render someone disabled." (Emphasis in original.) The commenter provided an example of one individual who was blinded by a cannon firing buckshot and who sustained significant "collateral damage" and a second individual who was blinded by a BB gun. He concluded: "Perhaps we should pay most of our attention to the effects. \* \* \* If they are both blind, then they are both blind."

On the other hand, the commenter also suggested that our "regulations should re-direct [our] focus to both (a) 'severe' cause(s), and (b) the listed 'severe' effects." (Emphasis in original.)

The commenter did not elaborate on this observation.

Response: We did not make any changes in the final rules in response to this comment, in part because the comment was not clear to us. We believe the commenter was referring primarily to the language in proposed (now final) §§ 404.1526(b)(2) and (b)(3) and 416.926(b)(2) and (b)(3) that explained that we compare the "findings" related to an individual's impairment(s) to the findings of a listing. (The word "findings" also appears in §§ 404.1526(b)(1) and 416.926(b)(1), but in that context the claimant has the listed impairment, and it would not appear to be relevant to this comment.) It appears that the commenter believed that there are listings that consider the cause of the individual's medically determinable impairment(s), and that in some cases the cause of an individual's impairment would not be as severe as the cause of the impairment we include in the listing we are using for comparison; using the commenter's example, being shot with a cannon as compared to being shot with a BB gun, even though both result in blindness.

The commenter's observations and example were erroneous for two reasons. First, the listings do not include findings about how an individual specifically acquires an impairment. The listings use symptoms, signs, and laboratory findings to describe medical conditions (that is, what we call "impairments") and do not specify that individuals must demonstrate how they acquired their impairments. Even in listings such as listings 12.05 and 112.05, which specify that the impairment must have been present since before age 22, or listings 12.02 and 112.02, which specify that there must be an organic basis for the required dysfunction of the brain, there is no requirement to specify particular causes of particular severity for these impairments. The findings in our listings establish only that the impairments exist and how serious they are.

Second, an impairment(s) that medically equals a listing cannot by definition be objectively less serious than a listed impairment. The nature of the impairment cannot be separated from the severity criteria; for example, a dysthymic disorder (an unlisted impairment) that medically equals listing 12.04A1, major depressive disorder, because it results in "marked" limitations of functioning in two of the areas described in paragraph 12.04B is by definition as medically severe as a major depressive disorder. The test of

medical equivalence is whether the totality of the individual's findings are equivalent in severity to the totality of the findings in the listing we use for comparison.

It should also be noted that most of our current listings are not diagnosis-specific, but more categorical. For example, as we have already noted in response to the first commenter's letter, most of our musculoskeletal listings describe categories of musculoskeletal problems regardless of their cause, instead of specific diagnoses; for example, major dysfunction of major peripheral joints or disorders of the spine. The same can be said for many other listings in other body systems, including our listings for blindness. Therefore, the question whether the "cause" of an individual's impairment is less serious than the "cause" of a listed impairment could not arise in such listings since the emphasis is on the comparison of the "effects."

The proposed (now final) rules explaining how an individual's impairment(s) medically equals a listing for the most part repeated language that has been in our regulations and other instructions for many years. They did not emphasize "cause" over "effects" but merely indicated that an individual must have findings of equivalent severity to findings in a given listing. If anything, our deletion of references to "medical" evidence in the proposed rules and these final rules emphasized the predominant importance of the "effects" of impairments over their causes.

#### Regulatory Procedures

##### Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules meet the criteria for a significant regulatory action under Executive Order 12866, as amended by Executive Order 13258. Thus, they were reviewed by OMB.

##### Regulatory Flexibility Act

We certify that these rules will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

##### Paperwork Reduction Act

The Paperwork Reduction Act (PRA) of 1995 says that no persons are required to respond to a collection of information unless it displays a valid OMB control number. In accordance with the PRA, SSA is providing notice

that the Office of Management and Budget has approved the information collection requirements contained in sections 404.918(d) and 416.1418(d) of these final rules. The OMB Control Number for this collection is 0960-0709, expiring October 31, 2008.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; and 96.006, Supplemental Security Income).

#### List of Subjects

##### 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

##### 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: December 12, 2005.

Jo Anne B. Barnhart,  
Commissioner of Social Security.

For the reasons set forth in the preamble, subparts J and P of part 404 and subparts I and N of part 416 of chapter III of title 20 of the Code of Federal Regulations are amended as set forth below:

#### PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950— )

##### Subpart J—[Amended]

■ 1. The authority citation for subpart J of part 404 continues to read as follows:

**Authority:** Secs. 201(j), 204(f), 205(a), (b), (d)–(h), and (j), 221, 223(i), 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 401(j), 404(f), 405(a), (b), (d)–(h), and (j), 421, 423(i), 425, and 902(a)(5)); sec. 5, Pub. L. 97–455, 96 Stat. 2500 (42 U.S.C. 405 note); secs. 5, 6(c)–(e), and 15, Pub. L. 98–460, 98 Stat. 1802 (42 U.S.C. 421 note).

■ 2. Section 404.914 is amended by revising the first sentence of paragraph (c)(1) to read as follows:

##### § 404.914 Disability hearing—general.

\* \* \* \* \*  
(c) *Time and place*—(1) *General.*  
Either the State agency or the Associate Commissioner for Disability Determinations or his or her delegate, as appropriate, will set the time and place of your disability hearing. \* \* \*  
\* \* \* \* \*

■ 3. Section 404.915 is amended by revising the second sentence of paragraph (a) and paragraph (c) introductory text to read as follows:

**§ 404.915 Disability Hearing—disability hearing officers.**

(a) *General.* \* \* \* The disability hearing officer will be an experienced disability examiner, regardless of whether he or she is appointed by a State agency or by the Associate Commissioner for Disability Determinations or his or her delegate, as described in paragraphs (b) and (c) of this section.

\* \* \* \* \*

(c) *Federal hearing officers.* The disability hearing officer who conducts your disability hearing will be appointed by the Associate Commissioner for Disability Determinations or his or her delegate if:

\* \* \* \* \*

■ 4. Section 404.917 is amended by revising paragraph (d) to read as follows:

**§ 404.917 Disability hearing—disability hearing officer's reconsidered determination.**

\* \* \* \* \*

(d) *Effect.* The disability hearing officer's reconsidered determination, or, if it is changed under § 404.918, the reconsidered determination that is issued by the Associate Commissioner for Disability Determinations or his or her delegate, is binding in accordance with § 404.921, subject to the exceptions specified in that section.

■ 5. Section 404.918 is revised to read as follows:

**§ 404.918 Disability hearing—review of the disability hearing officer's reconsidered determination before it is issued.**

(a) *General.* The Associate Commissioner for Disability Determinations or his or her delegate may select a sample of disability hearing officers' reconsidered determinations, before they are issued, and review any such case to determine its correctness on any grounds he or she deems appropriate. The Associate Commissioner or his or her delegate shall review any case within the sample if:

- (1) There appears to be an abuse of discretion by the hearing officer;
- (2) There is an error of law; or
- (3) The action, findings or conclusions of the disability hearing officer are not supported by substantial evidence.

*Note to paragraph (a):* If the review indicates that the reconsidered determination prepared by the disability

hearing officer is correct, it will be dated and issued immediately upon completion of the review. If the reconsidered determination prepared by the disability hearing officer is found by the Associate Commissioner or his or her delegate to be deficient, it will be changed as described in paragraph (b) of this section.

(b) *Methods of correcting deficiencies in the disability hearing officer's reconsidered determination.* If the reconsidered determination prepared by the disability hearing officer is found by the Associate Commissioner for Disability Determinations or his or her delegate to be deficient, the Associate Commissioner or his or her delegate will take appropriate action to assure that the deficiency is corrected before a reconsidered determination is issued. The action taken by the Associate Commissioner or his or her delegate will take one of two forms:

(1) The Associate Commissioner or his or her delegate may return the case file either to the component responsible for preparing the case for hearing or to the disability hearing officer, for appropriate further action; or

(2) The Associate Commissioner or his or her delegate may issue a written reconsidered determination which corrects the deficiency.

(c) *Further action on your case if it is sent back by the Associate Commissioner for Disability Determinations or his or her delegate either to the component that prepared your case for hearing or to the disability hearing officer.* If the Associate Commissioner for Disability Determinations or his or her delegate sends your case back either to the component responsible for preparing the case for hearing or to the disability hearing officer for appropriate further action, as provided in paragraph (b)(1) of this section, any additional proceedings in your case will be governed by the disability hearing procedures described in § 404.916(f) or if your case is returned to the disability hearing officer and an unfavorable determination is indicated, a supplementary hearing may be scheduled for you before a reconsidered determination is reached in your case.

(d) *Opportunity to comment before the Associate Commissioner for Disability Determinations or his or her delegate issues a reconsidered determination that is unfavorable to you.* If the Associate Commissioner for Disability Determinations or his or her delegate proposes to issue a reconsidered determination as described in paragraph (b)(2) of this section, and that reconsidered determination is

unfavorable to you, he or she will send you a copy of the proposed reconsidered determination with an explanation of the reasons for it, and will give you an opportunity to submit written comments before it is issued. At your request, you will also be given an opportunity to inspect the pertinent materials in your case file, including the reconsidered determination prepared by the disability hearing officer, before submitting your comments. You will be given 10 days from the date you receive the Associate Commissioner's notice of proposed action to submit your written comments, unless additional time is necessary to provide access to the pertinent file materials or there is good cause for providing more time, as illustrated by the examples in § 404.911(b). The Associate Commissioner or his or her delegate will consider your comments before taking any further action on your case.

**Subpart P—[Amended]**

■ 6. The authority citation for subpart P of part 404 continues to read as follows:

*Authority:* Secs. 202, 205(a), (b), and (d)–(h), 216(i), 221(a) and (i), 222(c), 223, 225, and 702(a) (5) of the Social Security Act (42 U.S.C. 402, 405(a), (b), and (d)–(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a) (5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189.

■ 7. Section 404.1525 is revised to read as follows:

**§ 404.1525 Listing of Impairments in appendix 1.**

(a) *What is the purpose of the Listing of Impairments?* The Listing of Impairments (the listings) is in appendix 1 of this subpart. It describes for each of the major body systems impairments that we consider to be severe enough to prevent an individual from doing any gainful activity, regardless of his or her age, education, or work experience.

(b) *How is appendix 1 organized?* There are two parts in appendix 1:

(1) *Part A* contains criteria that apply to individuals age 18 and over. We may also use part A for individuals who are under age 18 if the disease processes have a similar effect on adults and children.

(2) *Part B* contains criteria that apply only to individuals who are under age 18; we never use the listings in part B to evaluate individuals who are age 18 or older. In evaluating disability for a person under age 18, we use part B first. If the criteria in part B do not apply, we may use the criteria in part A when those criteria give appropriate consideration to the effects of the



impairment(s) in children. To the extent possible, we number the provisions in part B to maintain a relationship with their counterparts in part A.

(c) *How do we use the listings?* (1) Each body system section in parts A and B of appendix 1 is in two parts: an introduction, followed by the specific listings.

(2) The introduction to each body system contains information relevant to the use of the listings in that body system; for example, examples of common impairments in the body system and definitions used in the listings for that body system. We may also include specific criteria for establishing a diagnosis, confirming the existence of an impairment, or establishing that your impairment(s) satisfies the criteria of a particular listing in the body system. Even if we do not include specific criteria for establishing a diagnosis or confirming the existence of your impairment, you must still show that you have a severe medically determinable impairment(s), as defined in §§ 404.1508 and 404.1520(c).

(3) The specific listings follow the introduction in each body system, after the heading, *Category of Impairments*. Within each listing, we specify the objective medical and other findings needed to satisfy the criteria of that listing. We will find that your impairment(s) meets the requirements of a listing when it satisfies all of the criteria of that listing, including any relevant criteria in the introduction, and meets the duration requirement (see § 404.1509).

(4) Most of the listed impairments are permanent or expected to result in death. For some listings, we state a specific period of time for which your impairment(s) will meet the listing. For all others, the evidence must show that your impairment(s) has lasted or can be expected to last for a continuous period of at least 12 months.

(5) If your impairment(s) does not meet the criteria of a listing, it can medically equal the criteria of a listing. We explain our rules for medical equivalence in § 404.1526. We use the listings only to find that you are disabled or still disabled. If your impairment(s) does not meet or medically equal the criteria of a listing, we may find that you are disabled or still disabled at a later step in the sequential evaluation process.

(d) *Can your impairment(s) meet a listing based only on a diagnosis?* No. Your impairment(s) cannot meet the criteria of a listing based only on a diagnosis. To meet the requirements of a listing, you must have a medically

determinable impairment(s) that satisfies all of the criteria in the listing.

(e) *How do we consider your symptoms when we determine whether your impairment(s) meets a listing?* Some listed impairments include symptoms, such as pain, as criteria. Section 404.1529(d)(2) explains how we consider your symptoms when your symptoms are included as criteria in a listing.

■ 8. Section 404.1526 is amended by revising paragraphs (a) and (b), revising the heading of paragraph (c) and redesignating paragraph (c) as paragraph (d), and adding new paragraphs (c) and (e), to read as follows:

**§ 404.1526 Medical equivalence.**

(a) *What is medical equivalence?* Your impairment(s) is medically equivalent to a listed impairment in appendix 1 if it is at least equal in severity and duration to the criteria of any listed impairment.

(b) *How do we determine medical equivalence?* We can find medical equivalence in three ways.

(1)(i) If you have an impairment that is described in appendix 1, but —

(A) You do not exhibit one or more of the findings specified in the particular listing, or

(B) You exhibit all of the findings, but one or more of the findings is not as severe as specified in the particular listing,

(ii) We will find that your impairment is medically equivalent to that listing if you have other findings related to your impairment that are at least of equal medical significance to the required criteria.

(2) If you have an impairment(s) that is not described in appendix 1, we will compare your findings with those for closely analogous listed impairments. If the findings related to your impairment(s) are at least of equal medical significance to those of a listed impairment, we will find that your impairment(s) is medically equivalent to the analogous listing.

(3) If you have a combination of impairments, no one of which meets a listing (see § 404.1525(c)(3)), we will compare your findings with those for closely analogous listed impairments. If the findings related to your impairments are at least of equal medical significance to those of a listed impairment, we will find that your combination of impairments is medically equivalent to that listing.

(4) Section 404.1529(d)(3) explains how we consider your symptoms, such as pain, when we make findings about medical equivalence.

(c) *What evidence do we consider when we determine if your*

*impairment(s) medically equals a listing?* When we determine if your impairment medically equals a listing, we consider all evidence in your case record about your impairment(s) and its effects on you that is relevant to this finding. We do not consider your vocational factors of age, education, and work experience (see, for example, § 404.1560(c)(1)). We also consider the opinion given by one or more medical or psychological consultants designated by the Commissioner. (See § 404.1616.)

(d) *Who is a designated medical or psychological consultant?* \* \* \*

(e) *Who is responsible for determining medical equivalence?* In cases where the State agency or other designee of the Commissioner makes the initial or reconsideration disability determination, a State agency medical or psychological consultant or other designee of the Commissioner (see § 404.1616) has the overall responsibility for determining medical equivalence. For cases in the disability hearing process or otherwise decided by a disability hearing officer, the responsibility for determining medical equivalence rests with either the disability hearing officer or, if the disability hearing officer's reconsideration determination is changed under § 404.918, with the Associate Commissioner for Disability Determinations or his or her delegate. For cases at the Administrative Law Judge or Appeals Council level, the responsibility for deciding medical equivalence rests with the Administrative Law Judge or Appeals Council.

**§ 404.1528 [Amended]**

■ 9. Section 404.1528 is amended by removing the introductory text before paragraph (a).

■ 10. Section 404.1529 is amended by revising the third, fourth, and fifth sentences in paragraph (a), the fifth sentence in paragraph (b), the second sentence in paragraph (c)(1), the second, third, and fourth sentences in paragraph (c)(3) introductory text, the third sentence in paragraph (c)(4), paragraph (d)(2), and the heading and the third sentence in paragraph (d)(3), to read as follows:

**§ 404.1529 How we evaluate symptoms, including pain.**

(a) *General.* \* \* \* By other evidence, we mean the kinds of evidence described in §§ 404.1512(b)(2) through (6) and 404.1513(b)(1), (4), and (5), and (d). These include statements or reports from you, your treating or nontreating source, and others about your medical history, diagnosis, prescribed treatment,

daily activities, efforts to work, and any other evidence showing how your impairment(s) and any related symptoms affect your ability to work. We will consider all of your statements about your symptoms, such as pain, and any description you, your treating source or nontreating source, or other persons may provide about how the symptoms affect your activities of daily living and your ability to work. \* \* \*

(b) *Need for medically determinable impairment that could reasonably be expected to produce your symptoms, such as pain.* \* \* \* At the administrative law judge hearing or Appeals Council level, the administrative law judge or the Appeals Council may ask for and consider the opinion of a medical expert concerning whether your impairment(s) could reasonably be expected to produce your alleged symptoms. \* \* \*

(c) *Evaluating the intensity and persistence of your symptoms, such as pain, and determining the extent to which your symptoms limit your capacity for work.* (1) *General.* \* \* \* In evaluating the intensity and persistence of your symptoms, we consider all of the available evidence, including your history, the signs and laboratory findings, and statements from you, your treating or nontreating source, or other persons about how your symptoms affect you. \* \* \*

(3) *Consideration of other evidence.* \* \* \* The information that you, your treating or nontreating source, or other persons provide about your pain or other symptoms (e.g., what may precipitate or aggravate your symptoms, what medications, treatments or other methods you use to alleviate them, and how the symptoms may affect your pattern of daily living) is also an important indicator of the intensity and persistence of your symptoms. Because symptoms, such as pain, are subjective and difficult to quantify, any symptom-related functional limitations and restrictions which you, your treating or nontreating source, or other persons report, which can reasonably be accepted as consistent with the objective medical evidence and other evidence, will be taken into account as explained in paragraph (c)(4) of this section in reaching a conclusion as to whether you are disabled. We will consider all of the evidence presented, including information about your prior work record, your statements about your symptoms, evidence submitted by your treating or nontreating source, and observations by our employees and other persons. \* \* \*

(4) *How we determine the extent to which symptoms, such as pain, affect your capacity to perform basic work activities.* \* \* \* We will consider whether there are any inconsistencies in the evidence and the extent to which there are any conflicts between your statements and the rest of the evidence, including your history, the signs and laboratory findings, and statements by your treating or nontreating source or other persons about how your symptoms affect you. \* \* \*

(d) *Consideration of symptoms in the disability determination process.*

\* \* \* \* \*

(2) *Decision whether the Listing of Impairments is met.* Some listed impairments include symptoms usually associated with those impairments as criteria. Generally, when a symptom is one of the criteria in a listing, it is only necessary that the symptom be present in combination with the other criteria. It is not necessary, unless the listing specifically states otherwise, to provide information about the intensity, persistence, or limiting effects of the symptom as long as all other findings required by the specific listing are present.

(3) *Decision whether the Listing of Impairments is medically equaled.* \* \* \* Under § 404.1526(b), we will consider medical equivalence based on all evidence in your case record about your impairment(s) and its effects on you that is relevant to this finding. \* \* \*

## PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

### Subpart I—[Amended]

■ 11. The authority citation for subpart I of part 416 is revised to read as follows:

**Authority:** Secs. 702 (a)(5), 1611, 1614, 1619, 1631(a), (c), (d)(1), and (p), and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1382, 1382c, 1382h, 1383(a), (c), (d)(1), and (p), and 1383(b); secs. 4(c) and 5, 6(c)–(e), 14(a); and 15, Pub. L. 98–460, 98 Stat. 1794, 1801, 1802, and 1808 (42 U.S.C. 421 note, 423 note, 1382h note).

■ 12. Section 416.925 is revised to read as follows:

#### § 416.925 Listing of Impairments in appendix 1 of subpart P of part 404 of this chapter.

(a) *What is the purpose of the Listing of Impairments?* The Listing of Impairments (the listings) is in appendix 1 of subpart P of part 404 of this chapter. For adults, it describes for

each of the major body systems impairments that we consider to be severe enough to prevent an individual from doing any gainful activity, regardless of his or her age, education, or work experience. For children, it describes impairments that cause marked and severe functional limitations.

(b) *How is appendix 1 organized?* There are two parts in appendix 1:

(1) *Part A* contains criteria that apply to individuals age 18 and over. We may also use part A for individuals who are under age 18 if the disease processes have a similar effect on adults and children.

(2)(i) *Part B* contains criteria that apply only to individuals who are under age 18; we never use the listings in part B to evaluate individuals who are age 18 or older. In evaluating disability for a person under age 18, we use part B first. If the criteria in part B do not apply, we may use the criteria in part A when those criteria give appropriate consideration to the effects of the impairment(s) in children. To the extent possible, we number the provisions in part B to maintain a relationship with their counterparts in part A.

(ii) Although the severity criteria in part B of the listings are expressed in different ways for different impairments, “listing-level severity” generally means the level of severity described in § 416.926a(a); that is, “marked” limitations in two domains of functioning or an “extreme” limitation in one domain. (See § 416.926a(e) for the definitions of the terms *marked* and *extreme* as they apply to children.)

Therefore, in general, a child's impairment(s) is of “listing-level severity” if it causes marked limitations in two domains of functioning or an extreme limitation in one. However, when we decide whether your impairment(s) meets the requirements of a listing, we will decide that your impairment is of “listing-level severity” even if it does not result in marked limitations in two domains of functioning, or an extreme limitation in one, if the listing that we apply does not require such limitations to establish that an impairment(s) is disabling.

(c) *How do we use the listings?* (1) Each body system section in parts A and B of appendix 1 of subpart P of part 404 of this chapter is in two parts: an introduction, followed by the specific listings.

(2) The introduction to each body system contains information relevant to the use of the listings in that body system; for example, examples of common impairments in the body system and definitions used in the

listings for that body system. We may also include specific criteria for establishing a diagnosis, confirming the existence of an impairment, or establishing that your impairment(s) satisfies the criteria of a particular listing in the body system. Even if we do not include specific criteria for establishing a diagnosis or confirming the existence of your impairment, you must still show that you have a severe medically determinable impairment(s), as defined in §§ 416.908, 416.920(c), and 416.924(c).

(3) The specific listings follow the introduction in each body system, after the heading, *Category of Impairments*. Within each listing, we specify the objective medical and other findings needed to satisfy the criteria of that listing. We will find that your impairment(s) meets the requirements of a listing when it satisfies all of the criteria of that listing, including any relevant criteria in the introduction, and meets the duration requirement (see § 416.909).

(4) Most of the listed impairments are permanent or expected to result in death. For some listings, we state a specific period of time for which your impairment(s) will meet the listing. For all others, the evidence must show that your impairment(s) has lasted or can be expected to last for a continuous period of at least 12 months.

(5) If your impairment(s) does not meet the criteria of a listing, it can *medically equal* the criteria of a listing. We explain our rules for medical equivalence in § 416.926. We use the listings only to find that you are disabled or still disabled. If your impairment(s) does not meet or medically equal the criteria of a listing, we may find that you are disabled or still disabled at a later step in the sequential evaluation process.

(d) *Can your impairment(s) meet a listing based only on a diagnosis?* No. Your impairment(s) cannot meet the criteria of a listing based only on a diagnosis. To meet the requirements of a listing, you must have a medically determinable impairment(s) that satisfies all of the criteria of the listing.

(e) *How do we consider your symptoms when we determine whether your impairment(s) meets a listing?* Some listed impairments include symptoms, such as pain, as criteria. Section 416.929(d)(2) explains how we consider your symptoms when your symptoms are included as criteria in a listing.

■ 13. Section 416.926 is amended by revising paragraphs (a) and (b), revising the heading of paragraph (c),

re-designating paragraphs (c) and (d) as paragraphs (d) and (e), revising the heading of newly redesignated paragraph (d), revising the heading and second sentence of newly redesignated paragraph (e), and adding a new paragraph (c) to read as follows:

**§ 416.926 Medical equivalence for adults and children.**

(a) *What is medical equivalence?* Your impairment(s) is medically equivalent to a listed impairment in appendix 1 of subpart P of part 404 of this chapter if it is at least equal in severity and duration to the criteria of any listed impairment.

(b) *How do we determine medical equivalence?* We can find medical equivalence in three ways.

(1)(i) If you have an impairment that is described in the Listing of Impairments in appendix 1 of subpart P of part 404 of this chapter, but—

(A) You do not exhibit one or more of the findings specified in the particular listing, or

(B) You exhibit all of the findings, but one or more of the findings is not as severe as specified in the particular listing,

(ii) We will find that your impairment is medically equivalent to that listing if you have other findings related to your impairment that are at least of equal medical significance to the required criteria.

(2) If you have an impairment(s) that is not described in the Listing of Impairments in appendix 1 of subpart P of part 404 of this chapter, we will compare your findings with those for closely analogous listed impairments. If the findings related to your impairment(s) are at least of equal medical significance to those of a listed impairment, we will find that your impairment(s) is medically equivalent to the analogous listing.

(3) If you have a combination of impairments, no one of which meets a listing described in the Listing of Impairments in appendix 1 of subpart P of part 404 of this chapter (see § 416.925(c)(3)), we will compare your findings with those for closely analogous listed impairments. If the findings related to your impairments are at least of equal medical significance to those of a listed impairment, we will find that your combination of impairments is medically equivalent to that listing.

(4) Section 416.929(d)(3) explains how we consider your symptoms, such as pain, when we make findings about medical equivalence.

(c) *What evidence do we consider when we determine if your*

*impairment(s) medically equals a listing?* When we determine if your impairment medically equals a listing, we consider all evidence in your case record about your impairment(s) and its effects on you that is relevant to this finding. We do not consider your vocational factors of age, education, and work experience (see, for example, § 416.960(c)(1)). We also consider the opinion given by one or more medical or psychological consultants designated by the Commissioner. (See § 416.1016.)

(d) *Who is a designated medical or psychological consultant?* \* \* \*

(e) *Who is responsible for determining medical equivalence?* \* \* \* For cases in the disability hearing process or otherwise decided by a disability hearing officer, the responsibility for determining medical equivalence rests with either the disability hearing officer or, if the disability hearing officer's reconsideration determination is changed under § 416.1418, with the Associate Commissioner for Disability Determinations or his or her delegate.

\* \* \*

**§ 416.928 [Amended]**

■ 14. Section 416.928 is amended by removing the introductory sentence before paragraph (a).

■ 15. Section 416.929 is amended by revising the third, fourth, and fifth sentences in paragraph (a), the fifth sentence in paragraph (b), the second sentence in paragraph (c)(1), the second, third, and fourth sentences in paragraph (c)(3) introductory text, the third sentence in paragraph (c)(4), paragraph (d)(2), and the third sentence in paragraph (d)(3), to read as follows:

**§ 416.929 How we evaluate symptoms, including pain.**

(a) *General.* \* \* \* By other evidence, we mean the kinds of evidence described in §§ 416.912(b)(2) through (6) and 416.913(b)(1), (4), and (5), and (d). These include statements or reports from you, your treating or nontreating source, and others about your medical history, diagnosis, prescribed treatment, daily activities, efforts to work, and any other evidence showing how your impairment(s) and any related symptoms affect your ability to work (or, if you are a child, your functioning). We will consider all of your statements about your symptoms, such as pain, and any description you, your treating source or nontreating source, or other persons may provide about how the symptoms affect your activities of daily living and your ability to work (or, if you are a child, your functioning).

\* \* \*

(b) *Need for medically determinable impairment that could reasonably be expected to produce your symptoms, such as pain.* \* \* \* At the administrative law judge hearing or Appeals Council level, the administrative law judge or the Appeals Council may ask for and consider the opinion of a medical expert concerning whether your impairment(s) could reasonably be expected to produce your alleged symptoms. \* \* \*

(c) *Evaluating the intensity and persistence of your symptoms, such as pain, and determining the extent to which your symptoms limit your capacity for work or, if you are a child, your functioning.*—(1) *General.* \* \* \* In evaluating the intensity and persistence of your symptoms, we consider all of the available evidence, including your history, the signs and laboratory findings, and statements from you, your treating or nontreating source, or other persons about how your symptoms affect you. \* \* \*

(3) *Consideration of other evidence.* \* \* \* The information that you, your treating or nontreating source, or other persons provide about your pain or other symptoms (e.g., what may precipitate or aggravate your symptoms, what medications, treatments or other methods you use to alleviate them, and how the symptoms may affect your pattern of daily living) is also an important indicator of the intensity and persistence of your symptoms. Because symptoms, such as pain, are subjective and difficult to quantify, any symptom-related functional limitations and restrictions which you, your treating or nontreating source, or other persons report, which can reasonably be accepted as consistent with the objective medical evidence and other evidence, will be taken into account as explained in paragraph (c)(4) of this section in reaching a conclusion as to whether you are disabled. We will consider all of the evidence presented, including information about your prior work record, your statements about your symptoms, evidence submitted by your treating or nontreating source, and observations by our employees and other persons. \* \* \*

(4) *How we determine the extent to which symptoms, such as pain, affect your capacity to perform basic work activities, or if you are a child, your functioning.* \* \* \* We will consider whether there are any inconsistencies in the evidence and the extent to which there are any conflicts between your statements and the rest of the evidence, including your history, the signs and laboratory findings, and statements by your treating or nontreating source or

other persons about how your symptoms affect you. \* \* \*

\* \* \* \* \*

(d) *Consideration of symptoms in the disability determination process.*

\* \* \* \* \*

(2) *Decision whether the Listing of Impairments is met.* Some listed impairments include symptoms usually associated with those impairments as criteria. Generally, when a symptom is one of the criteria in a listing, it is only necessary that the symptom be present in combination with the other criteria. It is not necessary, unless the listing specifically states otherwise, to provide information about the intensity, persistence, or limiting effects of the symptom as long as all other findings required by the specific listing are present.

(3) *Decision whether the Listing of Impairments is medically equaled.* \* \* \* Under § 416.926(b), we will consider medical equivalence based on all evidence in your case record about your impairment(s) and its effects on you that is relevant to this finding.

\* \* \* \* \*

\* \* \* \* \*

#### Subpart N—[Amended]

■ 16. The authority citation for subpart N of part 416 continues to read as follows:

**Authority:** Secs. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b).

■ 17. Section 416.1414 is amended by revising the first sentence of paragraph (c)(1) to read as follows:

#### § 416.1414 Disability hearing—general.

\* \* \* \* \*

(c) *Time and place*—(1) *General.* Either the State agency or the Associate Commissioner for Disability Determinations or his or her delegate, as appropriate, will set the time and place of your disability hearing. \* \* \*

\* \* \* \* \*

■ 18. Section 416.1415 is amended by revising the second sentence of paragraph (a) and paragraph (c) introductory text to read as follows:

#### § 416.1415 Disability Hearing—disability hearing officers.

(a) *General.* \* \* \* The disability hearing officer will be an experienced disability examiner, regardless of whether he or she is appointed by a State agency or by the Associate Commissioner for Disability Determinations or his or her delegate, as

described in paragraphs (b) and (c) of this section.

\* \* \* \* \*

(c) *Federal hearing officers.* The disability hearing officer who conducts your disability hearing will be appointed by the Associate Commissioner for Disability Determinations or his or her delegate if:

\* \* \* \* \*

■ 19. Section 416.1417 is amended by revising paragraph (d) to read as follows:

#### § 416.1417 Disability hearing—disability hearing officer's reconsidered determination.

\* \* \* \* \*

(d) *Effect.* The disability hearing officer's reconsidered determination, or, if it is changed under § 416.1418, the reconsidered determination that is issued by the Associate Commissioner for Disability Determinations or his or her delegate, is binding in accordance with § 416.1421, subject to the exceptions specified in that section.

■ 20. Section 416.1418 is revised to read as follows:

#### § 416.1418 Disability hearing—review of the disability hearing officer's reconsidered determination before it is issued.

(a) *General.* The Associate Commissioner for Disability Determinations or his or her delegate may select a sample of disability hearing officers' reconsidered determinations, before they are issued, and review any such case to determine its correctness on any grounds he or she deems appropriate. The Associate Commissioner or his or her delegate shall review any case within the sample if:

- (1) There appears to be an abuse of discretion by the hearing officer;
- (2) There is an error of law; or
- (3) The action, findings or conclusions of the disability hearing officer are not supported by substantial evidence.

*Note to paragraph (a):* If the review indicates that the reconsidered determination prepared by the disability hearing officer is correct, it will be dated and issued immediately upon completion of the review. If the reconsidered determination prepared by the disability hearing officer is found by the Associate Commissioner or his or her delegate to be deficient, it will be changed as described in paragraph (b) of this section.

(b) *Methods of correcting deficiencies in the disability hearing officer's reconsidered determination.* If the reconsidered determination prepared by the disability hearing officer is found by

the Associate Commissioner for Disability Determinations or his or her delegate to be deficient, the Associate Commissioner or his or her delegate will take appropriate action to assure that the deficiency is corrected before a reconsidered determination is issued. The action taken by the Associate Commissioner or his or her delegate will take one of two forms:

(1) The Associate Commissioner or his or her delegate may return the case file either to the component responsible for preparing the case for hearing or to the disability hearing officer, for appropriate further action; or

(2) The Associate Commissioner or his or her delegate may issue a written reconsidered determination which corrects the deficiency.

(c) *Further action on your case if it is sent back by the Associate Commissioner for Disability Determinations or his or her delegate either to the component that prepared your case for hearing or to the disability hearing officer.* If the Associate Commissioner for Disability Determinations or his or her delegate sends your case back either to the component responsible for preparing the case for hearing or to the disability hearing officer for appropriate further action, as provided in paragraph (b)(1) of this section, any additional proceedings in your case will be governed by the disability hearing procedures described in § 416.1416(f) or if your case is returned to the disability hearing officer and an unfavorable determination is indicated, a supplementary hearing may be scheduled for you before a reconsidered determination is reached in your case.

(d) *Opportunity to comment before the Associate Commissioner for Disability Determinations or his or her delegate issues a reconsidered determination that is unfavorable to you.* If the Associate Commissioner for Disability Determinations or his or her delegate proposes to issue a reconsidered determination as described in paragraph (b)(2) of this section, and that reconsidered determination is unfavorable to you, he or she will send you a copy of the proposed reconsidered determination with an explanation of the reasons for it, and will give you an opportunity to submit written comments before it is issued. At your request, you will also be given an opportunity to inspect the pertinent materials in your case file, including the reconsidered determination prepared by the disability hearing officer, before submitting your comments. You will be given 10 days from the date you receive the Associate Commissioner's notice of

proposed action to submit your written comments, unless additional time is necessary to provide access to the pertinent file materials or there is good cause for providing more time, as illustrated by the examples in § 416.1411(b). The Associate Commissioner or his or her delegate will consider your comments before taking any further action on your case.

[FR Doc. 06-1872 Filed 2-28-06; 8:45 am]  
BILLING CODE 4191-02-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 866

[Docket No. 2003P-0564]

#### Microbiology Devices; Reclassification of Hepatitis A Virus Serological Assays; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a final rule that appeared in the *Federal Register* of February 9, 2006 (71 FR 6677). That document reclassified hepatitis A virus (HAV) serological assays from class III (premarket approval) into class II (special controls). That document inadvertently published with an error. This document corrects the error.

**DATES:** This rule is effective March 13, 2006.

**FOR FURTHER INFORMATION CONTACT:** Sally Hojvat, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240-276-0496.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 06-1206, appearing on page 6677 in the *Federal Register* of Thursday, February 9, 2006, the following correction is made:

1. On page 6679, beginning in the first column, under section "VI. Analysis of Impacts," the second paragraph is corrected to read:

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of HAV serological assays from class III into class II will relieve manufacturers of the cost of complying with the premarket approval requirements in section 515 of the act. Because reclassification will reduce regulatory costs with respect to these devices, the agency certifies that the final rule will not

have a significant economic impact on a substantial number of small entities.

Dated: February 21, 2006.

Linda S. Kahan,  
Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 06-1871 Filed 2-28-06; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05-05-079]

RIN 1625-AA09

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

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the operating regulations that govern the operation of the Route 35 Bridge, at New Jersey Intracoastal Waterway (NJICW) mile 1.1, across Manasquan River, at Brielle, New Jersey. The bridge will be closed to navigation on three four-month closure periods from 8 a.m. November 1, 2006 until 5 p.m. March 1, 2007; from 8 a.m. on November 1, 2007 until 5 p.m. March 1, 2008; and from 8 a.m. on November 1, 2008 until 5 p.m. March 1, 2009. Extensive structural, mechanical, and electrical repairs and improvements necessitate these closures.

**DATES:** This temporary final rule is effective from April 17, 2006.

**ADDRESSES:** The 5th Coast Guard District maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket are part of docket CGD05-05-079 and are available for inspection or copying at Commander (obr), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23703-5004, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

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

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On July 20, 2005, we published a notice of proposed rule making (NPRM)



entitled "Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Manasquan River" in the **Federal Register** (FR Doc.05-14322). We received four (4) comments on the proposed rule. No public meeting was requested, and none was held.

#### Background and Purpose

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

Parsons Brinkerhoff, a design consultant, on behalf of NJDOT requested a temporary change to the existing regulations for the Route 35 Bridge to facilitate necessary repairs. The repairs, which consist of extensive structural rehabilitation, mechanical, and electrical repairs and improvements, necessitate this closure. To facilitate repairs, the bascule span must be closed to vessel traffic on three four-month closure periods from 8 a.m. on November 1, 2006 until 5 p.m. March 1, 2007; from 8 a.m. on November 1, 2007 until 5 p.m. March 1, 2008; and from 8 a.m. on November 1, 2008 until 5 p.m. March 1, 2009.

The Coast Guard has reviewed the bridge data provided by NJDOT. The data, from years 2003 to 2005, shows a substantial decrease in the number of bridge openings and vessel traffic transiting the area between November and March. Based on the data provided, these closure dates will have minimal impact on vessel traffic.

#### Discussion of Comments and Changes

The Coast Guard received four (4) comments on the NPRM [FR Doc.05-14322] governing the Route 35 Bridge over the Manasquan River, at NJICW mile 1.1, at Brielle, New Jersey, set out in 33 CFR 117.733(b). The comments were from local vessel owners and supportive of the temporary change. The Coast Guard will temporarily suspend 33 CFR 117.733(b) and insert this new specific regulation at 33 CFR 117.733(l).

Paragraph (l) would allow the draw to be closed to vessel traffic during the rehabilitation project on three four-month closure periods from 8 a.m. on November 1, 2006 until 5 p.m. March 1, 2007; from 8 a.m. on November 1, 2007 until 5 p.m. March 1, 2008; and from 8 a.m. on November 1, 2008 until 5 p.m. March 1, 2009.

#### Discussion of Rule

The Coast Guard made a drafting error in the NPRM [FR Doc. 05-14322]. However, this error does not affect the intent of this temporary final rule, so a supplemental NPRM will not be published.

The text of the rule will be revised as described in the next paragraph.

From 8 a.m. on November 1, 2006 until 5 p.m. March 1, 2009; in § 117.733, suspend paragraph (b) and add a new paragraph (l) to read as follows:

(l) The draw of the Route 35 Bridge, mile 1.1 across Manasquan River at Brielle, shall open on signal except as follows:

(1) From May 15 through September 30:

(i) On Saturdays, Sundays and Federal holidays, from 8 a.m. to 10 p.m., the draw need only open 15 minutes before the hour and 15 minutes after the hour.

(ii) On Mondays to Thursdays from 4 p.m. to 7 p.m. and on Fridays, except Federal holidays from 12 p.m. to 7 p.m., the draw need only open 15 minutes before the hour and 15 minutes after the hours.

(2) Year-round, unless provided by (1)(3), from 11 p.m. to 8 a.m., the draw need only open if at least four hours notice is given.

(3) From 8 a.m. on November 1, 2006 until 5 p.m. March 1, 2007; from 8 a.m. on November 1, 2007 until 5 p.m. March 1, 2008; and from 8 a.m. on November 1, 2008 until 5 p.m. March 1, 2009, the Route 35 Bridge, mile 1.1, at Brielle may remain in the closed position to navigation.

#### Regulatory Evaluation

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

We expect the economic impact of this temporary final rule to be so

minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. We reached this conclusion based on the historical data, and on the fact that the closure periods support minimal impact due to the reduced number of vessels requiring transit through the bridge.

#### Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this temporary final rule would not have a significant economic impact on a substantial number of small entities. The off-season closure dates for the bridge are designed to minimize the number of small entities affected.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, (757) 398-6222. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### Collection of Information

This temporary final rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

## Federalism

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

## Unfunded Mandates Reform Act

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

## Taking of Private Property

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

## Civil Justice Reform

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

## Protection of Children

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

## Indian Tribal Governments

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

power and responsibilities between the Federal Government and Indian tribes.

## Energy Effects

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

## Technical Standards

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

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

## Environment

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

## List of Subjects in 33 CFR Part 117

Bridges.

## Regulations

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

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. From 8 a.m. on November 1, 2006 until 5 p.m. March 1, 2009; in § 117.733, suspend paragraph (b) and add a new paragraph (l) to read as follows:

#### § 117.733 New Jersey Intracoastal Waterway.

\* \* \* \* \*

(l) The draw of the Route 35 Bridge, mile 1.1 across Manasquan River at Brielle, shall open on signal except as follows:

(1) From May 15 through September 30:

(i) On Saturdays, Sundays and Federal holidays, from 8 a.m. to 10 p.m., the draw need only open 15 minutes before the hour and 15 minutes after the hour.

(ii) On Mondays to Thursdays from 4 p.m. to 7 p.m. and on Fridays, except Federal holidays from 12 p.m. to 7 p.m., the draw need only open 15 minutes before the hour and 15 minutes after the hours.

(2) Year-round, unless otherwise provided by paragraph (l)(3) of this section, from 11 p.m. to 8 a.m., the draw need only open if at least four hours notice is given.

(3) From 8 a.m. on November 1, 2006 until 5 p.m. March 1, 2007; from 8 a.m. on November 1, 2007 until 5 p.m. March 1, 2008; and from 8 a.m. on November 1, 2008 until 5 p.m. March 1, 2009, the Route 35 Bridge, mile 1.1, at Brielle may remain in the closed position to navigation.

Dated: February 17, 2006.

**Larry L. Hereth,**

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

[FR Doc. 06–1915 Filed 2–28–06; 8:45 am]

BILLING CODE 4910–15–P

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[CGD01-006-007]

RIN 1625-AA00

**Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, NY****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the waters surrounding the Wantagh Parkway Number 3 Bridge across the Sloop Channel in Town of Hempstead, New York. This zone is necessary to protect vessels transiting in the area from hazards imposed by construction barges and equipment that are being utilized to construct a new bascule bridge over the Sloop Channel. Entry into this zone is prohibited unless authorized by the Captain of the Port Long Island Sound, New Haven, Connecticut.

**DATES:** This rule is effective from 12:01 a.m. on February 20, 2006 until 11:59 p.m. December 31, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD01-06-007 and will be available for inspection or copying at Sector Long Island Sound, New Haven, CT, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Junior Grade D. Miller, Assistant Chief, Waterways Management Division, Coast Guard Sector Long Island Sound at (203) 468-4596.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

We did not publish notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553 (b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Any delay encountered in this regulation's effective date would be impracticable and contrary to public interest since immediate action to restrict and control maritime traffic transiting in the vicinity of the Sloop Channel under the Wantagh Parkway Number 3 Bridge in the Town of Hempstead, Nassau County, Long

Island, New York, is needed to ensure the safety of vessels transiting the area.

In 2003, the Coast Guard approved bridge construction and issued a permit for bridge construction for the Wantagh Parkway Number 3 Bridge over the Sloop Channel. Contractors began work constructing the two bascule piers for the new bridge in early June 2004. A safety zone was not deemed necessary at the inception of the construction, as this channel is primarily used by smaller recreational vessels, which could maneuver outside of the channel. However, bridge construction equipment that remains under the Wantagh Parkway Number 3 Bridge, poses a potential hazard greater than originally anticipated. A safety zone was deemed necessary and was established on October 9, 2004 through December 31, 2004, the date when construction impacting the navigable channel was estimated to be complete. A second safety zone was implemented on January 1, 2005 and extended until December 31, 2005 due to delays in construction, requiring equipment to be in the channel in a manner that would leave the waterway unsafe for marine traffic. The contractor for this project continues to experience significant delays in bridge construction. In order to continue construction in a more rapid and safe manner, barges will need to continuously block the channel under the bridge. Accordingly, the New York State Department of Transportation (NYSDOT) has requested that a safety zone be in place through December 31, 2006.

As these barges are presently obstructing the navigable channel, immediate action is needed to prevent accidents by limiting vessel movement in the area with the construction equipment. Traffic exists in this area year round and increases significantly in the summer months with the return of recreational traffic.

**Background and Purpose**

Currently, there is a fixed bridge over the Wantagh Parkway Number 3 Bridge over the Sloop Channel in the Town of Hempstead, New York. New York Department of Transportation determined that a moveable bridge would benefit the boating community. In 2003, the Coast Guard approved bridge construction and issued a permit for bridge construction for the Wantagh Parkway Number 3 Bridge over the Sloop Channel. Contractors began work constructing the two-basculer piers for the new bridge in early June 2004. The equipment necessary for the construction of the bridge occupies the entire navigable channel. While there

are side channels, which can be navigated, the equipment in the channel is extensive and poses a hazard to recreational vessels attempting to transit the waterway via the side channels under the bridge. Construction, requiring equipment in the navigable channel, was originally scheduled to end on December 31, 2004. Numerous delays in the construction have required construction equipment to continue to occupy the navigable channel and have required subsequent extensions of the established safety zone through December 31, 2005. Due to continued construction delays, the NYSDOT has requested that a safety zone be in place through December 31, 2006. To ensure the continued safety of the boating community, the Coast Guard is reestablishing the safety zone in place in all waters of the Sloop Channel within 300 yards of the Wantagh Parkway Number 3 Bridge. This safety zone is necessary to protect the safety of the boating community who wish to utilize the Sloop Channel. Vessels may utilize the Goose Neck Channel as an alternative route to using the Sloop Channel, adding minimal additional transit time. Marine traffic may also transit safely outside of the safety zone during the effective dates of the safety zone, allowing navigation in the Sloop Channel, except the portion delineated by this rule.

**Discussion of Rule**

This regulation establishes a temporary safety zone on the waters of the Sloop Channel within 300 yards of the Wantagh Parkway Bridge. This action is intended to prohibit vessel traffic in a portion of the Sloop Channel in the Town of Hempstead, New York to provide for the safety of the boating community due to the hazards posed by significant construction equipment and barges located in the waterway for the construction of a new bascule bridge. The safety zone is being established from 12:01 a.m. on February 20, 2006 to 11:59 p.m. on December 31, 2006. Marine traffic may continue to transit safely outside of the safety zone during the effective dates of the safety zone, allowing navigation in the Sloop Channel, except the portion delineated by this rule. Entry into this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

Any violation of the safety zone described herein is punishable by, among other things, civil and criminal penalties, *in rem* liability against the offending vessel, and the initiation of suspension or revocation proceedings against Coast Guard-issued merchant mariner credentials.



### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). We expect the economic impact of this rule will be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This regulation may have some impact on the public, but the potential impact will be minimized for the following reasons: Vessels may transit in all areas of the Sloop Channel other than the area of the safety zone, and may utilize other routes with minimal increased transit time.

### Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in those portions of the Sloop Channel in the Town of Hempstead, New York covered by the safety zone. For the reasons outlined in the Regulatory Evaluation section above, this rule will not have a significant impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

### Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104-121], the Coast Guard wants to assist small entities in understanding this rule so

that they can better evaluate its effects on them and participate in the rulemaking. If this rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call Lieutenant Junior Grade D. Miller, Assistant Chief, Waterways Management Division, Coast Guard Sector Safety Office Long Island Sound at (203) 468-4596.

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

### Collection of Information

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

### Federalism

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

### Unfunded Mandates Reform Act

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

### Taking of Private Property

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

### Civil Justice Reform

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

### Protection of Children

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

### Indian Tribal Governments

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

To help the Coast Guard establish regular and meaningful consultation and collaboration with Indian and Alaskan Native tribes, we published a notice in the **Federal Register** (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this rule might impact tribal governments, even if that impact may not constitute a "tribal implication" under the Order.

### Energy Effects

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

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an

explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

The Coast Guard analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. 4321-4370f, and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(g) from further environmental documentation. This rule fits the category selected from paragraph (34)(g), as it establishes a safety zone. An Environmental Analysis Checklist and Categorical Exclusion Determination are available for review at the location listed under ADDRESSES.

#### List of Subjects in 33 CFR Part 165

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

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

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

**Authority:** 33 U.S.C. 1225 and 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. From 12:01 a.m. on February 20, 2006 until 11:59 p.m. December 31, 2006 add temporary § 165.T01-007 to read as follows:

#### § 165.T01-007 Safety Zone: Wantagh Parkway Number 3 Bridge over the Sloop Channel, Town of Hempstead, NY.

(a) *Location:* The following areas are a safety zone: All waters of the Sloop Channel in Hempstead, NY within 300 yards of the Wantagh Parkway Number 3 Bridge over the Sloop Channel.

(b) *Effective date:* This rule is effective from 12:01 a.m. on February 20, 2006 until 11:59 p.m. December 31, 2006.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into or movement within this zone by any person or vessel is prohibited unless authorized by the Captain of the Port (COTP), Long Island Sound.

(2) All persons and vessels must comply with the Coast Guard Captain of the Port or designated on-scene patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels. Upon being hailed by siren, radio, flashing light or other means from a U.S. Coast Guard vessel or other vessel with on-scene patrol personnel aboard, the operator of the vessel shall proceed as directed.

Dated: February 17, 2006.

**Peter J. Boynton,**

*Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.*

[FR Doc. 06-1895 Filed 2-28-06; 8:45 am]

BILLING CODE 4910-15-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 9, 156 and 165

[EPA-HQ-OPP-2005-0327; FRL-7749-1]

RIN 2070-AB95

#### Pesticide Management and Disposal; Standards for Pesticide Containers and Containment; Notification to the Secretary of Agriculture

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notification to the Secretary of Agriculture.

**SUMMARY:** This document notifies the public that the Administrator of EPA has forwarded to the Secretary of Agriculture a draft final rule as required by section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). As described in the Agency's semi-annual Regulatory Agenda, the draft final rule would establish standards for removal of pesticides from containers and for rinsing containers; facilitate the safe use, refill, reuse, and disposal of pesticide containers by establishing standards for container design, labeling and refilling; and establish requirements for containment of large, stationary pesticide containers and for

containment of pesticide dispensing areas.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-HQ-OPP-2005-0327. All documents in the docket are listed on the <http://www.regulations.gov> web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Nancy Fitz, Field and External Affairs Division, (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460-0001; telephone number: 703-305-7385; e-mail address: [fitz.nancy@epa.gov](mailto:fitz.nancy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

##### A. Does this Action Apply to Me?

This action is directed to the public in general. It simply announces the submission of a draft final rule to USDA and does not otherwise affect any specific entities. This action may, however, be of particular interest to pesticide formulators, agricultural dealers, and independent commercial pesticide applicators. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding this action, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using <http://www.regulations.gov>, you may access this **Federal Register** document electronically through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available on E-CFR Beta Site Two at <http://www.gpoaccess.gov/ecfr/>.

## II. What Action is EPA Taking?

Section 25(a)(2) of FIFRA requires the Administrator to provide the Secretary of Agriculture with a copy of any final regulation at least 30 days before signing it for publication in the **Federal Register**. The draft final rule is not available to the public until after it has been signed by EPA. If the Secretary comments in writing regarding the draft final rule within 15 days after receiving it, the Administrator shall include the comments of the Secretary, if requested by the Secretary, and the Administrator's response to those comments in the final rule when published in the **Federal Register**. If the Secretary does not comment in writing within 15 days after receiving the draft final rule, the Administrator may sign the final rule for publication in the **Federal Register** anytime after the 15-day period.

## III. Do Any Statutory and Executive Order Reviews Apply to this Notification?

No. This document is not a rule, it is merely a notification of submission to the Secretary of Agriculture. As such, none of the regulatory assessment requirements apply to this document.

## IV. Will this Notification be Subject to the Congressional Review Act?

No. This action is not a rule for purposes of the Congressional Review Act (CRA), 5 U.S.C. 804(3), and will not be submitted to Congress and the Comptroller General. EPA will submit the final rule to Congress and the Comptroller General as required by the CRA.

## List of Subjects

### Part 9

Environmental protection, Reporting and recordkeeping requirements.

### Part 156

Environmental protection, Labeling, Pesticides and pests.

### Part 16

Environmental protection, Packaging and containers, Containment structures, Pesticides and pests.

Dated: February 9, 2006.

**James Jones,**

Director, Office of Pesticide Programs.

[FR Doc. 06-1853 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR PART 63

[EPA-HQ-OAR-2003-0121; FRL-8039-2]

RIN 2060-AM43

### National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; amendment.

**SUMMARY:** This action amends the national emission standards for hazardous air pollutants (NESHAP) for miscellaneous organic chemical manufacturing. The amendment will extend the compliance date for existing sources by 18 months. Under the promulgated rule, existing affected sources would be required to be in

compliance by November 10, 2006. With this final action, existing sources will be required to comply with the rule by May 10, 2008.

**DATES:** *Effective Date:* March 1, 2006.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2003-0121. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** Mr. Randy McDonald, Coatings and Chemicals Group (C504-04), Sector Policies and Programs Division, Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, NC 27711; telephone number: (919) 541-5402; fax number: (919) 541-3470; e-mail address: [mcdonald.randy@epa.gov](mailto:mcdonald.randy@epa.gov).

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

Category	NAICS code*	Examples of regulated entities
Industry .....	3251, 3252, 3253, 3254, 3255, 3256, and 3259, with several exceptions.	Producers of specialty organic chemicals, explosives, certain polymers and resins, and certain pesticide intermediates.

\*North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 63.2435. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

*Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of the final rule amendment will also be available on the WWW through the Technology Transfer Network (TTN). Following signature by the EPA Administrator, a copy of the final rule amendment will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology

exchange in various areas of air pollution control.

*Judicial Review.* Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of the final rule amendment is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by May 1, 2006. Under section 307(d)(7)(B) of the CAA, only an objection to the final rule amendment that was raised with reasonable specificity during the period for public

comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements established by the final rule amendment may not be challenged separately in any civil or criminal proceedings brought by EPA to enforce these requirements.

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

- I. Background
- II. Response to Comments on the Proposed Amendment to the Compliance Date for Existing Sources
- III. Statutory and Executive Order Reviews
  - A. Executive Order 12866: Regulatory Planning and Review
  - B. Paperwork Reduction Act
  - C. Regulatory Flexibility Act
  - D. Unfunded Mandates Reform Act
  - E. Executive Order 13132: Federalism
  - F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
  - G. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks
  - H. Executive Order 13211: Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use
  - I. National Technology Transfer Advancement Act
  - J. Congressional Review Act

#### I. Background

On November 10, 2003, we promulgated NESHAP for miscellaneous organic chemical manufacturing as subpart FFFF in 40 CFR part 63 (the "MON"). Petitions for review of the MON were filed in the U.S. Court of Appeals for the District of Columbia Circuit by American Chemistry Council, Eastman Chemical Company, Clariant LSM (America), Inc., Rohm and Haas Company, General Electric Company, Coke Oven Environmental Task Force ("COETF") and Lyondell Chemical Company (collectively "Petitioners").<sup>1</sup> These matters were consolidated into *American Chemistry Council, et al. v. EPA*, No. 04-1004, 04-1005, 04-1008, 04-1009, 04-1010, 04-1012, 04-1013 (D.C. Cir.). Issues raised by the petitioners included applicability of the rule; leak detection and repair requirements for connectors; definitions of process condenser, continuous process vent, and Group 1 wastewater; treatment requirements for wastewater that is Group 1 only for soluble hazardous air pollutants (HAP); recordkeeping for Group 2 batch process vents; and notification requirements for Group 2 emission points that become Group 1 emission points.

In early October 2005, the parties signed a settlement agreement. Pursuant

to section 113(g) of the CAA, notice of the settlement was published in the **Federal Register** on October 26, 2005 (70 FR 61814). The agreement established a schedule by which EPA would propose and promulgate revisions to the NESHAP; it also includes preamble language for the proposed amendments notice that was agreed to by the parties. The settlement agreement provides that EPA would sign a notice of proposed rulemaking, including an 18-month compliance extension for existing sources, by November 30, 2005. The settlement agreement also calls for EPA to take final action on the proposed 18-month compliance extension within 30 days of the date the comment period on the proposed amendments closes. According to the settlement agreement, notice of final rulemaking on the other proposed amendments must be signed within 150 days of the date the comment period on the proposed amendments closes.

On December 8, 2005 (70 FR 73098), we proposed amendments to address issues raised by the petitioners and correct and clarify other provisions to ensure that the rule is implemented as intended. In this action, we are promulgating the 18-month compliance extension for existing sources. Final action on the other proposed amendments will occur in a future notice of final rulemaking.

#### II. Response to Comments on the Proposed Amendment to the Compliance Date for Existing Sources

Eight commenters expressed support for our decision to extend the compliance date for existing sources by 18 months, and no adverse comments were received. The eight commenters agreed with our position in the preamble to the proposed amendments, if finalized, are sufficiently far-reaching and complex that the amended rule would effectively be a new rule warranting a new compliance date. Several of the commenters identified changes to definitions and compliance options that will require regulated sources to reevaluate applicability and control strategies, effectively starting over with respect to a number of key provisions. They indicated that significant time will be needed to review and revise emissions modeling analyses and other calculations; develop revised control strategies; redesign, order, and install control equipment; and complete permitting activities. Several of the commenters also concurred with our rationale in the preamble to the proposed amendments

that section 112(d)(6) of the CAA provides authority for the Administrator to set new compliance dates for revised rules. They also noted that there is precedent for such changes, including the extension for the Pesticide Active Ingredient NESHAP (67 FR 38200, June 3, 2002). Therefore, we are taking final action to extend the compliance date for existing sources by 18 months.

#### III. Statutory and Executive Order Reviews

##### A. Executive Order 12866: Regulatory Planning and Review

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

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that the final rule amendment is not a "significant regulatory action" under the terms of Executive Order 12866 and is, therefore, not subject to OMB review.

##### B. Paperwork Reduction Act

This action does not impose any new information collection burden. Extending the compliance date does not alter the information collection requirements for any source owner or operator. The OMB has previously approved the information collection requirements contained in the existing regulations under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2060-0533 (EPA ICR number 1969.02). A copy of the OMB-approved Information Collection Request (ICR) may be obtained from Susan Auby, by mail at the Office of Environmental Information, Collection

<sup>1</sup> The Fertilizer Institute and Arvea Specialties S. 'ar.1 also filed petitions for review but voluntarily withdrew their petitions.

Strategies Division; U.S. EPA (2822T); 1200 Pennsylvania Ave., NW., Washington, DC 20460, by e-mail at [auby.susan@epa.gov](mailto:auby.susan@epa.gov), or by calling (202) 566-1672. A copy may also be downloaded off the Internet at <http://www.epa.gov/icr>. Include the ICR or OMB number in any correspondence.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

#### C. Regulatory Flexibility Act

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule.

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

For sources subject to this final rule, the NAICS code is 325 and associated small business employee sizes range from 750 to 1000. Relevant NAICS and associated employee sizes are listed below:

NAICS 32511—Petrochemical Manufacturing—1,000 employees or fewer  
 NAICS 325192—Cyclic Crude and Intermediate Manufacturing—750 employees or fewer  
 NAICS 325199—All Other Organic Chemical Manufacturing—1,000 employees or fewer

NAICS 325211—Plastics Material and Resin Manufacturing—750 employees or fewer  
 NAICS 325212—Synthetic Rubber Manufacturing—1,000 employees or fewer  
 NAICS 325411—Medicinal and Botanical Manufacturing—750 employees or fewer  
 NAICS 325611—Soaps and Other Detergents Manufacturing—750 employees or fewer  
 NAICS 32592—Explosives Manufacturing—750 employees or fewer

After considering the economic impacts of today's final rule amendment on small entities, EPA has concluded that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the proposed rule on small entities." 5 U.S.C. 603 and 604. Thus, an agency may conclude that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. The final rule amendment extends the compliance date, which will not impose any additional requirements on small entities.

#### D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least

burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that the final rule amendment does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. No costs are attributable to the final rule amendment. Thus, the final rule amendment is not subject to the requirements of sections 202 and 205 of the UMRA. In addition, the final rule amendment contains no regulatory requirements that might significantly or uniquely affect small governments because it contains no requirements that apply to such governments, and it imposes no obligations upon them. Therefore, the final rule amendment is not subject to the requirements of section 203 of the UMRA.

#### E. Executive Order 13132: Federalism

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

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



Executive Order 13132 does not apply to the final rule amendment.

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

Executive Order 13175 (65 FR 67249, November 9, 2000), requires the EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." The final rule amendment does not have tribal implications, as specified in Executive Order 13175. The final rule amendment extends the compliance date and, therefore, imposes no additional burden on the sources. Thus, Executive Order 13175 does not apply to the final rule amendment.

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

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. The final rule amendment is not subject to Executive Order 13045 because it is based on technology performance and not health or safety risks.

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

The final rule amendment does not constitute a "significant energy action" as defined in Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because the final rule amendment will not have a significant adverse effect on the supply, distribution, or use of energy. Further, we have concluded that the final rule

amendment will not have any adverse energy effects.

*I. National Technology Transfer Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. No. 104-113; 15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by one or more voluntary consensus bodies. The NTTAA directs the EPA to provide Congress, through the OMB, with explanations when the Agency decides not to use available and applicable voluntary consensus standards.

During the rulemaking, the EPA conducted searches to identify voluntary consensus standards in addition to EPA test methods referenced by the final rule. The search and review results have been documented and placed in the docket for the NESHAP (Docket ID No. EPA-HQ-OAR-2003-0121). The final rule amendment does not propose the use of any additional technical standards beyond those cited in the final rule. Therefore, the EPA is not considering the use of any additional voluntary consensus standards for the final rule amendment.

*J. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing the final rule amendment and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the final rule amendment in the **Federal Register**. The final rule amendment is not a "major rule" as defined by 5 U.S.C. 804(2). The final rule amendment is effective on March 1, 2006.

**List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations,

Reporting and recordkeeping requirements.

Dated: February 23, 2006.

**Stephen L. Johnson,**  
Administrator.

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

**PART 63—[AMENDED]**

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

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

**Subpart FFFF—[Amended]**

■ 2. Section 63.2445 is amended by revising paragraph (b) to read as follows:

**§ 63.2445 When do I have to comply with this subpart?**

\* \* \* \* \*

(b) If you have an existing source on November 10, 2003, you must comply with the requirements for existing sources in this subpart no later than May 10, 2008.

\* \* \* \* \*

[FR Doc. 06-1918 Filed 2-28-06; 8:45 am]  
BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 0**

[DA 06-333]

**List of Office of Management and Budget Approved Information Collection Requirements**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document revises the Commission's list of Office of Management and Budget (OMB) approved public information collection requirements with their associated OMB expiration dates. This list will provide the public with a current list of public information collection requirements approved by OMB and their associated control numbers and expiration dates as of January 31, 2006.

**DATES:** Effective March 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Judith B. Herman, Office of the Managing Director, (202) 418-0214 or by e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This document adopted on February 21, 2006 and released on February 22, 2006 by



the Managing Director in DA 06-333 revised 47 CFR 0.408 in its entirety.

1. Section 3507(a)(3) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(3), requires agencies to display a current control number assigned by the Director, Office of Management and Budget ("OMB") for each agency information collection requirement.

2. Section 0.408 of the Commission's rules displays the OMB control numbers assigned to the Commission's public information collection requirements that have been reviewed and approved by OMB.

3. Authority for this action is contained in section 4(i) of the Communications Act of 1934 (47 U.S.C. 154(i)), as amended, and section 0.231(b) of the Commission's Rules. Since this amendment is a matter of agency organization procedure or practice, the notice and comment and effective date provisions of the Administrative Procedure Act do not apply. See 5 U.S.C. 553(b)(A)(d). For this reason, this rulemaking is not subject to the Congressional Review Act and will not be reported to Congress and the Government Accountability Office.

4. Accordingly, *it is ordered*, That section 0.408 of the rules is revised as

set forth in the revised text effective on March 1, 2006.

5. Persons having questions on this matter should contact Judith B. Herman at (202) 418-0214 or e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov).

**List of Subjects in 47 CFR Part 0**

Reporting, recordkeeping and third party disclosure requirements.

Federal Communications Commission.

**Marlene H. Dortch**,  
*Secretary*.

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 0 as follows:

**PART 0—COMMISSION ORGANIZATION**

■ 1. The authority citation for part 0 continues to read:

**Authority:** Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

■ 2. Section 0.408 is revised to read as follows:

**§ 0.408 OMB control numbers and expiration dates assigned pursuant to the Paperwork Reduction Act of 1995.**

(a) *Purpose.* This section displays the control numbers and expiration dates for the Commission information collection requirements assigned by the Office of Management and Budget ("OMB") pursuant to the Paperwork Reduction Act of 1995, Public Law No. 104-13. The Commission intends that this section comply with the requirement that agencies display current control numbers and expiration dates assigned by the Director, OMB, for each approved information collection requirement. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to the Associate Managing Director—Performance Evaluation and Records Management ("AMD-PERM"), Federal Communications Commission, Washington, DC 20554 or e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov).  
(b) *Display.*

OMB control No.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0004	Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, ET Docket No. 93-62.	03/31/08.
3060-0009	FCC 316	08/31/08.
3060-0010	FCC 323	01/31/09.
3060-0016	FCC 346	05/31/08.
3060-0017	FCC 347	06/30/06.
3060-0024	Sec. 76.29	10/31/07.
3060-0027	FCC 301	09/30/08.
3060-0029	FCC 302-TV	Pending OMB Approval.
3060-0031	FCC 314, FCC 315	08/31/08.
3060-0034	FCC 340	03/31/06.
3060-0053	FCC 703	08/31/08.
3060-0055	FCC 327	11/30/06.
3060-0056	Part 68	04/30/08.
3060-0057	FCC 731	12/31/08.
3060-0059	FCC 740	12/31/06.
3060-0061	FCC 325	12/31/08.
3060-0065	FCC 442	06/30/08.
3060-0068	FCC 702	08/31/08.
3060-0075	FCC 345	09/30/08.
3060-0076	FCC 395	Pending OMB Approval.
3060-0084	FCC 323-E	06/30/08.
3060-0093	FCC 405	01/31/09.
3060-0095	FCC 395-A	03/31/08.
3060-0106	Sec. 43.61	07/31/07.
3060-0110	FCC 303-S	12/31/06.
3060-0113	FCC 396	12/31/06.
3060-0120	FCC 396-A	12/31/06.
3060-0126	Sec. 73.1820	12/31/08.
3060-0132	FCC 1068-A	03/31/07.
3060-0139	FCC 854 and 854-R	10/31/08.
3060-0147	Sec. 64.804	1/31/09.
3060-0149	Part 63, Section 214, Secs. 63.01-63.601	04/30/08.
3060-0157	Sec. 73.99	05/31/06.
3060-0161	Sec. 73.61	06/30/06.
3060-0166	Part 42	08/31/07.
3060-0168	Sec. 43.43	09/30/06.

OMB control No.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0169	Secs. 43.51 and 43.53	08/31/08.
3060-0170	Sec. 73.1030	03/31/08.
3060-0171	Sec. 73.1125	03/31/08.
3060-0173	Sec. 73.1207	11/30/07.
3060-0174	Sec. 73.1212, 76.1615, and 76.1715	Pending OMB Approval.
3060-0175	Sec. 73.1250	07/31/08.
3060-0176	Sec. 73.1510	04/30/06.
3060-0178	Sec. 73.1560	01/31/09.
3060-0179	Sec. 73.1590	11/30/07.
3060-0180	Sec. 73.1610	01/31/08.
3060-0181	Sec. 73.1615	01/31/09.
3060-0182	Sec. 73.1620	07/31/07.
3060-0184	Sec. 73.1740	01/31/08.
3060-0185	Sec. 73.3613	04/30/08.
3060-0187	Sec. 73.3594	03/31/07.
3060-0188	FCC 380	01/31/08.
3060-0190	Sec. 73.3544	03/31/07.
3060-0192	Sec. 87.103	07/31/07.
3060-0202	Sec. 87.37	10/31/06.
3060-0204	Sec. 90.20(a)(2)(v)	01/31/09.
3060-0206	Part 21	11/30/07.
3060-0207	Part 11	Pending OMB approval.
3060-0208	Sec. 73.1870	08/31/06.
3060-0211	Sec. 73.1943	12/31/07.
3060-0212	Sec. 73.2080	12/31/06.
3060-0213	Sec. 73.3525	02/28/07.
3060-0214	Sec. 73.3526	Pending OMB Approval.
3060-0215	Sec. 73.3527	07/31/08.
3060-0216	Sec. 73.3538	01/31/08.
3060-0219	Sec. 90.20(a)(2)(xi)	11/30/08.
3060-0221	Sec. 90.155	01/31/08.
3060-0222	Sec. 97.213	10/31/06.
3060-0223	Sec. 90.129	01/31/09.
3060-0228	Sec. 80.59	07/31/07.
3060-0233	Part 36	09/30/06.
3060-0236	Sec. 74.703	08/31/08.
3060-0248	Sec. 74.751	05/31/08.
3060-0249	Sec. 74.781	10/31/06.
3060-0250	Sec. 74.784	05/31/06.
3060-0259	Sec. 90.263	10/31/06.
3060-0261	Sec. 90.215	04/30/07.
3060-0262	Sec. 90.179	04/30/08.
3060-0264	Sec. 80.413	10/31/06.
3060-0265	Sec. 80.868	07/31/07.
3060-0270	Sec. 90.443	01/31/07.
3060-0281	Sec. 90.651	06/30/07.
3060-0286	Sec. 80.302	04/30/07.
3060-0287	Sec. 78.69	04/30/08.
3060-0288	Sec. 78.33	04/30/06.
3060-0289	Secs. 76.601, 76.1704, 76.1705, and 76.1717	07/31/08.
3060-0290	Sec. 90.517	05/31/08.
3060-0291	Sec. 90.477(a), (b)(2), (d)(2) and (d)(3)	07/31/08.
3060-0292	Part 69	01/31/07.
3060-0295	Secs. 90.607(b)(1) and (c)(1)	03/31/07.
3060-0297	Sec. 80.503	10/31/06.
3060-0298	Part 61	05/31/08.
3060-0307	Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band.	10/31/06.
3060-0308	Sec. 90.505	04/30/07.
3060-0309	Sec. 74.1281	09/30/08.
3060-0310	FCC 322	12/31/06.
3060-0311	Sec. 76.54	05/31/08.
3060-0313	Sec. 76.1701	12/31/07.
3060-0315	Sec. 76.1615 and 76.1715	03/31/06.
3060-0316	Sec. 76.1700, 76.1703, 76.1704, 76.1707, and 76.1711	03/31/08.
3060-0320	Sec. 73.1350	06/30/07.
3060-0325	Sec. 80.605	09/30/08.
3060-0329	Sec. 2.955	01/31/09.
3060-0331	FCC 321	12/31/06.
3060-0332	Secs. 76.614 and 76.1706	02/29/08.
3060-0340	Sec. 73.51	03/31/07.
3060-0341	Sec. 73.1680	12/31/06.
3060-0342	Sec. 74.1284	12/31/06.

OMB control No.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0346	Sec. 78.27	03/31/07.
3060-0347	Sec. 97.311	01/31/09.
3060-0349	Equal Employment Opportunity Requirements	12/31/06.
3060-0355	FCC 492 and FCC 492A	07/31/07.
3060-0357	Request for Designation as a Recognized Private Operating Agency (RPOA)	09/30/08.
3060-0360	Sec. 80.409	11/30/07.
3060-0370	Part 32	04/30/08.
3060-0374	Sec. 73.1690	01/31/08.
3060-0384	Secs. 64.904 and 64.905	03/31/08.
3060-0386	Sec. 73.1635	06/30/08.
3060-0387	Sec. 15.201(d)	03/31/06.
3060-0390	FCC 395-B	03/31/08.
3060-0391	Program to Monitor the Impact of Universal Service Support Mechanisms, CC Docket Nos. 98-202 and 96-45..	05/31/08.
3060-0392	47 CFR Part 1, Subpart J, Pole Attachment Complaint Procedures	01/31/07.
Complaint Procedures 3060-0394.	Sec. 1.420	09/30/08.
3060-0395	FCC Reports 43-02, FCC 43-05 and FCC 43-07	04/30/08.
3060-0397	Sec. 15.7(a)	12/31/06.
3060-0398	Secs. 2.948 and 15.117(g)(2)	04/30/06.
3060-0400	Tariff Review Plan	05/31/06.
3060-0404	FCC 350	05/31/08.
3060-0405	FCC 349	03/31/06.
3060-0407	Sec. 73.3598	12/31/08.
3060-0410	FCC 495A and FCC 495B	04/30/08.
3060-0411	FCC 485	06/30/07.
3060-0414	Terrain Shielding Policy	02/28/07.
3060-0419	Secs. 76.94, 76.95, 76.105, 76.106, 76.107, and 76.1609	08/31/08.
3060-0422	Sec. 68.5	11/30/07.
3060-0423	Sec. 73.3588	11/30/08.
3060-0427	Sec. 73.3523	02/28/07.
3060-0430	Sec. 1.1206	04/30/08.
3060-0433	FCC 320	06/30/08.
3060-0434	Sec. 90.20(e)(6)	05/31/08.
3060-0435	Sec. 80.361	01/31/09.
3060-0436	Equipment Authorization, Cordless Telephone Security Coding	03/31/06.
3060-0439	Sec. 64.201	12/31/07.
3060-0441	Sec. 90.621(b)(4)	10/31/06.
3060-0454	Regulation of International Accounting Rates	10/31/08.
3060-0463	Telecommunications Relay Services and the Americans with Disabilities Act of 1990, 47 CFR Part 64.	06/30/06.
3060-0465	Sec. 74.985	01/31/07.
3060-0466	Sec. 74.1283	05/31/06.
3060-0470	Secs. 64.901 and 64.903, Allocation of Cost, Cost Allocation Manual and RAO Letters 19 and 26.	03/31/08.
3060-0473	Sec. 74.1251	12/31/08.
3060-0474	Sec. 74.1263	05/31/06.
3060-0483	Sec. 73.687	12/31/06.
3060-0484	Part 4 of the Commission's Rules Concerning Disruptions to Communications	12/31/07.
3060-0489	Sec. 73.37	03/31/07.
3060-0490	Sec. 74.902	04/30/07.
3060-0491	Sec. 74.991	04/30/07.
3060-0492	Sec. 74.992	04/30/07.
3060-0493	Sec. 74.986	04/30/07.
3060-0494	Sec. 74.990	04/30/07.
3060-0496	FCC Report 43-08	03/31/07.
3060-0500	Sec. 76.1713	12/31/07.
3060-0501	Secs. 73.1942, 76.206 and 76.1611	01/31/09.
3060-0506	FCC 302-FM	06/30/06.
3060-0508	Rewrite of Part 22	12/31/07.
3060-0511	FCC Report 43-04	04/30/08.
3060-0512	FCC Report 43-01	Pending OMB Approval.
3060-0513	FCC Report 43-03	Pending OMB Approval.
3060-0514	Sec. 43.21(b)	05/31/06.
3060-0515	Sec. 43.21(c)	09/30/08.
3060-0519	Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278.	12/31/07.
3060-0526	Density Pricing Zone Plans, Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91-141.	10/31/08.
3060-0531	Local Multipoint Distribution Service (LMDS)	01/31/07.
3060-0532	Secs. 2.1033(b)(10) and 15.121	12/31/08.
3060-0537	Sec. 13.217	05/31/08.
3060-0546	Definition of Markets for Purposes of the Cable Television Mandatory Television Broadcast Signal Carriage Rules.	04/30/06.

OMB control No.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0548	Secs. 76.1708, 76.1709, 76.1620, 76.56, and 76.1614	08/31/08.
3060-0550	FCC 328	12/31/08.
3060-0551	Secs. 76.1002 and 76.1004	03/31/07.
3060-0560	Sec. 76.911	10/31/07.
3060-0561	Sec. 76.913	01/31/07.
3060-0562	Sec. 76.916	07/31/07.
3060-0564	Sec. 76.924	04/30/06.
3060-0565	Sec. 76.944	01/31/07.
3060-0567	Sec. 76.962	03/31/08.
3060-0568	Commercial Leased Access Rates, Terms, & Conditions	10/31/06.
3060-0569	Sec. 76.975	10/31/06.
3060-0570	Sec. 76.982	07/31/07.
3060-0572	Filing Manual for Annual International Circuit Status Reports	07/31/07.
3060-0573	FCC 394	06/30/06.
3060-0580	Secs. 76.504 and 76.1710	12/31/06.
3060-0581	Sec. 76.503	11/30/06.
3060-0584	FCC 44 and FCC 45	Pending OMB Approval.
3060-0589	FCC 159, FCC 159-B, FCC 159-C, and FCC 159-E	06/30/08.
3060-0594	FCC 1220	11/30/07.
3060-0595	FCC 1210	03/31/06.
3060-0599	Implementation of Sections 3(n) and 332 of the Communications Act	01/31/07.
3060-0600	FCC 175	05/31/08.
3060-0601	FCC 1200	11/30/07.
3060-0607	Sec. 76.922	01/31/07.
3060-0609	Sec. 76.934(e)	01/31/08.
3060-0611	Sec. 74.783	12/31/06.
3060-0621	Rules and Requirements for C & F Block Broadband PCS Licenses	07/31/07.
3060-0625	Amendment of the Commission's Rules to Establish New Personal Communications Services under Part 24.	03/31/07.
3060-0626	Secs. 90.168, 90.425 and 90.483	12/31/07.
3060-0627	FCC 302-AM	06/30/06.
3060-0633	Secs. 73.1230, 74.165, 74.432, 74.564, 74.664, 74.765, 74.832, 74.965 and 74.1265.	11/30/07.
3060-0634	Sec. 73.691	04/30/07.
3060-0636	Equipment Authorization—Declaration of Compliance—Parts 2 and 15	Pending OMB Approval.
3060-0638	Sec. 76.934(g)	05/31/08.
3060-0644	FCC 1230	Pending OMB Approval.
3060-0645	Sec. 17.4	Pending OMB Approval.
3060-0647	Annual Survey of Cable Industry Prices	Pending OMB Approval.
3060-0649	Secs. 76.1601, 76.1617, 76.1697 and 76.1708	02/29/08.
3060-0652	Secs. 76.309, 76.1602, 76.1603, and 76.1619	04/30/08.
3060-0653	Secs. 64.703(b) and (c)	05/31/08.
3060-0655	Request for Waivers of Regulatory and Application Fees Predicated on Allegations of Financial Hardship.	05/31/07.
3060-0658	Sec. 27.1213	03/31/08.
3060-0665	Sec. 64.707	12/31/07.
3060-0667	Secs. 76.630, 76.1621, and 76.1622	04/30/08.
3060-0668	Sec. 76.936	03/31/08.
3060-0669	Sec. 76.946	05/31/08.
3060-0673	Sec. 76.956	03/31/08.
3060-0674	Sec. 76.1618	10/31/08.
3060-0678	FCC 312 Schedule S	Pending OMB Approval.
3060-0681	Toll-Free Service Access Codes, Part 52, Subpart D, Secs. 52.101—52.111	12/31/06.
3060-0684	Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation, WT Docket No. 95-157.	04/30/07.
3060-0685	FCC 1240	01/31/08.
3060-0686	Streamlining the International Section 214 Authorization Process and Tariff Requirements.	Pending OMB Approval.
3060-0687	Access to Telecommunications Equipment and Services by Persons with Disabilities, CC Docket No. 87-124.	Pending OMB Approval.
3060-0688	FCC 1235	01/31/08.
3060-0690	Rules Regarding the 37.0—38.6 GHz and 38.6—40.0 GHz Bands	02/28/06.
3060-0691	Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896-901 MHz Bands Allotted to Specialized Mobile Radio Service.	04/30/07.
3060-0692	Home Wiring Provisions	03/31/07.
3060-0695	Sec. 87.219	01/31/09.
3060-0697	Facilitating the Future Development of Paging Systems via Parts 22 and 90	04/30/07.
3060-0698	Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico, ET Docket No. 96-2.	11/30/07.
3060-0700	FCC 1275	08/31/07.
3060-0702	Amendment of Parts 20 and 24 of the Commission's Rules, Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap.	03/31/07.

OMB control No.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0703	FCC 1205	04/30/06.
3060-0704	Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended, CC Docket No. 96-61.	01/31/09.
3060-0706	Cable Act Reform	10/31/08.
3060-0707	Over-the-Air Reception Devices (OTARD)	08/31/08.
3060-0710	Policy and Rules Concerning the Implementation of the Local Competition Provisions in the Telecommunications Act of 1996—CC Docket No. 96-98.	10/31/06.
3060-0711	Implementation of Section 34(a)(1) of the Public Utility Holding Company Act of 1935, as amended by the Telecommunications Act of 1996, Secs. 1.5001 through 1.5007.	12/31/06.
3060-0713	Alternative Broadcast Inspection Program (ABIP) Compliance Notification	07/31/08.
3060-0715	Telecommunications Carriers' Use of Customer Proprietary Network Information (CPNI) and Other Customer Information—CC Docket No. 96-115.	05/31/08.
3060-0716	Blanketing Interference	11/30/06.
3060-0717	Billed Party Preference for InterLATA 0+ Calls, Secs. 64.703(a), 64.709, and 64.710.	06/30/08.
3060-0718	Part 101 Governing the Terrestrial Microwave Radio Service	03/31/06.
3060-0719	Quarterly Report of IntraLATA Carriers Listing Pay Phone Automatic Number Identifications (ANIs).	12/31/06.
3060-0723	Public Disclosure of Network Information by Bell Operating Companies	12/31/06.
3060-0725	Quarterly Filing of Nondiscrimination Reports (on Quality of Service, Installation, and Maintenance) by Bell Operating Companies (BOC's).	09/30/06.
3060-0726	Quarterly Report of Interexchange Carriers Listing the Number of Dial-Around Calls for Which Compensation is Being Paid to Pay Phone Owners.	09/30/06.
3060-0727	Sec. 73.213	02/28/07.
3060-0734	Accounting Safeguards, 47 U.S.C. Sections 260, 271-276, and 47 CFR Secs. 53.211 and 53.213.	06/30/08.
3060-0737	Disclosure Requirements for Information Services Provided Under a Presubscription or Comparable Arrangement.	05/31/06.
3060-0740	Sec. 95.1015	01/31/09.
3060-0741	Implementation of the Local Competition Provisions on the Telecommunications Act of 1996—CC Docket No. 96-98.	06/30/07.
3060-0742	Telephone Number Portability, Part 52, Subpart C, Secs. 52.21-52.33 and CC Docket No. 95-116.	11/30/08.
3060-0743	Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996—CC Docket No. 96-128.	01/31/07.
3060-0745	Implementation of the Local Exchange Carrier Tariff Streamlining Provisions of the Telecommunications Act of 1996, CC Docket No. 96-187.	12/31/06.
3060-0748	Sec. 64.1504	11/30/06.
3060-0749	Sec. 64.1509	11/30/06.
3060-0750	Secs. 73.671 and 73.673	07/31/08.
3060-0751	Reports Concerning International Private Lines Interconnected to the U.S. Public Switched Network.	01/31/09.
3060-0752	Sec. 64.1510	11/30/06.
3060-0754	FCC 398	11/30/07.
3060-0755	Infrastructure Sharing, Secs. 59.1-59.4	05/31/06.
3060-0757	FCC Auctions Customer Survey	01/31/07.
3060-0758	Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations, ET Docket No. 96-256.	12/31/06.
3060-0760	Access Charge Reform, CC Docket No. 96-262	Pending OMB Approval.
3060-0761	Sec. 79.1	12/31/08.
3060-0763	FCC Report 43-06	04/30/06.
3060-0767	Auction Forms and License Transfer Disclosures—Supplement for the 2nd Order on Reconsideration of the 5th R&O in WT Docket No. 97-82.	05/31/08.
3060-0768	28 GHz Band Segmentation Plan Amending the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, and to Establish Rules and Policies for Local Multipoint Distribution Services and for the Fixed Satellite Service.	01/31/09.
3060-0770	Price Cap Performance Review for Local Exchange Carriers—CC Docket No. 94-1 (New Services).	11/30/08.
3060-0771	Sec. 5.61	06/30/07.
3060-0773	Sec. 2.803	12/31/06.
3060-0774	Federal-State Joint Board on Universal Service—CC Docket No. 96-45, and 47 CFR Part 54.	12/31/07.
3060-0775	Separate Affiliate Requirements for Independent Local Exchange Carrier (LEC) Provisions of International, Interexchange Services (Secs. 64.1901-64.1903).	12/31/06.
3060-0779	Amendment of Part 90 of the Commission's Rules to Provide for Use of the 220 MHz Band by the Private Land Mobile Radio Service. PR Docket No. 89-552.	07/31/07.
3060-0780	Uniform Rate-Setting Methodology	02/28/07.
3060-0782	Petition for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations.	01/31/07.
3060-0783	Sec. 90.176	01/31/09.

OMB control No.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0786	Petitions for LATA Association Changes by Independent Telephone Companies ..	01/31/07.
3060-0787	Implementation of Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance.	11/30/07.
3060-0788	DTV Showings/Interference Agreements .....	03/31/08.
3060-0790	Sec. 68.110(c) .....	11/30/06.
3060-0791	Accounting for Judgments and Other Costs Associated with Litigation, CC Docket No. 93-240.	11/30/06.
3060-0793	Federal-State Joint Board on Universal Service, Procedures for Self-Certifying as a Rural Carrier, CC Docket No. 96-45.	09/30/08.
3060-0795	FCC 606 .....	07/31/08.
3060-0798	FCC 601 .....	06/30/08.
3060-0799	FCC 602 .....	03/31/08.
3060-0800	FCC 603 .....	07/31/08.
3060-0804	FCC 465, FCC 466, FCC 466-A, and FCC 467 .....	06/30/08.
3060-0805	Secs. 90.523, 90.527, and 90.545 .....	06/30/08.
3060-0806	FCC 470 and FCC 471 .....	11/30/07.
3060-0807	Sec. 51.803 and Supplemental Procedures for Petitions to Section 252(e)(5) of the Communications Act of 1934, as amended.	06/30/07.
3060-0809	Communications Assistance for Law Enforcement Act (CALEA) .....	08/31/06.
3060-0810	Procedures for Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended.	05/31/06.
3060-0812	Exemption from Payment of Regulatory Fees When Claiming Non-Profit Status ...	01/31/09.
3060-0813	Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Calling Systems.	Pending OMB Approval.
3060-0814	Sec. 54.301 .....	03/31/08.
3060-0816	Local Competition and Broadband Reporting, WC Docket No. 04-141, FCC 04-266 and FCC 477.	05/31/08.
3060-0817	Computer III Further Remand Proceedings: BOC Provision of Enhanced Services (ONA Requirements), CC Docket No. 95-20.	09/30/06.
3060-0819	Lifeline Assistance (Lifeline) Connection Assistance (Link-Up) Reporting Worksheet and Instructions, 47 CFR 54.400-54.417, FCC 497.	05/31/08.
3060-0823	Pay Telephone Reclassification, Memorandum Opinion and Order, CC Docket No. 96-128.	05/31/08.
3060-0824	FCC 498 .....	07/31/06.
3060-0833	Implementation of Section 255 of the Telecommunications Act of 1996: Complaint Filings/Designation of Agents.	03/31/08.
3060-0835	Ship Inspections, FCC 806, FCC 824, FCC 827 and FCC 829 .....	Pending OMB Approval.
3060-0837	FCC 302-DTV .....	01/31/08.
3060-0841	Public Notice, Additional Processing Guidelines for DTV .....	04/30/08.
3060-0844	Carriage of the Transmissions of Digital Television Broadcast Stations .....	01/31/08.
3060-0848	Deployment of Wireline Services Offering Advanced Telecommunications Capability—CC Docket No. 98-147.	Pending OMB Approval.
3060-0849	Commercial Availability of Navigation Devices .....	09/30/08.
3060-0850	FCC 605 .....	06/30/08.
3060-0853	FCC 479, FCC 486, and FCC 486-T .....	01/31/07.
3060-0854	Truth-in-Billing Format, CC Docket No. 98-170 .....	09/30/08.
3060-0855	FCC 499-A, and FCC 499-Q .....	03/31/07.
3060-0856	FCC 472, FCC 473, and FCC 474 .....	01/31/07.
3060-0859	Suggested Guidelines for Petitions for Ruling under Section 253 of the Communications Act.	06/30/06.
3060-0862	Handling Confidential Information .....	06/30/08.
3060-0863	Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act (SHVA).	Pending OMB Approval.
3060-0865	Wireless Telecommunications Bureau Universal Licensing System Recordkeeping and Third-Party Disclosure Requirements.	03/31/07.
3060-0874	FCC 475, FCC 475B .....	11/30/08.
3060-0876	USAC Board of Directors Nomination Process, Sec. 54.703 and Review of Administrator's Decision, Secs. 54.719-54.725.	06/30/06.
3060-0881	Sec. 95.861 .....	09/30/08.
3060-0882	Sec. 95.833 .....	01/31/09.
3060-0888	Secs. 76.7, 76.9, 76.61, 76.914, 76.1003, 76.1302, and 76.1513 .....	05/31/08.
3060-0893	Universal Licensing Service (ULS) Pre-Auction Database Corrections .....	02/28/07.
3060-0894	Certification Letter Accounting for Receipt of Federal Support, CC Docket Nos. 96-45 and 96-262.	06/30/07.
3060-0895	FCC 502 .....	03/31/07.
3060-0896	Broadcast Auction Form Exhibits .....	12/31/08.
3060-0897	MDS and ITFS Two-Way Transmissions .....	07/31/07.
3060-0900	Compatibility of Wireless Services with Enhanced 911—CC Docket No. 94-102 ...	03/31/06.
3060-0901	Reports of Common Carriers and Affiliates .....	Pending OMB Approval.
3060-0905	Regulations for RF Lighting Devices, Secs. 18.213 and 18.307, ET Docket No. 98-42.	11/30/08.
3060-0906	FCC 317 .....	07/31/06.



OMB control No.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0910	Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Third Report and Order in CC Docket No. 94-102.	05/31/06.
3060-0912	Cable Attribution Rules	10/31/06.
3060-0914	Petition, Pursuant to Section 7 of the Act, for a Waiver of the Airborne Cellular Rule, or, in the Alternative, for a Declaratory Ruling.	05/31/07.
3060-0917	FCC 160	10/31/06.
3060-0918	FCC 161	10/31/06.
3060-0919	FCC 162	10/31/06.
3060-0920	FCC 318	08/31/08.
3060-0921	Petitions for LATA Boundary Modification for the Deployment of Advanced Services.	10/31/06.
3060-0922	FCC 397	11/30/06.
3060-0926	Transfer of the 4.9 GHz Band from Federal Government Use to the Private Sector—NPRM.	07/31/07.
3060-0927	Auditor's Annual Independence and Objectivity Certification	05/31/06.
3060-0928	FCC 302-CA	02/28/07.
3060-0930	Implementation of the Satellite Home Viewer Improvement Act (SHVIA) of 1999; Enforcement Procedures for Retransmission Consent Violations Conforming to Section 325(e) of the Communications Act of 1934, as amended.	06/30/06.
3060-0931	Maritime Mobile Service Identity (MMSI)	06/30/06.
3060-0932	FCC 301-CA	05/31/08.
3060-0933	FCC 460	11/30/06.
3060-0936	Secs. 95.1215 and 95.1217	09/30/06.
3060-0937	Establishment of a Class A Television Service, MM Docket No. 00-10	08/31/07.
3060-0938	FCC 319	10/31/06.
3060-0939	E911, Second Memorandum Opinion and Order	08/31/07.
3060-0942	Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board on Universal Service.	03/31/07.
3060-0943	Sec. 54.809	12/31/06.
3060-0944	Review of Commission Consideration of Applications Under the Cable Landing License Act.	Pending OMB Approval.
3060-0945	Sec. 79.2	01/31/07.
3060-0947	Sec. 101.1327	02/28/07.
3060-0948	Noncommercial Educational Applicants	06/30/07.
3060-0949	FCC 159-W	10/31/06.
3060-0950	Extending Wireless Telecommunications Services to Tribal Lands, WT Docket No. 99-266.	06/30/07.
3060-0951	Service of Petitions for Preemption, 47 CFR Sec. 1.1204(b) Note, and Sec. 1.1206(a) Note 1.	01/31/07.
3060-0952	Proposed Demographic Information and Notifications, CC Docket Nos. 98-147 and 96-98.	01/31/07.
3060-0953	Wireless Medical Telemetry Service, ET Docket No. 99-255	04/30/07.
3060-0955	2 GHz Mobile Satellite Service Reports	02/28/07.
3060-0957	Wireless Enhanced 911 Service	11/30/07.
3060-0960	Secs. 76.122, 76.123, 76.124 and 76.127	05/31/08.
3060-0962	Redesignation of the 18 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the Ka-Band, and the Allocation of Additional Spectrum for Broadcast Satellite Service Use.	11/30/08.
3060-0963	Secs. 101.527 and 101.529	08/31/07.
3060-0966	Secs. 80.385, 80.475, and 97.303	01/31/09.
3060-0967	Sec. 79.2	11/30/07.
3060-0968	FCC 501	11/30/07.
3060-0970	Sec. 90.621	06/30/07.
3060-0971	Numbering Resource Optimization, CC Docket Nos. 96-98 and 99-200	11/30/07.
3060-0972	FCC 507, FCC 508 and FCC 509	11/30/07.
3060-0973	Sec. 64.1120(e)	12/31/07.
3060-0975	Promotion of Competitive Networks in Local Telecommunications Markets Multiple Environments (47 CFR Parts 1, 64 and 68).	11/30/07.
3060-0978	Sec. 20.18 and Fourth Report and Order	Pending OMB Approval.
3060-0979	Spectrum Audit Letter	06/30/06.
3060-0980	Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004 (SHVERA), Broadcast Signal Carriage Issues, Retransmission Consent Issues.	06/30/08.
3060-0981	1998 Biennial Review: Streamlining of Cable Television Services, Part 76. Public File and Notice Requirements.	11/30/07.
3060-0982	Implementation of Low Power Television (LPTV) Digital Data Services Pilot Project.	01/31/08.
3060-0984	Secs. 90.35(b)(2) and 90.175(b)(1)	07/31/07.
3060-0986	FCC 525	06/30/08.
3060-0987	911 Callback Capability: Non-initialized Phones	10/31/08.

OMB control No.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0989	Procedures for Applicants Requiring Section 214 Authorization for Domestic Interstate Transmission Lines Acquired Through Corporate Control, Secs. 63.01, 63.03 and 63.04.	11/30/08.
3060-0991	AM Measurement Data	05/31/08.
3060-0992	Secs. 54.507(d)(1)-(4) and CC Docket No. 96-45	01/31/08.
3060-0994	Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Band.	01/31/07.
3060-0995	Sec. 1.2105(c)	05/31/08.
3060-0996	AM Auction Section 307(b) Submissions	05/31/08.
3060-0997	Sec. 52.15(k)	05/31/08.
3060-0998	Sec. 87.109	03/31/08.
3060-0999	Exemption of Public Mobile Service Phones from the Hearing Aid Compatibility Act.	06/30/07.
3060-1000	Sec. 87.147	01/31/08.
3060-1001	FCC 337	05/31/08.
3060-1003	Telecommunications Carrier Emergency Contact Information	04/30/08.
3060-1004	Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.	05/31/06.
3060-1005	Numbering Resource Optimization—Phase 3	06/30/08.
3060-1007	Streamlining and Other Revisions of Part 25 of the Commission's Rules	11/30/07.
3060-1008	Reallocation and Service Rules for the 698-746 MHz Band (Television Channels 52-59).	11/30/08.
3060-1009	FCC 499-M	01/31/09.
3060-1012	Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, NPRM, Proposed ADA Certification.	06/30/08.
3060-1013	Mitigation of Orbital Debris	04/30/08.
3060-1014	Ku-Band NGSO FSS	Pending OMB Approval.
3060-1015	Ultra Wideband Transmission Systems Operating Under Part 15	Pending OMB Approval.
3060-1021	Sec. 25.139	11/30/08.
3060-1022	Sec. 101.1403	01/31/09.
3060-1023	Sec. 101.103	01/31/09.
3060-1024	Sec. 101.1413	01/31/09.
3060-1025	Sec. 101.1440	01/31/09.
3060-1026	Sec. 101.1417	01/31/09.
3060-1027	Sec. 27.602	03/31/06.
3060-1028	International Signaling Point Code (ISPC)	10/31/08.
3060-1029	Data Network Identification Code (DNIC)	10/31/08.
3060-1030	Service Rules for Advanced Wireless Services (AWS) in the 1.7 GHz and 2.1 GHz Bands.	01/31/09.
3060-1031	Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems—Petition of City of Richardson, TX; Order on Reconsideration II.	08/31/06.
3060-1032	Commercial Availability of Navigation Devices and Compatibility Between Cable Systems and Consumer Electronics Equipment, CS Docket No. 97-80 and PP Docket No. 00-67.	03/31/07.
3060-1033	FCC 396-C	07/31/07.
3060-1034	Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service.	03/31/07.
3060-1035	FCC 309, FCC 310 and FCC 311	01/31/09.
3060-1036	Potential Reporting Requirements on Local Exchange Carriers to Assist Expedient Implementation of Wireless E911 Service.	05/31/06.
3060-1038	Digital Television Transition Information Questionnaires	02/28/07.
3060-1039	FCC 620 and FCC 621	01/31/08.
3060-1040	Broadcast Ownership Rules, Report and Order in MB Docket No. 02-777 and MM Docket Nos. 02-235, 02-237, and 00-244.	04/30/07.
3060-1041	Remedial Measures for Failure to Construct Digital Television Stations (DTV Policy Statement).	09/30/06.
3060-1042	Request for Technical Support—Help Request Form	02/29/08.
3060-1043	Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67.	03/31/08.
3060-1044	Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket Nos. 01-338, 96-98 and 98-147.	03/31/07.
3060-1045	FCC 324	12/31/06.
3060-1046	Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128.	05/31/08.
3060-1047	Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Second Report and Order, Order on Reconsideration, CC Docket No. 98-67.	Pending OMB Approval.
3060-1048	Sec. 1.929(c)(1)	01/31/07.
3060-1049	Digital Broadcast Content Protection, MB Docket No. 02-230	07/31/07.
3060-1050	New Allocation for Amateur Radio Service, ET Docket No. 02-98	11/30/07.
3060-1051	Certification Letter Accounting For Receipt of Federal Support, CC Docket Nos. 96-45 and 96-262, NPRM.	01/31/07.

OMB control No.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-1053	Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Declaratory Ruling, CC Docket No. 98-67.	Pending OMB Approval.
3060-1054	FCC 422-IB	02/28/07.
3060-1055	FCC 423-IB	02/28/07.
3060-1056	FCC 421-IB	02/28/07.
3060-1057	FCC 420-IB	02/28/07.
3060-1058	FCC 603-T	08/31/07.
3060-1059	Global Mobile Personal Communications by Satellite (GMPCS)/E911 Call Centers	02/29/08.
3060-1060	Wireless E911 Coordination Initiative Letter	07/31/07.
3060-1061	Earth Stations on Board Vessels (ESVs)	05/31/08.
3060-1062	Schools and Libraries Universal Service Support Mechanism—Notification of Equipment Transfers.	07/31/07.
3060-1063	Global Mobile Personal Communications by Satellite (GMPCS) Authorization, Marketing and Importation Rules.	07/31/07.
3060-1064	Regulatory Fee Assessment True-Ups, NPRM, MD Docket No. 05-59, FCC 05-35.	05/31/08.
3060-1065	Sec. 25.701	08/31/07.
3060-1066	FCC 312-R	09/30/07.
3060-1067	FCC 312-EZ	09/30/07.
3060-1068	Enhanced 911 Emergency Calling Systems, Scope of Service for CMRS	11/30/07.
3060-1069	Rules and Policies Concerning Attribution of Joint Sales Agreements in Local Television Markets, NPRM, MB Docket No. 94-246.	11/30/07.
3060-1070	Allocations and Service Rules for the 71-76 GHz, 81-86 GHz, and 92-95 GHz Bands.	12/31/08.
3060-1071	Rural Wireless Community VISION Program Essay Guidelines	12/31/07.
3060-1072	FCC 386	03/31/08.
3060-1073	FCC 385	03/31/08.
3060-1074	FCC 384	03/31/08.
3060-1075	FCC 383	03/31/08.
3060-1076	FCC 382	03/31/08.
3060-1078	Rules and Regulations Implementing Controlling the Assault of Non-Solicited, Pornography and Marketing Act of 2003 (CAN-SPAM Act), CG Docket No. 04-53.	12/31/07.
3060-1079	Radio Frequency Identification Equipment	03/31/08.
3060-1080	Improving Public Safety Communications in the 800 MHz Band	08/31/08.
3060-1081	Federal-State Joint Board on Universal Service, CC Docket No. 96-45	10/31/08.
3060-1082	Sec. 73.1201	04/30/08.
3060-1083	Request to Update Default Compensation Rate for Dial-Around Calls from Pay Phones, WC Docket No. 03-225.	06/30/08.
3060-1084	Rules and Regulations Implementing Minimum Customer Account Record Obligations on All Local and Interexchange Carriers (CARE), CG Docket No. 02-386.	08/31/08.
3060-1085	Collection of Location Information, Provision of Notice and Reporting on Interconnected Voice Over Internet Protocol (VoIP) E911 Compliance.	01/31/09.
3060-1086	Secs. 74.786, 74.787, 74.790, 74.794 and 74.796	09/30/08.
3060-1087	Broadband Over Power Lines (BPL), ET Docket No. 04-37	09/30/08.

[FR Doc. 06-1912 Filed 2-28-06; 8:45 am]  
BILLING CODE 6712-01-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 041126332-5039-02; I.D. 022406A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 Meters) Length Overall and Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher vessels 60 feet (18.3 meters (m)) length overall (LOA) and longer using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first seasonal allowance of the 2006 Pacific cod total allowable catch (TAC) of Pacific cod specified for catcher vessels using hook-and-line gear in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 24, 2006, though 1200 hrs, A.l.t., June 10, 2006.

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

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

The first seasonal allowance of the 2006 Pacific cod TAC allocated to catcher vessels using hook-and-line gear in the BSAI is 165 metric tons as established by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005). See § 679.20(c)(3)(iii),

§ 679.20(c)(5), and § 679.20(a)(7)(i)(A) and (a)(7)(i)(C)(1)(ii).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, has determined that the first seasonal allowance of the 2006 Pacific cod TAC allocated to catcher vessels using hook-and-line gear in the BSAI has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels 60 feet (18.3 m) LOA and longer using hook-and-line gear in the BSAI. Vessels less than 60 feet (18.3 m) LOA using hook-and-line gear in the BSAI may continue to participate in the directed fishery for Pacific cod under a separate Pacific cod allocation to catcher vessels less than 60 feet (18.3 m) LOA using pot or hook-and-line gear.

After the effective date of this closure the maximum retainable amounts at

§ 679.20(e) and (f) apply at any time during a trip.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by catcher vessels 60 feet (18.3 m) LOA and longer using hook-and-line gear in the BSAI. NMFS was unable to publish a

notice providing time for public comment because the most recent, relevant data only became available as of February 23, 2006.

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

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

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

Dated: February 24, 2006.

**Alan Risenhover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 06-1910 Filed 2-24-06; 1:10 pm]

BILLING CODE 3510-22-S

# Proposed Rules

Federal Register

Vol. 71, No. 40

Wednesday, March 1, 2006

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-22959; Directorate Identifier 2005-NE-40-AD]

RIN 2120-AA64

#### Airworthiness Directives; Sicma Aero Seat; Third Occupant Seat Assemblies, 133 Series

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for Sicma Aero Seat third occupant seat assemblies, 133 Series. This proposed AD would require visually inspecting the installation of the two headrest bushings and installing Mecanindus pins to secure the bushings. This proposed AD results from Sicma's determination that missing or incorrectly secured bushings could loosen and cause disengagement of the headrest from the seat during a high-energy stop of the airplane, possibly injuring the seat occupant. We are proposing this AD to prevent disengagement of the headrest from the seat during a high-energy stop of the airplane that could injure the seat occupant.

**DATES:** We must receive any comments on this proposed AD by May 1, 2006.

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

- DOT Docket web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400

Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Fax: (202) 493-2251.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Sicma Aero Seat 7, Rue Lucien Coupet, 36100 Issoudun, France; telephone 33 (0) 2 54 03 39 39, fax 33 (0) 2 54 03 15 16, for the service information identified in this proposed AD.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, FAA, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238-7161; fax (781) 238-7170.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-22959; Directorate Identifier 2005-NE-40-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

#### Examining the AD Docket

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

#### Discussion

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition might exist on Sicma Aero Seat third occupant seat assemblies, 133 Series. The DGAC advises that Sicma determined that missing or incorrectly secured bushings could loosen, causing disengagement of the headrest from the seat during a high-energy stop of the airplane, possibly injuring the third seat occupant. This proposed AD would require visually inspecting the installation of the two headrest bushings and installing Mecanindus pins to secure the bushings. We are proposing this AD to prevent disengagement of the headrest from the seat during a high-energy stop of the airplane that could injure the seat occupant.

#### Relevant Service Information

We have reviewed and approved the technical contents of Sicma Aero Seat Service Bulletin (SB) 133-25-006, dated May 12, 1999. This SB describes procedures for inspecting the two headrest bushings for proper installation and installing Mecanindus pins to secure the bushings. The DGAC classified this SB as mandatory and issued airworthiness directive 2000-042(AB), dated January 26, 2000, in order to ensure the airworthiness of these third occupant seats in France.

#### FAA's Determination and Requirements of the Proposed AD

These cabin attendant seats, manufactured in France, are used in airplanes that are type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral

airworthiness agreement. In keeping with this bilateral airworthiness agreement, the DGAC kept us informed of the situation described above. We have examined the DGAC's findings, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States. For this reason, we are proposing this AD, which would require inspecting the two headrest bushings for proper installation and installing Mecanindus pins to secure the bushings. The proposed AD would require you to use the service information described previously to perform these actions.

**Costs of Compliance**

About 459 Sicma Aero Seat third occupant attendant seat assemblies, 133 Series, of the affected design are installed on 698 airplanes of U.S. registry. We estimate that it would take about 0.5 hour per seat assembly to perform the proposed actions, and that the average labor rate is \$65 per work hour. The Mecanindus pins cost \$99.88 each, however, Sicma has advised us that they will supply the parts at no cost. Based on the labor rate to install the parts, the total cost of the proposed AD to U.S. operators would be about \$14,918.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the

distribution of power and responsibilities among the various levels of government.

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the ADDRESSES section for a location to examine the regulatory evaluation.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**Sicma Aero Seat:** Docket No. FAA-2005-22959; Directorate Identifier 2005-NE-40-AD.

**Comments Due Date**

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by May 1, 2006.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Sicma Aero Seat third occupant seat assemblies, 133 Series, with the part numbers (P/Ns) and serial numbers (SNs) in the following Table 1:

TABLE 1.—APPLICABLE SEAT ASSEMBLIES

Seat P/N	Seat SN
130622-070 .....	1 through 212.
130622-070-1 .....	1 through 212.
1330622-070-2 .....	1 through 6.
130622-100 .....	1 through 13.
130622V100-1 .....	1 through 16.

These third occupant seats are installed on, but not limited to, Airbus A319, A320, and A321 series airplanes.

**Unsafe Condition**

(d) This proposed AD results from Sicma's determination that missing or incorrectly secured bushings could loosen and cause disengagement of the headrest from the seat during a high-energy stop of the airplane, possibly injuring the seat occupant. We are proposing this AD to prevent disengagement of the headrest from the seat during a high-energy stop of the airplane that could injure the seat occupant.

**Compliance**

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

**Installing Protective Fairings**

(f) Within 30 days after the effective date of this AD, visually check the installation of the two headrest bushings and install Mecanindus pins, part number GPMECAE2-5x5, to secure the bushings. Use the instructions in paragraph 2 of Sicma Aero Seat Service Bulletin 133-25-006, dated May 12, 1999, to perform the visual inspection and install the pins.

**Alternative Methods of Compliance**

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

**Related Information**

(h) DGAC airworthiness directive 2000-042 (AB), dated January 26, 2000, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on February 23, 2006.

**Peter A. White,**

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

[FR Doc. E6-2849 Filed 2-28-06; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF COMMERCE**

**Bureau of Economic Analysis**

**15 CFR Part 806**

[Docket No. 060131020-6020-01]

RIN 0691-AA57

**Direct Investment Surveys: BE-577, Direct Transactions of U.S. Reporter With Foreign Affiliate**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** This proposed rule amends regulations of the Bureau of Economic Analysis, Department of Commerce (BEA) to set forth the reporting



requirements for the quarterly BE-577, Direct Transactions of U.S. Reporter With Foreign Affiliate. The BE-577 survey is conducted quarterly and is a sample survey that obtains data on transactions and positions between U.S.-owned foreign business enterprises and their U.S. parents.

To address the current needs of data users while at the same time keeping the respondent burden as low as possible, BEA proposes modification of items on the survey form and in the reporting criteria. Changes are proposed to bring the BE-577 forms and related instructions into conformity with the 2004 BE-10, Benchmark Survey of U.S. Direct Investment Abroad, and to exclude data that have recently begun to be collected on other Government surveys.

**DATES:** Comments on these proposed rules will receive consideration if submitted on or before 5 p.m. May 1, 2006.

**ADDRESSES:** You may submit comments, identified by RIN 0691-AA57, and referencing the agency name (Bureau of Economic Analysis), by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. For agency, select "Commerce Department—all."

- E-mail: [Obie.Whichard@bea.gov](mailto:Obie.Whichard@bea.gov).
- Fax: Office of the Chief, International Investment Division, (202) 606-5318.

- Mail: Office of the Chief, International Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE-50, Washington, DC 20230.

- Hand Delivery/Courier: Office of the Chief, International Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE-50, Shipping and Receiving, Section M100, 1441 L Street, NW., Washington, DC 20005.

Public Inspection: Comments may be inspected at BEA's offices, 1441 L Street, NW., Room 7006, between 8:30 a.m. and 5 p.m., Eastern Time Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Obie G. Whichard, Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606-9890.

**SUPPLEMENTARY INFORMATION:** This proposed rule would amend 15 CFR part 806.14 to set forth the reporting requirements for the BE-577, Direct Transactions of U.S. Reporter With

Foreign Affiliate. 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 comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

#### Description of Changes

The BE-577 survey is a mandatory survey and is conducted quarterly by BEA under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108). BEA will send BE-577 survey forms to potential respondents each quarter; responses will be due within 30 days after the close of each fiscal quarter, except for the final quarter of the fiscal year, when reports will be due within 45 days.

To reduce respondent burden, BEA proposes to increase the exemption level for reporting from \$30 million to \$40 million. The exemption level is stated in terms of the foreign affiliate's assets, sales, and net income. BEA expects this change to result in a decrease of approximately 1,800 affiliates reported on the BE-577 from the total of about 15,500 now required to be reported. The decrease in the number of reportable affiliates due to raising the exemption level will offset the increase in reportable affiliates due to natural growth since the exemption level was last increased (from \$20 to \$30 million) in 2000.

In addition, BEA is proposing a few changes to the survey form and instructions. BEA proposes to:

1. Revise the survey form and instructions to bring them into conformity with the most recent BE-10 benchmark survey instructions for reporting capital gains and losses.
2. Collect information on payments to and receipts from foreign affiliates for interest, royalties and license fees and other private services gross of any taxes withheld, to align reporting of these items with current international statistical standards for balance of payments accounts. Previously, this information was collected net of taxes withheld.
3. Modify the survey instructions to indicate that positions and transactions in financial derivatives contracts that are reported on or derived from the Treasury Department's recently instituted International Capital Form D, Report of Holdings of, and Transactions in, Financial Derivatives Contracts with Foreign Residents should be excluded from BE-577 reports.

4. Remove the requirement for reporting certain affiliated insurance

transactions that have been problematic to collect on the BE-577. BEA plans to move the reporting requirement for these transactions to specialized services surveys that BEA conducts in the near future.

#### Survey Background

The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, will conduct the survey under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108), hereinafter, "the Act." Title 22 United States Code, Section 3103(a)(1) of the Act requires that with respect to United States direct investment abroad, the President shall conduct a data collection program to obtain current information on international capital flows and other information related to international investment and trade in services including information that may be necessary for computing and analyzing the United States balance of payments, the employment and taxes of United States parents and affiliates, and the international investment and trade in services position of the United States.

In Section 3 of Executive Order 11961, the President delegated authority granted under the Act as concerns direct investment to the Secretary of Commerce, who has redelegated it to BEA. The quarterly survey of U.S. direct investment abroad is a sample survey that covers all foreign affiliates above a size-exemption level. The survey collects data on transactions and positions between U.S.-owned foreign business enterprises and their U.S. parents. The sample data are used to derive quarterly universe estimates from similar data reported in the BE-10, Benchmark Survey of U.S. Direct Investment Abroad, which is taken every five years. The data are used in the preparation of the U.S. international transactions accounts, input-output accounts, and national income and product accounts. The data are needed to measure the size and economic significance of U.S. direct investment abroad, measure changes in such investment, and assess its impact on the U.S. and foreign economies. The data are disaggregated by country and industry of foreign affiliate.

#### Executive Order 12866

This proposed rule has been determined to be not significant for purposes of E. O. 12866.

#### Executive order 13132

This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a

Federalism assessment under E.O. 13132.

#### Paperwork Reduction Act

This proposed rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The requirement has been submitted to OMB for approval as a revision to a collection currently approved under OMB control number 0608-0004.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB control number.

The survey, as proposed, is expected to result in the filing of about 13,500 foreign affiliate reports by an estimated 1,500 U.S. parent companies. A parent company must file one form per affiliate. BEA proposes to change the survey in two ways—first, to collect information on payments to and receipts from foreign affiliates for interest, royalties and license fees and other private services gross rather than, as in the past, net of any taxes withheld, and second, to remove the requirement for reporting certain affiliated insurance transactions that have been problematic to collect on the BE-577. (BEA plans to move the reporting requirement for these transactions to specialized services surveys that BEA conducts in the near future.) The respondent burden for this collection of information is estimated to vary from 0.5 hour to 4 hours per response, with an average of 1.25 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Because reports are filed 4 times per year, 54,000 responses annually are expected. Thus, the total annual respondent burden of the survey is estimated at 67,500 hours (13,500 respondents times 4 times 1.25 hours average burden). This estimate is the same as the burden hours currently carried for this collection in the OMB inventory.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility,

and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Comments should be addressed to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230, fax: 202-606-5311; and the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608-0004, Attention PRA Desk Officer for BEA, via the Internet at [pbugg@omb.eop.gov](mailto:pbugg@omb.eop.gov), or by fax at 202-395-7245.

#### Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration (SBA), under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. Although the BE-577 survey does not itself collect data on the size of the U.S. companies that must respond, data collected on related BEA surveys indicate that about 100 of the estimated 1,500 U.S. parent companies that must respond to the BE-577 survey are small businesses according to the standards established by the Small Business Administration. The exemption level for the BE-577 survey is set in terms of the size of a U.S. company's foreign affiliates (foreign companies owned 10 percent or more by the U.S. company); if a foreign affiliate has assets, sales, or net income greater than the exemption level, it must be reported. Usually, the U.S. parent company that is required to file the report is many times larger than its largest foreign affiliate.

The 100 U.S. businesses that meet the SBA small business standards tend to have few foreign affiliates, and the foreign affiliates that they do own are small. With the proposed increase in the exemption level for the BE-577 survey from \$30 million to \$40 million (stated in terms of the foreign affiliate's assets, sales, and net income), small U.S. businesses will be required to file fewer reports for their foreign affiliates than would be required in the absence of this increase. The estimated annual cost to a U.S. business reporting for five or fewer foreign affiliates is estimated to be less than \$1,000.

#### List of Subjects in 15 CFR Part 806

International transactions, Economic statistics, U.S. investment abroad,

Penalties, Reporting and recordkeeping requirements.

Dated: February 21, 2006.

**J. Steven Landefeld,**  
Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR part 806 as follows:

#### PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR part 806 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 22 U.S.C. 3101-3108; and E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp., p. 173) and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

#### § 806.14 [Amended]

2. Section 806.14 (e) is amended by deleting "\$30,000,000" and inserting "\$40,000,000" in its place.

[FR Doc. 06-1877 Filed 2-28-06; 8:45 am]

BILLING CODE 3510-06-P

#### SOCIAL SECURITY ADMINISTRATION

#### 20 CFR Parts 404 and 416

[Regulation Nos. 4 and 16]

RIN 0960-AG05

#### Optometrists as Acceptable Medical Sources to Establish a Medically Determinable Impairment

**AGENCY:** Social Security Administration.  
**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** We propose to revise the Social Security and Supplemental Security Income (SSI) disability regulations regarding sources of evidence for establishing a medically determinable impairment under titles II and XVI of the Social Security Act (the Act). The revised regulations would expand the situations in which we consider licensed optometrists to be "acceptable medical sources".

**DATES:** To be sure that your comments are considered, we must receive them by May 1, 2006.

**ADDRESSES:** You may give us your comments by: using our Internet site facility (*i.e.*, Social Security Online) at <http://policy.ssa.gov/erm/rules.nsf/Rules+Open+To+Comment> or the Federal eRulemaking Portal at <http://www.regulations.gov>; e-mail to [regulations@ssa.gov](mailto:regulations@ssa.gov); telefax to (410) 966-2830; or letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235-7703. You may also deliver them to the Office of

Regulations, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, between 8 a.m. and 4:30 p.m. on regular business days. Comments are posted on our Internet site, at <http://policy.ssa.gov/erin/rules.nsf/Rules+Open+To+Comment>, or you may inspect them on regular business days by making arrangements with the contact person shown in this preamble.

#### Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>. It is also available on the Internet site for SSA (i.e., Social Security Online) at <http://policy.ssa.gov/erin/rules.nsf/Rules+Open+To+Comment>.

#### FOR FURTHER INFORMATION CONTACT:

Rosemarie A. Greenwald, Social Insurance Specialist, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-7813 or TTY 410-966-5609. For information on eligibility or filing for benefits, call our national toll-free number 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet Web site, Social Security Online, at <http://www.socialsecurity.gov>.

#### SUPPLEMENTARY INFORMATION:

##### What is an "acceptable medical source"?

Our rules provide that you must show that you have a medically determinable impairment with evidence from an acceptable medical source. An acceptable medical source is an individual who has the training and expertise to provide us with the signs and laboratory findings based on medically acceptable clinical and laboratory diagnostic techniques that establish a medically determinable physical or mental impairment. Our regulations identify professionals whom we consider to be acceptable medical sources. (See §§ 404.1513(a) and 416.913(a).) They are:

- Licensed physicians (medical or osteopathic doctors);
- Licensed or certified psychologists. Included are school psychologists, or other licensed or certified individuals with other titles who perform the same function as a school psychologist in a school setting, for purposes of establishing mental retardation, learning disabilities, and borderline intellectual functioning only;

- Licensed optometrists, for the measurement of visual acuity and visual

fields (for claims under title II, we may need a report from a physician to determine other aspects of eye diseases);

- Licensed podiatrists, for purposes of establishing impairments of the foot, or foot and ankle only, depending on whether the State in which the podiatrist practices permits the practice of podiatry on the foot only, or the foot and ankle;

- Qualified speech-language pathologists, for purposes of establishing speech or language impairments only.

Our current rules in §§ 404.1513(d) and 416.913(d) provide that, once we have established that you have a medically determinable impairment, we consider all other relevant evidence from other medical and non-medical sources, including your own statements, to determine its severity and how it affects you.

##### Why are we proposing to change our rules?

As medical science changes, it is our duty to review our policies and make appropriate revisions. In the early 1990s, we discussed expanding the role of optometrists as acceptable medical sources with the American Optometric Association (AOA). However, because licensing regulations varied considerably among jurisdictions at that time, we found that it was not feasible for us to revise our policy.

Recently, we met with representatives of the AOA again and obtained information about the education, qualifications, and state scope-of-practice laws related to optometrists. Based on our review of accreditation requirements and practice guidelines, we have determined that, with the exception of the U.S. Virgin Islands, the licensing requirements, scope of treatment, and diagnostic protocols for licensed optometrists are sufficient to qualify virtually all licensed optometrists as acceptable medical sources for visual disorders. Therefore, we believe it is now appropriate to propose to revise our regulations to authorize licensed optometrists as acceptable medical sources for visual disorders in all jurisdictions but the U.S. Virgin Islands.<sup>1</sup>

<sup>1</sup> The U.S. Virgin Islands do not allow optometrists to administer or prescribe pharmaceuticals, including topical application of pharmaceuticals for diagnostic or treatment purposes. Because a complete evaluation of the eye includes the use of diagnostic pharmaceuticals, optometrists in the U.S. Virgin Islands are not qualified to perform a complete evaluation of the eye.

##### Why was this solution chosen?

The revised regulations would expand the situations in which we consider licensed optometrists to be "acceptable medical sources". We would be able to make more decisions based on medical evidence of record, rather than having to purchase time-consuming and expensive consultative examinations. Therefore, these regulations would help some individuals with visual disorders qualify for benefits more quickly.

##### What rules are we proposing to revise?

We propose to revise §§ 404.1513(a)(3) and 416.913(a)(3) to provide that, except in the U.S. Virgin Islands, licensed optometrists would be acceptable medical sources for purposes of establishing a medically determinable impairment for visual disorders only. However, we will maintain our current rules for licensed optometrists in the U.S. Virgin Islands, where they will continue to be acceptable medical sources for measurement of visual acuity and visual fields only.

##### What programs would these proposed regulations affect?

These proposed rules would affect disability and blindness determinations and decisions that we make under titles II and XVI of the Act. In addition, to the extent that Medicare entitlement and Medicaid eligibility are based on whether you qualify for disability benefits under title II or disability or blindness under title XVI, these proposed rules would also affect the Medicare and Medicaid programs.

##### Who can get disability benefits?

Under title II of the Act, we provide for the payment of disability benefits if you are disabled and belong to one of the following three groups:

- Workers insured under the Act,
- Children of insured workers, and
- Widows, widowers, and surviving divorced spouses (see § 404.336) of insured workers.

Under title II of the Act, you may qualify for a period of disability if you are insured for disability under Social Security and are under a disability as defined in section 216(i)(1) of the Act. That section defines disability to include statutory blindness, for purposes of establishing a period of disability under title II. If we find that you are blind and you meet the insured status requirement, we may establish a period of disability for you regardless of whether you can do substantial gainful activity (SGA). A period of disability protects your earnings record under Social Security so that the time you are disabled will not count against you in

determining whether you will have worked long enough to qualify for benefits and the amount of your benefits. See §§ 404.320, 404.1505, 404.1581, and 404.1582.

Under title XVI of the Act, we provide for Supplemental Security Income (SSI) payments on the basis of disability or blindness if you are disabled or blind and have limited income and resources.

#### How do we define blindness?

For both the title II and title XVI programs, the Act defines blindness as "central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered \* \* \* as having a central visual acuity of 20/200 or less." (See sections 216(i)(1) and 1614(a)(2) of the Act.)

Title II of the Act does not provide a separate category of benefits based on blindness. However, you may be entitled to benefits based on disability under title II of the Act if you are blind.

By contrast, title XVI of the Act provides for a category of payments based on blindness as well as a category of payments based on disability. If you are blind and meet the SSI income and resources requirements, you may be eligible for SSI payments based on blindness. Your blindness does not have to meet a 12-month duration requirement for you to be eligible for these payments. Also, there is no requirement that you be unable to do any SGA. However, if you are working, we will consider your earnings to determine if you are eligible for SSI payments.

#### How do we decide whether you are disabled?

If you are applying for disability benefits under title II of the Act, section 404.1513(a) of our regulations provides that we need evidence from acceptable medical sources to establish whether you have a medically determinable impairment(s). Therefore, in general, to be entitled to disability benefits under title II, your blindness must result from a medically determinable impairment and meet the 12-month duration requirement. (See §§ 404.1508, 404.1513, and 404.1581.) Also, if you are under age 55, you must be unable to do any SGA. (See §§ 404.1582 and 404.1584(b).) Even though you are doing SGA, we may still find that you are entitled to title II disability benefits if—

- You are blind;
- You are age 55 or older; and

- You are unable to use the skills or abilities like the ones you used in any SGA which you did regularly and for a substantial period of time. However, we will not pay you any cash benefits for any month in which you are doing SGA. (See §§ 404.1583 and 404.1584(c).)

Section 416.913(a) of our regulations states that if you are claiming benefits under title XVI on the basis of disability, not blindness, your disability must result from a medically determinable impairment documented by acceptable medical sources. However, blindness is treated differently under title XVI of the Act. Under title XVI, blindness and disability are separate categories of SSI payments, and the requirements for eligibility based on blindness are different from the requirements for eligibility based on disability. Under title XVI, the only evidence we need to establish statutory blindness is evidence showing that your visual acuity or visual field, in the better eye, meets the criteria described in the section "How do we define blindness?" provided that those measurements are consistent with the other evidence in your case record. We do not need to determine the cause of your blindness for you to be eligible for SSI payments based on blindness. Also, there is no duration requirement for statutory blindness under title XVI (See §§ 416.981 and 416.983). Section 416.913(f) provides that if you are applying for benefits under title XVI on the basis of statutory blindness, we will require an examination by a physician skilled in diseases of the eye or by an optometrist, whichever you may select.

#### What is a "medically determinable impairment"?

We will not consider you to be disabled or blind unless you furnish medical and other evidence that we need to show that you are disabled or blind. (See sections 223(d)(5)(A) and 1614(a)(3)(H)(i) of the Act, and §§ 404.1512(a) and 416.912(a) of our regulations.) The Act requires that you show that your disability results from a medically determinable physical or mental impairment. A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. (See sections 223(d)(3) and 1614(a)(3)(D) of the Act.) Our regulations provide that a physical or mental impairment must be established by medical evidence consisting of signs, symptoms, and laboratory findings. (See §§ 404.1508 and 416.908.)

#### What is our authority to make rules and set procedures for determining whether a person is disabled under the statutory definition?

Section 205(a) of the Act and, by reference to section 205(a), section 1631(d)(1) provides that:

The Commissioner of Social Security shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this title, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.

#### When will we start to use these rules?

We will not use these rules until we evaluate the public comments we receive on them, determine whether they should be issued as final rules, and issue final rules in the **Federal Register**. If we publish final rules, we will explain in the preamble how we will apply them, and summarize and respond to the public comments. Until the effective date of any final rules, we will continue to use our current rules.

#### Clarity of these proposed rules

Executive Order 12866, as amended by Executive Order 13258, requires each agency to write all rules in plain language. In addition to your substantive comments on these proposed rules, we invite your comments on how to make them easier to understand.

For example:

- Have we organized the material to suit your needs?
- Are the requirements in the rules clearly stated?
- Do the rules contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rules easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rules easier to understand?

#### Regulatory Procedures

##### Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these proposed rules meet the requirements for a significant regulatory action under Executive Order

12866, as amended by Executive Order 13258. Thus, they were subject to OMB review.

#### Regulatory Flexibility Act

We certify that these proposed rules would not have a significant economic impact on a substantial number of small entities because they would affect only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

#### Paperwork Reduction Act

These proposed rules do not impose any new reporting requirements on the public.

#### List of References

During development of these proposed rules, we reviewed the following information:

- Council on Optometric Education, *Accreditation Manual: Professional Optometric Degree Programs*, St. Louis, MO, 10/1998.

- American Optometric Association, *State/Territory Statutory Language the Practice of Optometry*, 3/2002.

- American Optometric Association, *Optometric Clinical Practice Guidelines*.

1. *Comprehensive Adult Eye and Vision Examination*, St. Louis, MO, 5/1/1994.

2. *Care of the Patient with Primary Angle Closure Glaucoma*, St. Louis, MO, 6/23/1994.

3. *Care of the Patient with Anterior Uveitis*, St. Louis, MO, 6/23/1994.

4. *Care of the Patient with Age-Related Macular Degeneration*, St. Louis, MO, 6/23/1994.

5. *Care of the Patient with Amblyopia*, St. Louis, MO, 6/29/1994.

6. *Care of the Patient with Open Angle Glaucoma*, St. Louis, MO, 3/23/1995.

7. *Care of the Patient with Retinal Detachment and Related Peripheral Vitreoretinal Disease*, St. Louis, MO, 4/27/1995.

8. *Care of the Patient with Strabismus: Esotropia and Exotropia*, St. Louis, MO, 6/28/1995.

9. *Care of the Adult Patient with Cataract*, St. Louis, MO, 6/28/1995.

10. *Care of the Patient with Diabetes Mellitus*, St. Louis, MO, 5/1/1998.

- National Board of Examiners in Optometry, "Topic outline of national test", <http://www.optometry.org>.

These references are included in the rulemaking record for these proposed rules and are available for inspection by interested individuals making arrangements with the contact person shown in this preamble.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—

Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income.)

#### List of Subjects

##### 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

##### 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: December 20, 2006.

Jo Anne B. Barnhart,

Commissioner of Social Security.

For the reasons set out in the preamble, we propose to amend subpart P of part 404 and subpart I of part 416 of chapter III of title 20 of the Code of Federal Regulations as set forth below:

#### PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950— )

##### Subpart P—[Amended]

1. The authority citation for subpart P of part 404 continues to read as follows:

**Authority:** Secs. 202, 205(a), (b), and (d)—(h), 216(i), 221(a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a), (b), and (d)—(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104—193, 110 Stat. 2105, 2189.

2. Revise § 404.1513(a)(3) to read as follows:

##### § 404.1513 Medical and other evidence of your impairment(s).

(a) \* \* \*

(3) Licensed optometrists, for purposes of establishing visual disorders only (except, in the U.S. Virgin Islands, licensed optometrists, for the measurement of visual acuity and visual fields only);

\* \* \* \* \*

#### PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

##### Subpart I—[Amended]

3. The authority citation for subpart I of part 416 continues to read as follows:

**Authority:** Secs. 702(a)(5), 1611, 1614, 1619, 1631(a), (c), and (d)(1), and (p), and 1633 of the Social Security Act (42 U.S.C.

902(a)(5), 1382, 1382c, 1382h, 1383(a), (c), and (d)(1), and (p), and 1383b; secs. 4(c) and 5, 6(c)—(e), 14(a), and 15, Pub. L. 98—460, 98 Stat. 1794, 1801, 1802, and 1808 (42 U.S.C. 421 note, 423 note, 1382h note).

4. Revise § 416.913(a)(3) to read as follows:

##### § 416.913 Medical and other evidence of your impairment(s).

(a) \* \* \*

(3) Licensed optometrists, for purposes of establishing visual disorders only (except, in the U.S. Virgin Islands, licensed optometrists, for the measurement of visual acuity and visual fields only). (See paragraph (f) of this section for the evidence needed for statutory blindness);

\* \* \* \* \*

[FR Doc. E6—2852 Filed 2—28—06; 8:45 am]

BILLING CODE 4191—02-P

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 600

[Docket No. 050520139—6034—03; I.D. 030305A]

RIN 0648—AS46

##### Magnuson-Stevens Act Provisions; Fishing Capacity Reduction Program; Bering Sea/Aleutian Islands King and Tanner Crabs; Industry Fee System for Fishing Capacity Reduction Loan

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS publishes this proposed rule to exempt any crab landed under the Community Development Quota (CDQ) Program from the fee regulations for the Bering Sea/Aleutian Islands King and Tanner Crab Fishing Capacity Reduction Program, to provide that crab buyers disburse fee collections to NMFS not later than the 7th calendar day of each month, and to provide that the annual report from each crab buyer shall be submitted to NMFS by July 1 of each calendar year. The fee regulations otherwise remain unchanged. The intent of this proposed rule is to modify the fee rules so that they do not apply to any crab allocated pursuant to the CDQ Program, and to ease the fee collection burden for crab buyers.



**DATES:** Written comments on this proposed rule must be received by March 31, 2006.

**ADDRESSES:** You may submit comments by any of the following methods:

- E-mail: [0648-AS46@noaa.gov](mailto:0648-AS46@noaa.gov).

Include in the subject line the following identifier: BSAI Crab Buyback RIN 0648-AS46. E-mail comments, with or without attachments, are limited to 5 megabytes.

- Federal e-Rulemaking Portal: <http://www.regulations.gov>.

- Mail: Michael A. Sturtevant, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3282.

- Fax: (301) 713-1306.

**FOR FURTHER INFORMATION CONTACT:**

Michael A. Sturtevant, Financial Services Division, NMFS headquarters, at 301-713-2390.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

This **Federal Register** document is also accessible via the Internet at the Office of the **Federal Register's** Web site at <http://www.access.gpo.gov/su-docs/aces/aces140.html>.

**Background**

Sections 312(b)-(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b) through (e)) generally authorized fishing capacity reduction programs. In particular, section 312(d) authorized industry fee systems for repaying the reduction loans which finance reduction program costs.

Subpart L of 50 CFR part 600 is the framework rule generally implementing sections 312(b)-(e).

Sections 1111 and 1112 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279f and 1279g) generally authorized reduction loans.

The Consolidated Appropriations Act of 2001 (Public Law 106-554) directed the Secretary of Commerce to establish a \$100 million fishing capacity reduction program in the Bering Sea/Aleutian Islands king and Tanner crab fishery. Congress amended the authorizing act twice (Public Law 107-20 and Public Law 107-117), once to change the crab reduction program's funding from a \$50 million appropriation and a \$50 million loan to a \$100 million loan and once to clarify provisions about crab fishery vessels.

NMFS published the crab reduction program's proposed implementation rule on December 12, 2002 (67 FR 76329) and its final rule on December 12, 2003 (68 FR 69331). Anyone

interested in the program's full implementation details should refer to these two documents. NMFS initially proposed and adopted the program's implementation rule as section 600.1018 of Subpart L of 50 CFR part 600, but NMFS has since, without other change, re-designated the rule as section 600.1103 in a new subpart M of part 600.

NMFS allocated the prospective \$97,399,357.11 million reduction loan to the six reduction endorsement fisheries involved, as the following sub-amounts:

1. Bristol Bay red king, \$17,129,957.23.
2. BSAI *C. opilio* and *C. bairdi*, \$66,410,767.20.
3. Aleutian Islands brown king, \$6,380,837.19.
4. Aleutian Islands red king, \$237,588.04.
5. Pribilof red king and blue king, \$1,571,216.35, and
6. St. Matthew blue king, \$5,668,991.10.

On November 24, 2004, NMFS published another **Federal Register** notice (69 FR 68313) advising the public that NMFS would, beginning on December 27, 2004, tender the crab reduction program's reduction payments to the 25 accepted bidders. On December 27, 2004, NMFS required all accepted bidders to then permanently stop all further fishing with the reduction vessels and permits.

Subsequently, NMFS:

1. Disbursed \$97,399,357.11 in reduction payments to 25 accepted bidders;
2. Revoked the relinquished reduction permits;
3. Revoked each reduction vessel's fishing history;
4. Notified the National Vessel Documentation Center to revoke the reduction vessels' fishery trade endorsements and appropriately annotate the reduction vessel's document; and
5. Notified the U.S. Maritime Administration to prohibit the reduction vessel's transfer to foreign ownership or registry.

On July 28, 2005, NMFS published a **Federal Register** document (70 FR 43673) proposing regulations to implement the crab buyback program's industry fee system.

On September 16, 2005, NMFS published a **Federal Register** document (70 FR 54652) implementing the crab buyback program's industry fee system regulations. Fee collection and payment began on October 17, 2005.

NMFS proposes to exempt any crab landed by the recipients of the CDQ

allocations from the fee regulations because they did not vote in the crab buyback program's fee referendum, NMFS did not include the ex-vessel value of crab landed under the CDQ allocations in the required formula for establishing the reduction loan sub-amounts for whose repayment the reduction fishery was responsible, and the recipients of the CDQ allocations do not directly benefit from the crab buyback.

NMFS has been informed by crab buyers that requiring fee principal disbursement to NMFS on the last business day of the month presents problems in properly accounting for crab landings in a timely fashion. Crab buyers are unable to complete their accounting process prior to the end of that business day. Therefore, in order to allow crab buyers sufficient time to disburse fee principal, NMFS proposes that deposit principal disbursement shall be made to NMFS not later than the 7th calendar day of each month.

NMFS also proposes that the annual report from each crab buyer shall be submitted to NMFS by July 1 of each calendar year. This should allow ample time for the State of Alaska to publish average crab price data for the previous calendar year.

**Classification**

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this proposed rule is consistent with the Magnuson-Stevens Act and other applicable laws.

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

NMFS has certified to the Small Business Administration, under Section 605(b) of the Regulatory Flexibility Act, that this proposed rule would not have a significant economic impact on a substantial number of small entities.

There are currently six CDQ groups that receive CDQ crab allocations and participate in the BSAI crab fisheries. This proposed rule seeks to revise the regulations to expressly exclude the recipients of the CDQ allocations from the crab buyback program's fee collection system. The CDQ groups allocations did not vote in the crab buyback program's fee referendum and NMFS did not include the ex-vessel value of crab landed under the CDQ allocations for establishing the reduction loan sub-amounts.

The total fee to be collected for any given year is calculated based on a formula using projected landings, the interest rate, and the amortization schedule, and it is calculated in advance for the entire year. In determining the



annual fee, the contributions from recipients of the CDQ allocations were not considered in the calculation. The collection of fees on CDQ crab landings would result in the repayment of fees above what was expected for this year. As a result of the additional revenue, the buyback loan would be repaid slightly earlier than expected and would result in a slight decrease in the overall amount of interest accrued on the loan. Removal of the CDQ landings from the fee assessment would not have a negative impact on the expectations of the remaining BSAI crab harvesters since they were not expecting fee payments from the CDQ landings based on the fee calculations provided by NMFS. Furthermore, the contributions from CDQ landings are relatively small compared to the overall reduction loan amount. The contributions from the CDQ crab landings would represent 10 percent of the total reduction loan amount. This proposed rule is necessary to ensure that recipients of CDQ crab are excluded from the requirement to pay fees on their BSAI crab landings. The

six CDQ groups would be positively affected by this proposed rule.

**List of Subjects in 50 CFR Part 600**

Fisheries, Fishing capacity reduction, Fishing permits, Fishing vessels.

Dated: February 24, 2006.

**William T. Hogarth,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 600 is proposed to be amended as follows:

**PART 600—MAGNUSON-STEVENS  
ACT PROVISIONS**

1. The authority citation for part 600, Subpart M, continues to read as follows:

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

2. In § 600.1104, paragraph (b), the definition of "Reduction fishery" is revised and paragraph (h)(4) is revised to read as follows:

**§ 600.1104 Bering Sea and Aleutian  
Islands (BSAI) crab species fee payment  
and collection system.**

\* \* \* \* \*

(b) \* \* \*

*Reduction fishery* means the fishery for all crab rationalization crab, excluding CDQ allocations, in all crab rationalization fisheries.

\* \* \* \* \*

(h) \* \* \*

(4) Fish buyers in each reduction endorsement fishery shall in accordance with § 600.1014, deposit and disburse, as well as keep records for and submit reports about, the fees applicable to each such fishery; except the requirements specified under paragraph (c) of this section concerning the deposit principal disbursement shall be made to NMFS not later than the 7th calendar day of each month; and the requirements specified under paragraph (e) of this section concerning annual reports which shall be submitted to NMFS by July 1 of each calendar year; and, \* \* \*

\* \* \* \* \*

[FR Doc. E6-2892 Filed 2-28-06; 8:45 am]

BILLING CODE 3510-22-S

## Notices

Federal Register

Vol. 71, No. 40

Wednesday, March 1, 2006

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

#### Submission for OMB Review; Comment Request

February 27, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB).

*OIRA\_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

#### National Agricultural Statistics Service

*Title:* Agricultural Labor Survey  
*OMB Control Number:* 0535-0109.

*Summary of Collection:* The 1938 Agricultural Adjustment Act, as amended in 1948, requires wage rate data for computation of an index component. This component is used in calculation of parity prices. General authority for these data collection activities is granted under U.S. Code Title 7, section 2204. Agricultural labor statistics are an integral part of National Agricultural Statistics Service (NASS) primary function of collecting, processing, and disseminating current state, regional, and national agricultural statistics. Comprehensive and reliable agricultural labor data are also needed by the Department of Labor in the administration of the "H-2A" program (non-immigrants who enter the United States for temporary or seasonal agricultural labor) and for setting "Adverse Effect Wage Rates." The Agricultural Labor Survey is the only timely and reliable source of information on the size of the farm worker population. NASS will collect information using a survey.

*Need and Use of the Information:* NASS will collect information on wage rate estimates and the year-to-year changes in these rates and how changes in wage rates help measure the changes in costs of production of major farm commodities. NASS will also collect information on data to measure the availability of national farm workers. The information is used by farm worker organizations to help set wage rates and negotiate labor contracts as well as determine the need for additional workers and help ensure federal assistance for farm worker assistance programs supported with government funding.

*Description of Respondents:* Farms.

*Number of Respondents:* 12,173.

*Frequency of Responses:* Reporting: Quarterly; Annually.

*Total Burden Hours:* 12,782.

**Charlene Parker,**

*Departmental Information Collection  
Clearance Officer.*

[FR Doc. E6-2859 Filed 2-28-06; 8:45 am]

BILLING CODE 3410-20-P

### DEPARTMENT OF AGRICULTURE

#### Federal Crop Insurance Corporation

#### Announcement Type: Request for Applications (RFA) Community Outreach and Assistance Partnership Program

Catalog of Federal Domestic Assistance  
Number (CFDA): 10.455.

*Dates:* The closing date and time for receipt of an application is 5 p.m. eastern time on May 1, 2006. Applications received after the deadline will not be considered for funding. All awards will be made and partnership agreements completed no later than September 30, 2006.

*Overview:* In accordance with section 522(d) of the Federal Crop Insurance Act (Act), the Federal Crop Insurance Corporation (FCIC), operating through the Risk Management Agency (RMA), announces the availability of approximately \$5 million in fiscal year (FY) 2006 for collaborative outreach and assistance programs for women, limited resource, socially disadvantaged and other traditionally under-served farmers and ranchers, who produce Priority Commodities as defined in Part I.C. Awards under this program will be made on a competitive basis for projects of up to one year. Recipients of awards must demonstrate non-financial benefits from a partnership agreement and must agree to the substantial involvement of RMA in the project. This announcement lists the information needed to submit an application under this program.

#### FOR FURTHER INFORMATION CONTACT:

David Wiggins, National Outreach Program Manager, Telephone (919) 875-4896, Facsimile (202) 690-1518, E-mail: [david.wiggins@rma.usda.gov](mailto:david.wiggins@rma.usda.gov).

Application materials can also be downloaded from the RMA Web site at <http://www.rma.usda.gov>; or from the Government Grants Web site at <http://www.grants.gov>. Click on "Find Grant Opportunities," then select "Search Grant Opportunities," then select "Basic Search," type in "RMA" in the Keyword Search field and select "Search," select "Community Outreach and Assistance Partnership Program" under the Opportunity Title column to access the application package for this announcement.

## This Announcement Consists of Seven Parts

### Part I—General Information

- A. Legislative Authority and Background
- B. Purpose
- C. Definition of Priority Commodities
- D. Program Description

### Part II—Award Information

- A. Available Funding
- B. Types of Applications

### Part III—Eligibility Information

- A. Eligible Applicants
- B. Project Period
- C. Non-Financial Benefits
- D. Cost Sharing or Matching
- E. Funding Restrictions

### Part IV—Application and Submission Information

- A. Address to Submit an Application Package
- B. Content and Form of Application

### Part V—Application Review Process

- A. General
- B. Evaluation Criteria and Weights

### Part VI—Award Administration

- A. Notification of Award
- B. Access to Panel Review Information
- C. Confidential Aspects of Proposals and Awards
- D. Reporting Requirements
- E. Administration
- F. Prohibitions and Requirements Regarding Lobbying
- G. Applicable OMB Circulars
- H. Confidentiality
- I. Civil Rights Training

### Part VII—Additional Information

- A. Requirement to Use Program Logo
- B. Requirement to Provide Project Information to an RMA Representative
- C. Private Crop Insurance Organizations and Potential Conflict of Interest
- D. Dun and Bradstreet (D&B Data Universal Numbering System)
- E. Required Registration for Grants.gov

## Part I—General Information

### A. Legislative Authority and Background

This program is authorized under section 522(d)(3)(F) of the Act which authorizes FCIC funding for risk management training and informational efforts for agricultural producers through the formation of partnerships with public and private organizations. RMA promotes and regulates sound risk management solutions to improve the economic stability of American agriculture. One of RMA's four strategic goals is to ensure that its customers and potential customers are well informed of the risk management solutions available. On behalf of FCIC, RMA does this by offering Federal crop insurance products through a network of private-sector partners, overseeing the creation of new risk management products, seeking enhancements in existing

products, ensuring the integrity of crop insurance programs, providing risk management education and information and offering outreach programs aimed at equal access and participation of underserved communities. A priority must be given to reaching producers of Priority Commodities as defined in section C of this part.

### B. Purpose

The purpose of this program is to fund projects that provide women, limited resource, socially disadvantaged, and other traditionally underserved producers of Priority Commodities with training, informational opportunities and assistance necessary to understand:

- (1) The kind of risks addressed by existing and emerging risk management tools;
- (2) The features and appropriate use of existing and emerging risk management tools; and
- (3) How to make sound risk management decisions.

Each partnership agreement awarded through this program will provide the applicant with funds, guidance, and the substantial involvement of RMA to deliver outreach and assistance programs to producers in a specific geographical area.

### C. Definition of Priority Commodities

For purposes of this program, Priority Commodities are defined as:

- *Agricultural commodities covered by (7 U.S.C. 7333).* Commodities in this group are commercial crops that are not covered by catastrophic risk protection crop insurance, are used for food or fiber (except livestock), and specifically include, but are not limited to, floricultural, ornamental nursery, Christmas trees, turf grass sod, aquaculture (including ornamental fish), and industrial crops.
- *Specialty crops.* Commodities in this group may or may not be covered under a Federal crop insurance plan and include, but are not limited to, fruits, vegetables, tree nuts, syrups, honey, roots, herbs, and highly specialized varieties of traditional crops.
- *Underserved commodities.* This group includes: (a) Commodities, including livestock, that are covered by a Federal crop insurance plan but for which participation in an area is below the national average; and (b) commodities, including livestock, with inadequate crop insurance coverage produced by small, limited resource, socially disadvantaged, or beginning farmers and ranchers.

A project is considered as giving priority to Priority Commodities if the

majority of the educational outreach and assistance activities are directed to women, limited resource, socially disadvantaged and other traditionally under-served producers of one or more of the three classes of commodities listed above or any combination of the three classes.

### D. Program Description

This program will support a wide range of innovative outreach and assistance activities in farm management, financial management, marketing contracts, crop insurance and other existing and emerging risk management tools FCIC, working through RMA, will be substantially involved in the activities listed under paragraph 2. The applicant must identify specific ways in which RMA could have substantial involvement in the proposed outreach activity. Applications that do not contain substantial involvement by RMA will be rejected.

In addition to the specific, required activities listed under paragraph 1, the applicant may suggest other activities that would contribute directly to the purpose of this program. For any additional activity suggested, the applicant should identify the objective of the activity, the specific tasks required to meet the objective, specific time lines for performing the tasks, and specific responsibilities of the partners.

1. In conducting activities to achieve the purpose and goal of this program, award recipients will be required to perform the following activities:

- Develop and finalize a risk management outreach delivery plan that will contain the tasks needed to accomplish the purpose of this program, including a description of the manner in which various tasks for the project will be completed, the dates by which each task will be completed, and the partners that will have responsibility for each task. Task milestones must be listed to ensure that progress can be measured at various stages throughout the life of the project. The plan must also provide for the substantial involvement of RMA in the project.

**Note:** All partnership agreements resulting from this announcement will include delivery plans in a table format. All applicants are strongly encouraged to refer to the table in the application package, when preparing a delivery plan and to use this format as part of the project description.)

- Assemble risk management instructional materials appropriate for producers of Priority Commodities to be used in delivering education and information. This will include: (a)

Gathering existing instructional materials that meet the local needs of producers of Priority Commodities; (b) identifying gaps in existing instructional materials; and (c) developing new materials or modifying existing instructional materials to fill existing gaps.

- Develop and conduct a promotional program. This program will include activities using media, newsletters, publications, or other informational dissemination techniques that are designed to: (a) Raise awareness for risk management; (b) inform producers of the availability of risk management tools; and (c) inform producers of the training and informational opportunities being offered. Minority media and publications should also be used to achieve the broadest promotion of outreach opportunities for women, limited resource and socially disadvantaged farmers and ranchers possible.

- Deliver risk management training and informational opportunities to women, limited resource and socially disadvantaged agricultural producers and agribusiness professionals of Priority Commodities. This will include organizing and delivering educational activities using the instructional materials identified earlier. Activities should be directed primarily to agricultural producers, but may include those agribusiness professionals that have frequent opportunities to advise farmers on risk management.

- Document all outreach activities conducted under the partnership agreement and the results of such activities, including criteria and indicators used to evaluate the success of the program. The recipient will also be required to provide information to an RMA-selected contractor to evaluate all outreach activities and advise RMA as to the effectiveness of activities.

2. RMA will be responsible for the following activities:

- Review and approve in advance the recipient's project delivery plan.

- Collaborate with the recipient in assembling risk management materials for producers. This will include: (a) Reviewing and approving in advance all educational materials for technical accuracy; (b) serving on curriculum development workgroups; (c) providing curriculum developers with fact sheets and other risk management publications prepared by RMA; (d) advising the applicant on the materials available over the internet through the AgRisk Education Library; (e) advising the applicant on technical issues related to crop insurance instructional materials; and (f) advising the applicant on the use

of the standardized design and layout formats to be used on program materials.

- Collaborate with the recipient on a promotional program for raising awareness of risk management and for informing producers of training and informational opportunities. This will include: (a) Reviewing and approving in advance all promotional plans, materials, and programs; (b) serving on workgroups that plan promotional programs; (c) advising the applicant on technical issues relating to the presentation of crop insurance products in promotional materials; and (d) participating, as appropriate, in media programs designed to raise general awareness or provide farmers with risk management education.

- Collaborate with the recipient on outreach activities to agricultural producers and agribusiness leaders. This will include: (a) Reviewing and approving in advance all producer and agribusiness educational delivery plans; (b) advising the applicant on technical issues related to the delivery of crop insurance education and information; and (c) assisting the applicant in informing crop insurance professionals about educational plans and scheduled meetings.

- Reviewing and approving recipient's documentation of risk management education and outreach activities.

## Part II—Award Information

### A. Available Funding

The amount of funds available in FY 2006 for support of this program is approximately \$5 million dollars. There is no commitment by USDA/RMA to fund any particular project or to make a specific number of awards. No maximum or minimum funding levels have been established for individual projects or geographic locations. Applicants awarded a partnership agreement for an amount that is less than the amount requested may be required to modify their application to conform to the reduced amount before execution of the partnership agreement. It is expected that awards will be made approximately 120 days after the application deadline.

### B. Types of Applications

Applicants must specify whether the application is a new, renewal, or resubmitted application.

1. **New Application**—This is an application that has not been previously submitted to the RMA Outreach Program. All new applications will be reviewed competitively using the

selection process and evaluation criteria described in this RFA.

2. **Renewal Application**—This is an application that requests additional funding for a project beyond the period that was approved in an original or amended award. Applications for renewed funding must contain the same information as required for new applications, and additionally must contain a Progress Report. Renewal applications must be received by the relevant due dates, will be evaluated in competition with other pending applications, and will be reviewed according to the same evaluation criteria as new applications.

3. **Resubmitted Application**—This is an application previously submitted to the RMA Outreach office, but was not funded. Resubmitted applications must be received by the relevant due dates, and will be evaluated in competition with other pending applications and will be reviewed according to the same evaluation criteria as new applications.

## Part III—Eligibility/Funding

### A. Eligible Applicants

Educational institutions, community based organizations, associations of farmers and ranchers, state departments of agriculture, and other non-profit organizations with demonstrated capabilities in developing and implementing risk management and other marketing options for priority commodities are eligible to apply. Individuals are not eligible applicants. Applicants are encouraged to form partnerships with other entities that complement, enhance, and/or increase the effectiveness and efficiency of the proposed project. Although an applicant may be eligible to compete for an award based on its status as an eligible entity, other factors may exclude an applicant from receiving Federal assistance under this program (e.g. debarment and suspension; a determination of non-performance on a prior contract, cooperative agreement, grant or partnership; a determination of a violation of applicable ethical standards). Applications from ineligible or excluded persons will be rejected in their entirety.

### B. Project Period

Each project will be funded for a period of up to one year from the project starting date for the activities described in this announcement.

### C. Non-financial Benefits

To be eligible, applicants must also demonstrate that they will receive a non-financial benefit as a result of a

partnership agreement. Non-financial benefits must accrue to the applicant and must include more than the ability to provide employment income to the applicant or for the applicant's employees or the community. The applicant must demonstrate that performance under the partnership agreement will further the specific mission of the applicant (such as providing research or activities necessary for graduate or other students to complete their educational program).

Applications that do not demonstrate a non-financial benefit will be rejected.

#### D. Cost Sharing or Matching

Cost sharing, matching, in-kind contribution, or cost participation is not required.

#### E. Funding Restrictions

Indirect costs for projects submitted in response to this solicitation are limited to 10 percent of the total direct costs of the agreement. Partnership agreement funds may not be used to:

1. Plan, repair, rehabilitate, acquire, or construct a building or facility including a processing facility;
2. To purchase, rent, or install fixed equipment;
3. Repair or maintain privately owned vehicles;
4. Pay for the preparation of the partnership application;
5. Fund political activities;
6. Pay costs incurred prior to receiving this partnership agreement;
7. Fund any activities prohibited in 7 CFR parts 3015 and 3019, as applicable.

### Part IV—Application and Submission Information

#### A. Address To Submit an Application Package

The address for submissions is USDA/RMA, Community Outreach, and Assistance Partnership Program, c/o William Buchanan, 1400 Independence Avenue, SW., Room 6709, Stop 0805, Washington, DC 20250-0805. All applications must be submitted by the deadline. Late or incomplete applications will not be considered and will be returned to the applicant. Applications will be considered as meeting the announced deadline if they are received in the mailroom at the following address on or before the deadline. Applicants are cautioned that express, overnight mail or other delivery services do not always deliver as agreed. Applicants using the U.S. Postal Service should allow for the extra time for delivery due to the additional security measures that mail delivered to government offices in the Washington

DC area now requires. Failure of the selected delivery services will not extend the deadline. Applicants are strongly encouraged to submit completed and signed application packages using overnight mail or delivery service to ensure timely receipt.

#### B. Content and Form of Application Submission

1. **General.**—Use the following guidelines to prepare an application. Each application must contain the following elements in the order indicated. Proper preparation of applications will assist reviewers in evaluating the merits of each application in a systematic, consistent fashion.

(a) Prepare the application on only one side of the page using standard size (8½" x 11") white paper, one-inch margins, typed or word processed using no type smaller than 12 point font, and single or double spaced. Use an easily readable font face (e.g., Geneva, Helvetica, Times Roman).

(b) Number each page of the application sequentially, starting with the Project Description, including the budget pages, required forms, and any appendices.

(c) Staple the application in the upper left-hand corner. Do not bind. An original and two copies of the completed and signed application (3 total) and one electronic copy (Microsoft Word format preferred) on compact disc or diskette must be submitted in one package. Only hard copies of OMB Standard Forms should be submitted. Do not include the standard forms on the diskette.

(d) Include original illustrations (photographs, color prints, etc.) in all copies of the application to prevent loss of meaning through poor quality reproduction.

2. **Application for Federal Assistance, OMB Standard Form 424.** Please complete this form in its entirety. The original copy of the application must contain a pen-and-ink signature of the authorized organizational representative (AOR), individual with the authority to commit the organization's time and other relevant resources to the project. The Catalog of Federal Domestic Assistance Number (block 10) is "10-455—Community Outreach and Assistance".

3. **Table of Contents**—Each application must contain a detailed Table of Contents immediately following OMB SF 424.

4. **Project Summary**—(Limited to one page, placed after the Table of Contents) The summary should be a self-

contained, specific description of the activity to be undertaken and should focus on: overall project goals(s) and supporting objectives; plans to accomplish project goals; and relevance of the project to the goals of the community outreach and assistance program.

5. **Progress Report**—(Limited to three pages, placed immediately after the Project Summary) Renewal applications of an existing project supported under the same program should include a clearly identified summary progress report describing the results to date. The progress report should contain a comparison of actual accomplishments with the goals established for the project.

6. **A Project Description**—(Limited to twenty-five single-sided pages) that describes the outreach project in detail, including the program delivery plan and a Statement of Work. The description should provide reviewers with sufficient information to effectively evaluate the merits of the application under the criteria contained in Part V. The description should include the circumstances giving rise to the proposed activity; a clear, concise statement of the objectives; the steps necessary to implement the program to attain the objectives; an evaluation plan for the activities; and a program delivery plan and statement of work that describes how the activities will be implemented and managed by the applicant.

The statement of work in table format should identify each objective and the key tasks to achieve the objective, the entity responsible for the task, the completion date, the task location, and RMA's role. Applicants are strongly encouraged to refer to the sample table in the application package, when preparing a delivery plan and to use this table format in that portion of the application narrative that addresses the delivery plan.

7. **Budget, OMB Standard Form 424-A, "Budget Information, Non-Construction Program."** Indirect costs allowed for projects submitted under this announcement will be limited to 10 percent of the total direct cost of the partnership or cooperative agreement. Applicants should include reasonable travel costs associated with attending at least two RMA designated two-day events, which will include a Project Directors' meeting and civil rights training.

8. **Budget Narrative**—A detailed narrative in support of the budget should show all funding sources and itemized costs for each line item contained on the SF-424A. All budget



categories must be individually listed (with costs) in the same order as the budget and justified on a separate sheet of paper and placed immediately behind the SF-424A. There must be a detailed breakdown of all costs, including indirect costs. Include budget notes on each budget line item detailing how each line item was derived. Also provide a brief narrative description of any costs that may require explanation (i.e., why a specific cost may be higher than market costs). Only items or services that are necessary for the successful completion of the project will be funded as permitted under the Act, and the applicable Federal Cost principles, and are not prohibited under any other Federal statute. Salaries of project personnel should be requested in proportion to the effort that they would devote to the project.

9. *Key Personnel*—The roles and responsibilities of each PD and/or collaborator should be clearly described; and the vitae of the PD and each co-PD, senior associate and other professional personnel.

10. *Collaborative Arrangements (including Letters of Support)*—If it will be necessary to enter into formal consulting or collaborative arrangements, such arrangements should be fully explained and justified. If the consultants or collaborators are known at the time of application, a vitae or resume should be provided. Evidence (e.g., letter of support) should be included if the collaborators involved have agreed to render these services. Additional information on consultants and collaborators are required in the budget portion of the application.

11. *Current and Pending Support*—All applications must list all current public or private support to which personnel identified in the application have committed portions of their time, whether or not salary support for persons involved is included in the budget. An application that duplicates or overlaps substantially with an application already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. The projects proposed for funding should be included in the pending section.

12. *Disclosure of Lobbying Activities, OMB Standard Form LLL*—All applications must contain a signed copy of this form (See Part VI (F)). Applicants who are not engaging in lobbying activities should write "Not Applicable" and sign the form.

13. *A completed and Signed "Certification Regarding Debarment, Suspension, and Other Responsibility*

*Matters (Primary Covered Transactions), AD 1047."*

14. *A completed and Signed "Certifications Regarding Drug-Free Workplace, AD-1049."*

15. *Appendices* are allowed if they are directly germane to the proposed project.

#### C. *Acknowledgement of Applications*

Applications submitted by facsimile or through other electronic media, regardless of the date or time of submission or the time of receipt, will not be considered and will be returned to the applicant. Receipt of applications will be acknowledged by e-mail, whenever possible. Therefore, applicants are encouraged to provide an e-mail address in the application. If an e-mail address is not indicated on an application, receipt will be acknowledged in writing. There will be no notification of incomplete, unqualified, or unfunded applications until the awards have been made.

RMA will assign an identification number to the application when received. This number will be provided to applicants when the receipt of application is acknowledged. Applicants should reference the assigned identification number in all correspondence regarding the application.

If receipt of application is not acknowledged by RMA within 15 days of the submission deadline, the applicant should contact David Wiggins at (919) 875-4896 or electronically at [david.wiggins@rma.usda.gov](mailto:david.wiggins@rma.usda.gov).

#### Part V—Application Review Process

##### A. *General*

Each application will be evaluated using a two-part process. First, each application will be screened by RMA personnel to ensure that it meets the requirements in this announcement. Applications that do not meet the requirements of this announcement or are incomplete will not receive further consideration.

Second, a review panel will consider the merits of all applications that meet the requirements in the announcement. A panel of not less than three independent reviewers will evaluate each application. Reviewers will be drawn from USDA, other Federal agencies, and others representing public and private organizations, as needed. The project description and any appendices submitted by applicant will be used by the review panel to evaluate the merits of the project being proposed for funding. The panel will examine and score applications based on each of the

four criteria contained in paragraph B of this part "Evaluation Criteria and Weights".

The panel will be looking for the specific elements listed with each criterion when evaluating the applications and scoring them. For each application, panel members will assign a point value up to the maximum for each criterion. After all reviewers have evaluated and scored each of the applications, the scores for the entire panel will be averaged to determine an application's final score.

After assigning points for each criterion, applications will be listed in initial rank order and presented, along with funding level recommendations, to the Manager of FCIC, who will make the final decision on awarding of a partnership agreement. Applications will then be funded in final rank order until all available funds have been expended. Applicants must score 50 points or more to be considered for funding. If there are unused remaining funds, RMA may conduct another round of competition through the announcement of another RFA.

An organization, or group of organizations in partnership, may apply for funding under other FCIC or RMA programs, in addition to the programs described in this announcement. However, if the Manager of FCIC determines that an application recommended for funding under this announcement is sufficiently similar to a project that has been funded or has been recommended to be funded under another FCIC or RMA education or outreach program, then the Manager may elect to not fund that application in whole or in part.

##### B. *Evaluation Criteria and Weights*

###### 1. *Project Benefits*—Maximum 45 points

The applicant must demonstrate that the project benefits to women, limited resource, socially disadvantaged and other traditionally underserved producers warrant the funding requested. Applicants will be scored according to the extent they can: (a) Reasonably estimate the number of producers reached through the project; (b) justify the estimates with clear specifics related to the delivery plan; (c) identify the actions producers will likely be able to take as a result of the project; and (d) identify specific measures for evaluating the success of the project. Reviewers' scoring will be based on the scope and reasonableness of the applicants' estimate of the number of producers reached through the project, clear descriptions of specific expected project benefits for producers,



and well-constructed plans for measuring the project's effectiveness.

## 2. Project Management—Maximum 20 Points

The applicant must demonstrate an ability to implement sound and effective project management practices. Higher scores will be awarded to applicants that can demonstrate organizational skills, leadership, and experience in delivering services or programs that assist women, limited resource, socially disadvantaged and other traditionally underserved producers. If the applicant has been a recipient of other Federal or other government grants, cooperative agreements, or contracts, the applicant must also detail that they have consistently complied with financial and program reporting and auditing requirements. Applicants that will employ, or have access to, personnel who have experience in directing agricultural programs or providing education programs that benefit producers will receive higher rankings. Higher scores will be awarded to applicants with no more than two ongoing projects funded by RMA under this program in previous years.

## 3. Collaborative Partnering—Maximum 15 Points

The applicant must demonstrate experience and capacity to partner with and gain the support of other agencies, grower organizations, agribusiness professionals, and agricultural leaders to enhance the quality and effectiveness of the program. Applicants will receive higher scores to the extent that they can document and demonstrate: (a) That partnership commitments are in place for the express purpose of delivering the program in this announcement; (b) that a broad and diverse group of farmers and ranchers will be reached; and (c) that a substantial effort has been made to partner with organizations that can meet the needs of producers that are small, have limited resources, are minorities, or are beginning farmers and ranchers.

## 4. Delivery Plan—Maximum 20 points

The applicant must demonstrate that its program delivery plan is clear and specific. For each of the applicant's responsibilities contained in the description of the program, the applicant must demonstrate that it can identify specific tasks and provide reasonable time lines that further the purpose of this program. Applicants will obtain a higher score to the extent that the tasks of the project are specific, measurable, and reasonable, have specific periods for completion, relate

directly to the required activities, and program objectives described in this announcement.

## 5. Diversity—Maximum 20 Points

Management reserves the right to award applicants up to 20 additional points to promote the broadest geographic diversity.

## Part VI—Award Administration

### A. Notification of Cooperative or Partnership Agreement Awards

Following approval by the RMA awarding official, project leaders whose applications have been selected for funding will be notified. Within the limit of funds available for such a purpose, the awarding official of RMA shall enter into partnership or cooperative agreements with applicants whose applications are judged to be most meritorious under the procedures set forth in this announcement. The agreements provide the amount of Federal funds for use in the project period, the terms, and conditions of the award and the time period for the project.

The effective date of the agreement is the date the agreement is executed by both parties. RMA will extend to award recipients, in writing, the authority to draw down funds for conducting the activities listed in the agreement. All funds provided to the applicant by FCIC must be expended solely for the purpose for which the funds are obligated in accordance with the approved agreement and budget, the regulations, the terms and conditions of the award, and the applicability of Federal cost principles. No commitment of Federal assistance beyond the project period is made or implied for any award resulting from this notice.

Applicants that are not funded will be notified within 90 days after the submission deadline. Reasons for denial of funding can include incomplete proposals, scored low or duplicative.

### B. Access to Panel Review Information

Upon written request from the applicant, scores from the evaluation panel, not including the identity of reviewers, will be sent to the applicant after the review and awards process has been completed.

### C. Confidential Aspects of Proposals and Awards

When an application results in a partnership agreement, it becomes a part of the official record of RMA transactions, available to the public upon specific request. Information that the Secretary of Agriculture determines to be of a confidential, privileged, or

proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to be considered confidential, privileged, or proprietary should be clearly marked within an application, including the basis for such designation. The original copy of a proposal that does not result in an award will be retained by RMA for a period of one year. Other copies will be destroyed. Copies of proposals not receiving awards will be released only with the express written consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to award.

### D. Reporting Requirements

Applicants awarded partnership agreements will be required to submit quarterly progress and financial reports (OMB Standard Form 269) throughout the project period, as well as a final program and financial report no later than 90 days after the end of the project period.

### E. Administration

All partnership agreements are subject to the requirements of 7 CFR part 3015.

### F. Prohibitions and Requirements With Regard to Lobbying

All partnership agreements are subject to the requirements of 7 CFR part 3018. A copy of the certification and disclosure forms must be submitted with the application.

### G. Applicable OMB Circulars

All partnership and cooperative agreements funded as a result of this notice will be subject to the requirements contained in all applicable OMB circulars.

### H. Confidentiality

The names of applicants, the names of individuals identified in the applications, the content of applications, and the panel evaluations of applications will all be kept confidential, except to those involved in the review process, to the extent permitted by law. In addition, the identities of review panel members will remain confidential throughout the entire review process and will not be released to applicants. At the end of the fiscal year, names of panel members will be made available. However, panelists will not be identified with the review of any particular application.

### I. Requirement To Participate in Civil Rights Training

All recipients of federally assisted programs are required to comply with

Federal civil rights laws and regulations. USDA/RMA policies and procedures requires recipients of federally assisted programs to attend mandatory civil rights training sponsored by RMA, to become fully aware of civil rights requirements and responsibilities. Applicants should include in their budgets reasonable travel costs associated with attending at least two two-day RMA designated events that includes a Project Directors meeting and required civil rights training.

#### Part VII—Additional Information

##### A. Requirement To Use Program Logo

Applicants awarded partnership agreements will be required to use a program logo and design provided by RMA for all instructional and promotional materials.

##### B. Requirement To Provide Project Information to an RMA-Selected Contractor

Applicants awarded partnership agreements will be required to assist RMA in evaluating the effectiveness of its outreach program by providing documentation of outreach activities and related information to any contractor selected by RMA for program evaluation purposes. This requirement also includes providing demographic data on program participants.

##### C. Private Crop Insurance Organizations and Potential Conflicts of Interest

Private organizations that are involved in the sale of Federal crop insurance, or that have financial ties to such organizations, are eligible to apply for funding under either of the two educational programs described in this announcement. However, such entities will not be allowed to receive funding to conduct activities that would otherwise be required under a Standard Reinsurance Agreement or any other agreement in effect between FCIC and the entity. Such entities will also not be allowed to receive funding to conduct activities that could be perceived by producers as promoting one company's services or products over another's. If applying for funding, such organizations are encouraged to be sensitive to potential conflicts of interest and to describe in their application the specific actions they will take to avoid actual and perceived conflicts of interest.

##### D. DUNS Number

A Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of over 70

million businesses worldwide. A **Federal Register** notice of final policy issuance (68 FR 38402) requires a DUNS number in every application (i.e., hard copy and electronic) for a grant or cooperative agreement. Therefore, potential applicants should verify that they have a DUNS number or take steps needed to obtain one. For information about how to obtain a DUNS number, go to <http://www.grants.gov>. Please note that the registration may take up to 14 business days to complete.

##### E. Required Registration for Grants.gov

The Central Contract Registry (CCR) is a database that serves as the primary Government repository for contractor information required for the conduct of business with the Government. This database will also be used as a central location for maintaining organizational information for organizations seeking and receiving grants from the Government. Such organizations must register in the CCR prior to the submission of applications via [grants.gov](http://www.grants.gov) (a DUNS number is needed for CCR registration). For information about how to register in the CCR, visit <http://www.grants.gov>. Allow a minimum of 5 days to complete the CCR registration.

Signed in Washington, DC on February 23, 2006.

**Eldon Gould,**

Manager, Federal Crop Insurance Corporation.

[FR Doc. E6-2861 Filed 2-28-06; 8:45 am]

BILLING CODE 3410-08-P

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS-2006-0003]

#### Codex Alimentarius Commission: 34th Session of the Codex Committee on Food Labelling

**AGENCY:** Office of the Under Secretary for Food Safety, USDA.

**ACTION:** Notice of Public meeting, request for comments.

**SUMMARY:** The Office of the Under Secretary for Food Safety, United States Department of Agriculture (USDA), and the Food and Drug Administration (FDA) are sponsoring a public meeting on April 7, 2006 to provide draft U.S. positions and receive public comments on agenda items that will be discussed at the 34th Session of the Codex Committee on Food Labelling (CCFL) of the Codex Alimentarius Commission (Codex), which will be held in Ottawa, Canada on May 1-5, 2006. The Under

Secretary and FDA recognize the importance of providing interested parties the opportunity to comment on the agenda items that will be discussed at this forthcoming Session of the CCFL.

**DATES:** The public meeting is scheduled for Friday, April 7, 2006, from 9 a.m. to 12 noon.

**ADDRESSES:** The public meeting will be held in Room 1A-003, FDA Harvey W. Wiley Building, 5100 Paint Branch Parkway, College Park, MD. Documents related to the 34th Session of the CCFL will be accessible via the World Wide Web at the following address: <http://www.codexalimentarius.net/current.asp>.

FSIS invites interested persons to submit comments on this notice. Comments may be submitted by any of the following methods:

- Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. FSIS prefers to receive comments through the Federal eRulemaking Portal. Go to <http://www.regulations.gov> and, in the "Search for Open Regulations" box, select "Food Safety and Inspection Service" from the agency drop-down menu, then click on "Submit." In the Docket ID column, select the Federal Docket Management System Docket Number FSIS-2006-0003 to submit or view public comments and to view supporting and related materials available electronically.

- Mail, including floppy disks or CD-ROM's, and hand- or courier-delivered items to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102 Cotton Annex Building, Washington, DC 20250.

- Electronic mail: [fsis.regulations.comments@fsis.usda.gov](mailto:fsis.regulations.comments@fsis.usda.gov). All submissions received must include the Agency name and docket number FSIS-2006-0003. All comments submitted in response to this notice, as well as research and background information used by FSIS in developing this document, will be posted to the [regulations.gov](http://www.regulations.gov) Web site. The background information and comments also will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

*Participation by Conference Call:* A call-in number has been arranged: 1-800-857-9091, participant code 60357.

*For Further Information About the 34th Session of the CCFL Contact:* U.S. Delegate, Dr. Barbara Schneeman,

Director, Office of Nutritional Products, Labeling and Dietary Supplements, Center for Food Safety and Applied Nutrition, FDA, 5100 Paint Branch Parkway (HFS-004), College Park, MD 20740, Phone: (301) 436-2373, Fax: (301) 436-2636. E-mail:

[Barbara.schneeman@fda.hhs.gov](mailto:Barbara.schneeman@fda.hhs.gov).

*For Further Information About the Public Meeting Contact:* Ellen Matten, International Issues Analyst, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Building, 1400 Independence Avenue, SW., Washington, DC 20250, Phone: (202) 205-7760, Fax: (202) 720-3157.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Codex Alimentarius (Codex) was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the major international organization for protecting the health and economic interests of consumers and encouraging fair international trade in food. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and correctly labeled. In the United States, USDA, FDA, and Environmental Protection Agency (EPA) manage and carry out U.S. Codex activities.

The Codex Committee on Food Labeling (CCFL) drafts provisions on labeling applicable to all foods; considers, amends, if necessary, and endorses specific provisions on labeling of draft standards, codes of practice, and guidelines prepared by other Codex committees; studies specific labeling problems assigned to it by the Commission; and studies problems associated with the advertisement of food with particular reference to claims and misleading descriptions. The Committee is chaired by Canada.

##### Issues To Be Discussed at the Public Meeting

The following items on the agenda for the 34th Session of the CCFL will be discussed during the public meeting:

- Matters referred to the Committee from other Codex bodies.
- Endorsement of labeling provisions of draft commodity standards.
- Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Draft Revised Annex 2, Tables 1 and 3, and

consideration of the process for evaluating substances in Annex 2.

- Proposed Draft Guidelines for the Labelling of Foods Obtained Through Certain Techniques of Genetic Modification/Genetic Engineering: Labelling Provisions and Definitions.

- Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (Quantitative Declaration of Ingredients).

- Proposed Draft Definition of Trans-Fatty Acids.

- Discussion Paper on Advertising.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Canadian Secretariat to the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

##### Public Meeting

At the April 7, 2006 public meeting, draft U.S. positions on these agenda items will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 34th Session of CCFL, Dr. Barbara Schneeman, (see **ADDRESSES**). Written comments should state that they relate to activities of the 34th Session of the CCFL.

##### Additional Information

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS web page located at [http://www.fsis.usda.gov/regulations/2005\\_Notices\\_Index/index.asp](http://www.fsis.usda.gov/regulations/2005_Notices_Index/index.asp).

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meeting, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update is available on the FSIS web page. Through Listserv and the web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an e-mail subscription service which provides an

automatic and customized notification when popular pages are updated, including **Federal Register** publications and related documents. This service is available at [http://www.fsis.usda.gov/news\\_and\\_events/email\\_subscription/](http://www.fsis.usda.gov/news_and_events/email_subscription/) and allows FSIS customers to sign up for subscription options across eight categories. Options range from recalls to export information to regulations, directives and notices.

Customers can add or delete subscriptions themselves and have the option to password protect their account.

Done at Washington, DC, on February 23, 2006.

**F. Edward Scarbrough,**

*U.S. Manager for Codex Alimentarius.*

[FR Doc. E6-2830 Filed 2-28-06; 8:45 am]

BILLING CODE 3410-DM-P

#### DEPARTMENT OF AGRICULTURE

##### Grain Inspection, Packers and Stockyards Administration

[05-03-S]

##### Designation for Jamestown (ND), Lincoln (NE), Memphis (TN), Omaha (NE), and Sioux City (IA) Areas

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Notice.

**SUMMARY:** Grain Inspection, Packers and Stockyards Administration (GIPSA) announces designation of the following organizations to provide official services under the United States Grain Standards Act, as amended (Act): Grain Inspection, Inc. (Jamestown); Lincoln Inspection Service, Inc. (Lincoln); Midsouth Grain Inspection Service (Midsouth); Omaha Grain Inspection Service, Inc. (Omaha); and Sioux City Inspection and Weighing Service Company (Sioux City).

**DATES:** *Effective Date:* April 1, 2006.

**ADDRESSES:** USDA, GIPSA, Janet M. Hart, Deputy Director, Compliance Division, STOP 3604, Room 1647-S, 1400 Independence Avenue, SW., Washington, DC 20250-3604.

**FOR FURTHER INFORMATION CONTACT:** Janet M. Hart at 202-720-8525, e-mail [Janet.M.Hart@usda.gov](mailto:Janet.M.Hart@usda.gov).

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the September 1, 2005 **Federal Register** (70 FR 52070), GIPSA asked

persons interested in providing official services in the geographic areas assigned to the official agencies named above to submit an application for designation. Applications were due by October 3, 2005.

Jamestown, Lincoln, Midsouth, Omaha, and Sioux City were the sole applicants for designation to provide official services in the entire area currently assigned to them, so GIPSA

did not ask for additional comments on them.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act and, according to Section 7(f)(1)(B), determined that Jamestown, Lincoln, Midsouth, Omaha, and Sioux City are able to provide official services in the geographic areas specified in the September 1, 2005, **Federal Register**, for

which they applied. These designation actions to provide official services are effective April 1, 2006, and terminate March 31, 2009, for Jamestown, Lincoln, and Sioux City. Midsouth and Omaha are designated for 12 months only, effective April 1, 2006, and terminating March 31, 2007. Interested persons may obtain official services by calling the telephone numbers listed below.

Official agency	Headquarters location and telephone	Designation term
Jamestown .....	Jamestown, ND; 701-252-1290 .....	04/01/06-03/31/09
Lincoln .....	Lincoln, NE; 402-435-4386 .....	04/01/06-03/31/09
Midsouth .....	Memphis, TN; 901-942-3216; Additional location: Stoneville, MS, North Little Rock, AR.	04/01/06-03/31/07
Omaha .....	Omaha, NE; 402-341-6739 .....	04/01/06-03/31/07
Sioux City .....	Sioux City, IA; 712-255-8073 .....	04/01/06-03/31/09

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

**James E. Link,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 06-1935 Filed 2-28-06; 8:45 am]

BILLING CODE 3410-EN-P

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

[06-IN-A]

#### Purchase of Schneider (IN) and Amendment to the Champaign (IL) Area

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Notice.

**SUMMARY:** Grain Inspection, Packers and Stockyards Administration (GIPSA) designated Schneider Inspection Service, Inc. (Schneider), to provide domestic official inspection services under the United States Grain Standards Act, as amended (Act). Schneider's designation terminates June 30, 2006, therefore, GIPSA asked interested persons to submit an application for designation in the December 1, 2005, **Federal Register** (70 FR 72104). However, Champaign-Danville Grain Inspection Departments, Inc. (Champaign), a currently designated agency providing official inspection services, is purchasing Schneider. Subsequently, GIPSA is not proceeding further with the request for applications for designation in the Lake Village, Indiana, area, which is currently designated to Schneider. The designation of Champaign has been

amended to include this geographic area.

**DATES:** Effective date April 1, 2006

**FOR FURTHER INFORMATION CONTACT:** Janet M. Hart at 202-720-8525, e-mail [Janet.M.Hart@usda.gov](mailto:Janet.M.Hart@usda.gov).

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. GIPSA designated Schneider, headquarters in Lake Village, Indiana, to provide official inspection services under the Act effective July 1, 2005, and terminating June 30, 2006.

Section 7(g)(1) of the Act provides that designations of official agencies will end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. Schneider's designation ends June 30, 2006, according to the Act. In the December 1, 2005, **Federal Register** (70 FR 72104), GIPSA asked persons interested in providing official services in the areas served by Schneider to submit an application for designation. However, Champaign advised GIPSA that they are purchasing Schneider. Accordingly, GIPSA is not proceeding further with the request for applications for designation published in the December 1, 2005, **Federal Register**. GIPSA is amending Champaign's designation due

to the purchase of the formerly designated Schneider.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Illinois, Indiana, and Michigan, will now be assigned to Champaign.

#### *In Illinois and Indiana:*

Bounded on the North by the northern Will County line from Interstate 57 east to the Illinois-Indiana State line; the Illinois-Indiana State line north to the northern Lake County line; the northern Lake, Porter, Laporte, St. Joseph, and Elkhart County lines;

Bounded on the East by the eastern and southern Elkhart County lines; the eastern Marshall County line;

Bounded on the South by the southern Marshall and Starke County lines; the eastern Jasper County line south-southwest to U.S. Route 24; U.S. Route 24 west to Indiana State Route 55; Indiana State Route 55 south to the Newton County line; the southern Newton County line west to U.S. Route 41; U.S. Route 41 north to U.S. Route 24; U.S. Route 24 west to the Indiana-Illinois State line; and

Bounded on the West by Indiana-Illinois State line north to Kankakee County; the southern Kankakee County line west to U.S. Route 52; U.S. Route 52 north to Interstate 57; Interstate 57 north to the northern Will County line.

#### *Berrien, Cass, and St. Joseph Counties, Michigan:*

Champaign's assigned geographic area does not include the export port locations inside Schneider's former area which are serviced by GIPSA.

Effective April 1, 2006, Champaign's present geographic area is amended to include part of Illinois, Indiana, and Michigan. Champaign's current designation to provide official inspection services terminates March 31, 2007. Official services may be

obtained by contacting Champaign at 217-398-0723.

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

**James E. Link,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. E6-2798 Filed 2-28-06; 8:45 am]

BILLING CODE 3410-EN-P

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

[06-01-A]

#### Opportunity for Designation in the Idaho, Lewiston (ID), Ohio Valley (IN), and Utah Areas, and Request for Comments on the Official Agencies Serving These Areas

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Notice.

**SUMMARY:** The designations of the official agencies listed below will end in September 2006. Grain Inspection, Packers and Stockyards Administration (GIPSA) is asking persons interested in providing official services in the areas served by these agencies to submit an application for designation. GIPSA is also asking for comments on the quality

of services provided by these currently designated agencies: Idaho Grain Inspection Service, Inc. (Idaho); Lewiston Grain Inspection Service, Inc. (Lewiston); Ohio Valley Grain Inspection, Inc. (Ohio Valley); and Utah Department of Agriculture and Food (Utah).

**DATES:** Applications and comments must be received on or before March 31, 2006.

**ADDRESSES:** We invite you to submit applications and comments on this notice. You may submit applications and comments by any of the following methods:

- **Hand Delivery or Courier:** Deliver to Janet M. Hart, Deputy Director, Compliance Division, GIPSA, USDA, Room 1647-S, 1400 Independence Avenue, SW., Washington, DC 20250.
- **Fax:** Send by facsimile transmission to (202) 690-2755, attention: Janet M. Hart.
- **E-mail:** Send via electronic mail to [Janet.M.Hart@usda.gov](mailto:Janet.M.Hart@usda.gov).
- **Mail:** Send hardcopy to Janet M. Hart, Deputy Director, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250-3604.

**Read Applications and Comments:** All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(b)).

#### FOR FURTHER INFORMATION CONTACT:

Janet M. Hart at 202-720-8525, e-mail [Janet.M.Hart@usda.gov](mailto:Janet.M.Hart@usda.gov).

#### SUPPLEMENTARY INFORMATION:

This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this Action.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

Section 7(g)(1) of the Act provides that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act.

1. *Current Designations being Announced for Renewal.* For Idaho, main office in Pocatello, Idaho; Lewiston, main office in Lewiston, Idaho; Ohio Valley, main office in Evansville, Indiana; and Utah, main office in Salt Lake City; the current designations started July 1, 2003, and will end June 30, 2006.

Official agency	Main office	Designation start	Designation end
Idaho .....	Pocatello, ID .....	07/01/2003	09/30/2006
Lewiston .....	Lewiston, ID .....	07/01/2003	09/30/2006
Ohio Valley .....	Evansville, IN .....	07/01/2003	09/30/2006
Utah .....	Salt Lake City, UT .....	07/01/2003	09/30/2006

a. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Idaho, is assigned to Idaho.

The southern half of the State of Idaho up to the northern boundaries of Adams, Valley, and Lemhi Counties.

b. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Idaho and Oregon, is assigned to Lewiston.

The northern half of the State of Idaho down to the northern boundaries of Adams, Valley, and Lemhi Counties.

The entire State of Oregon, except those export port locations within the State which are serviced by GIPSA.

c. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Indiana, Kentucky, and Tennessee, is assigned to Ohio Valley.

Daviess, Dubois, Gibson, Knox (except the area west of U.S. Route 41 (150) from Sullivan County south to U.S.

Route 50), Pike, Posey, Vanderburgh, and Warrick Counties, Indiana.

Caldwell, Christian, Crittenden, Henderson, Hopkins (west of State Route 109 south of the Western Kentucky Parkway), Logan, Todd, Union, and Webster (west of Alternate U.S. Route 41 and State Route 814) Counties, Kentucky.

Cheatham, Davidson, and Robertson Counties, Tennessee.

d. Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of Utah, is assigned to Utah.

#### 2. Opportunity for designation.

Interested persons, including Idaho, Lewiston, Ohio Valley, and Utah, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued

thereunder. Designation in the specified geographic areas is for the period beginning October 1, 2006, and ending September 30, 2009. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information, or obtain applications at the GIPSA Web site, <http://www.gipsa.usda.gov/GIPSA/webapp?area=home&subject=osp&topic=bsp>.

3. *Request for Comments.* GIPSA also is publishing this notice to provide interested persons the opportunity to present comments on the quality of services for the Idaho, Lewiston, Ohio Valley, and Utah official agencies. Substantive comments citing reasons and pertinent data for support or objection to the designation of the applicants will be considered in the designation process. All comments must



be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

**Authority:** Public Law 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

**James E. Link,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. E6-2801 Filed 2-28-06; 8:45 am]

BILLING CODE 3410-EN-P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

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

**Agency:** Bureau of Industry and Security (BIS).

**Title:** Firearms Convention.

**Agency Form Number:** BIS-748P.

**OMB Approval Number:** 0694-0114.

**Type of Request:** Renewal of an existing collection of information.

**Burden:** 619 hours.

**Average Time Per Response:** 30 minutes per response

**Number of Respondents:** 1,238 respondents.

**Needs and Uses:** This collection is required by Sections 742.17 and 748.14 of the Export Administration Regulations (EAR), which are authorized by Section 15(b) of the Export Administration Act of 1979, as amended (EAA). The EAA authorizes the President to control exports of U.S. goods and technology to all foreign destinations, as necessary for the purposes of national security, foreign policy and short supply. The President delegated export control authority to the Secretary of Commerce and the Bureau of Industry and Security (BIS) administers this function.

**Affected Public:** Individuals, businesses or other for-profit institutions.

**Respondent's Obligation:** Required.

**OMB Desk Officer:** David Rostker.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, e-mail address, [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or fax number, (202) 395-7285.

Dated: February 23, 2006.

**Madeleine Clayton,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E6-2821 Filed 2-28-06; 8:45 am]

BILLING CODE 3510-DT-P

## DEPARTMENT OF COMMERCE

### Census Bureau

#### Current Industrial Reports Surveys—WAVE I (Mandatory and Voluntary Surveys)

**ACTION:** Proposed collection; comment request.

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

**DATES:** Written comments must be submitted on or before May 1, 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](mailto: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: Mendel D. Gayle, Assistant Chief for Census and Related Programs, (301) 763-4587, Census Bureau, Manufacturing and Construction Division, Room 2102A, Building #4, Washington, DC 20233 (or via the Internet at: [mendel.d.gayle@census.gov](mailto:mendel.d.gayle@census.gov)).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Census Bureau plans to request a revision of the currently approved Office of Management and Budget (OMB) clearance of the Current Industrial Reports (CIR) for Wave I. The Census Bureau conducts a series of

monthly, quarterly, and annual surveys as part of the Current Industrial Reports (CIR) program. The CIR surveys deal mainly with the quantity and value of shipments of particular products and occasionally with data on production and inventories; unfilled orders, receipts, stocks and consumption; and comparative data on domestic production, exports, and imports of the products they cover. These surveys provide continuing and timely national statistical data on manufacturing. Individual firms, trade associations, and market analysts use the results of these surveys extensively in planning or recommending marketing and legislative strategies.

The CIR program includes both mandatory and voluntary surveys. Typically, the monthly and quarterly surveys are conducted on a voluntary basis and annual collections are mandatory. The collection frequency of individual CIR surveys is determined by the cyclical nature of production, the need for frequent trade monitoring, or the use of data in Government economic indicator series. Some monthly and quarterly CIR surveys have an annual "counterpart" collection. The annual counterpart collects annual data on a mandatory basis from those firms not participating in the more frequent collection.

Due to the large number of surveys in the CIR program, for clearance purposes, the CIR surveys are divided into "waves." One wave is resubmitted for clearance each year. This year the Census Bureau plans to submit mandatory and voluntary surveys of Wave I for clearance. The surveys included in Wave I are:

#### VOLUNTARY SURVEY

MA311D—Confectionery  
MA325F—Paint and Allied Products  
MA327C—Refractories  
MA331B—Steel Mill Products  
MA332Q—Antifriction Bearings  
MA333A—Farm Machinery  
MA333M—Air Conditioning and Refrigeration  
MA333N—Fluid Power Products  
MA335F—Major Household Appliances  
MA335K—Wiring Devices and Supplies  
\*MQ325B—Fertilizer Materials  
\*MQ327D—Clay Construction Products  
\*MQ315B—Socks

\* These voluntary surveys have mandatory annual counterparts.

##### II. Method of Collection

The Census Bureau will use mail out/mail back survey forms to collect data. We ask respondents to return monthly report forms within 10 days, quarterly report forms within 15 days, and annual report forms within 30 days of the



initial mailing. Telephone calls and/or letters encouraging participation will be mailed to respondents who have not responded by the designated time.

### III. Data

OMB Number: 0607-0392.

Form Number: See Chart Above.

Type of Review: Regular Review.

Affected Public: Businesses, or other for-profit organizations.

Estimated Number of Respondents: 4,650.

Estimated Time Per Response: 1.3497 hours.

Estimated Total Annual Burden: 6,276 hours.

Estimated Total Annual Cost: The estimated cost to respondents for all the CIR reports in Wave I for fiscal year 2007 is \$115,667.

Respondent's Obligation: The CIR program includes both mandatory and voluntary surveys.

Legal Authority: Title 13, United States Code, Sections 61, 182, 224, and 225.

### IV. Request for Comments

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

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

Dated: February 23, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6-2822 Filed 2-28-06; 8:45 am]

BILLING CODE 3510-07-P

## DEPARTMENT OF COMMERCE

### Census Bureau

#### 2007 Economic Census Covering the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing Sectors

**ACTION:** Proposed collection, comment request.

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

**DATES:** Written comments must be submitted on or before May 1, 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](mailto: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 Steven Roman, U.S. Census Bureau, Room 2665, Building 3, Washington, DC 20233-0001 (301-763-2824 or via the Internet at [sroman@census.gov](mailto:sroman@census.gov)).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The economic census, conducted under authority of Title 13, United States Code (USC), is the primary source of facts about the structure and functioning of the Nation's economy. Economic statistics serve as part of the framework for the national accounts and provide essential information for government, business, and the general public. Economic data are the Census Bureau's primary program commitment during nondecennial census years. The 2007 Economic Census covering the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors (as defined by the North American Industry Classification System (NAICS)) will measure the economic activity of more than 1 million establishments. However, approximately 13% of establishments will not be required to file separate

reports because they will be included in consolidated company reports; for explanation see selection procedure for establishments of multi-establishment firms below. The information collected will produce basic statistics by kind of business on the number of establishments, revenue, payroll, and employment. It will also yield a variety of subject statistics, including revenue by product line, and other industry-specific measures. Primary strategies for reducing burden in Census Bureau economic data collections are to increase reporting through standardized questionnaires and broader electronic data collection methods.

##### II. Method of Collection

###### Mail Selection Procedures

Establishments in the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors of the economic census will be selected from the Census Bureau's Business Register for a mail canvass. To be eligible for selection, an establishment will be required to satisfy the following conditions: (i) It must be classified in one of the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors; (ii) it must be an active operating establishment of a multi-establishment firm (*i.e.*, a firm that operates at more than one physical location), or it must be a single-establishment firm with payroll (*i.e.*, a firm operating at only one physical location); and (iii) it must be located in one of the 50 states or the District of Columbia. Mail selection procedures will distinguish the following groups of establishments:

###### 1. Establishments of Multi-Establishment Firms

Selection procedures will assign all eligible establishments of multi-establishment firms to the mail component of the potential respondent universe, except for those in selected industries in utilities, and finance and insurance. In these selected industries, where revenue and certain other operating data are not easily attributable to individual establishments, division- or firm-level organizations are asked to report kind of business, payroll, and employment for several establishments, and other required data at a more aggregate level on a consolidated report form.

We estimate that the 2007 Economic Census mail canvasses for the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate

and Rental and Leasing sectors will include approximately 262,800 establishment and consolidated reports of multi-establishment firms.

## 2. Single-Establishment Firms With Payroll

As an initial step in the selection process, we will conduct a study of the potential respondent universe. This study will produce a set of industry-specific payroll cutoffs that we will use to distinguish large versus small single-establishment firms within each industry or kind of business. This payroll size distinction will affect selection as follows:

### a. Large Single-Establishment Firms

All single-establishment firms having annualized payroll (from Federal administrative records) that equals or exceeds the cutoff for their industry will be included in the mail component of the potential respondent universe. We estimate that the 2007 Economic Census mail canvasses for the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors will include approximately 273,700 large single-establishment firms.

### b. Small Single-Establishment Firms

A sample of single-establishment firms having annualized payroll below the cutoff for their industry will be included in the mail component of the potential respondent universe. Sampling strata and corresponding probabilities of selection will be determined by a study of the potential respondent universe conducted shortly before the mail selection operations begin. We estimate that the 2007 Economic Census mail canvasses for the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors will include approximately 38,300 small single-establishment firms selected in this sample.

All remaining single-establishment firms with payroll will be represented in the census by data from Federal administrative records. Generally, we will not include these small employers in the census mail canvasses. However, administrative records sometimes have fundamental industry classification deficiencies that make them unsuitable for use in producing detailed industry statistics by geographic area. When we find such a deficiency, we will mail the firm a census classification form. We estimate that the 2007 Economic Census mail canvasses for the Utilities, Transportation and Warehousing,

Finance and Insurance, and Real Estate and Rental and Leasing sectors will include approximately 78,200 small single-establishment firms that receive these forms.

## III. Data

*OMB Number:* Not available.

*Form Number:* The 31 standard forms, five classification forms, and three ownership or control fliers used to collect information from businesses in these sectors of the Economic Census are tailored to specific business practices and are too numerous to list separately in this notice. Requests for information on the proposed content of the forms should be directed to Steven Roman, U.S. Census Bureau, Room 2665, Building 3, Washington, DC 20233-0001 (301-763-2824 or via the Internet at [sroman@census.gov](mailto:sroman@census.gov)).

*Type of Review:* Regular review.

*Affected Public:* State or local governments, businesses, or other for profit or non-profit institutions or organizations.

*Estimated Number of Respondents:*

Utilities (Standard Form)—6,700.  
Utilities (Classification Form)—(none).

Transportation and Warehousing (Standard Form)—197,000.

Transportation and Warehousing (Classification Form)—28,000.

Finance and Insurance (Standard Form)—344,000.

Finance and Insurance (Classification Form)—23,000.

Real Estate and Rental and Leasing (Standard Form)—335,000.

Real Estate and Rental and Leasing (Classification Form)—26,000.

Total—959,700.

*Estimated Time Per Response:*

Utilities (Standard Form)—1.90 hours.

Utilities (Classification Form)—(none).

Transportation and Warehousing (Standard Form)—1.10 hours.

Transportation and Warehousing (Classification Form)—.20 hours.

Finance and Insurance (Standard Form)—1.40 hours.

Finance and Insurance (Classification Form)—.20 hours.

Real Estate and Rental and Leasing (Standard Form)—1.10 hours.

Real Estate and Rental and Leasing (Classification Form)—.20 hours.

*Estimated Total Annual Burden Hours:*

Utilities (Standard Form)—12,700 hours.

Utilities (Classification Form)—(none).

Transportation and Warehousing (Standard Form)—216,700 hours.

Transportation and Warehousing (Classification Form)—5,600 hours.

Finance and Insurance (Standard Form)—481,600 hours.

Finance and Insurance (Classification Form)—4,600 hours.

Real Estate and Rental and Leasing (Standard Form)—368,500 hours.

Real Estate and Rental and Leasing (Classification Form)—5,200 hours.

Total—1,094,900.

*Estimated Total Annual Cost:*

Utilities (Standard Form)—\$313,309.

Utilities (Classification Form)—(none).

Transportation and Warehousing (Standard Form)—\$5,345,989.

Transportation and Warehousing (Classification Form)—\$138,152.

Finance and Insurance (Standard Form)—\$11,881,072.

Finance and Insurance (Classification Form)—\$113,482.

Real Estate and Rental and Leasing (Standard Form)—\$9,090,895.

Real Estate and Rental and Leasing (Classification Form)—\$128,284.

Total—\$27,011,183.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Title 13, U.S.C., Sections 131 and 224.

## IV. Request for Comments

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

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

Dated: February 23, 2006.

**Madeleine Clayton,**

*Management Analyst.*

{FR Doc. E6-2827 Filed 2-28-06; 8:45 am}

BILLING CODE 3510-07-P

**DEPARTMENT OF COMMERCE****Bureau of Economic Analysis****Proposal To Collect Information on the Initial Report on a Foreign Person's Direct or Indirect Acquisition, Establishment, or Purchase of the Operating Assets, of a U.S. Business Enterprise**

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to 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 5 p.m., May 1, 2006.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Office of the Chief Information Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230, or via the Internet at [dhynek@doc.gov](mailto:dhynek@doc.gov), (202) 482-0266.

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information or copies of the survey forms and instructions to: Joseph F. Cherry III, Chief, Direct Investment in the United States Branch, International Investment Division (BE-49NI), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230, phone: (202) 606-9817; fax: (202) 606-5319; or via the Internet at [joseph.cherry@bea.gov](mailto:joseph.cherry@bea.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

The Initial Report on a Foreign Person's Direct or Indirect Acquisition, Establishment, or Purchase of the Operating Assets, of a U.S. Business Enterprise, Including Real Estate (Form BE-13) and the Report by a U.S. Person Who Assists or Intervenes in the Acquisition of a U.S. Business Enterprise by, or Who Enters Into a Joint Venture with, a Foreign Person (Form BE-14), obtain initial data on new foreign direct investment in the United States. The surveys collect identification information on the U.S. business being established or acquired and on the new foreign owner, information on the cost of the investment and source of funding, and limited financial and operating data

for the newly established or acquired entity. The data are needed to measure the amount of new foreign direct investment in the United States, assess its impact on the U.S. economy, and, based upon this assessment, make informed policy decisions regarding foreign direct investment in the United States. The information from the survey is also used to build sample frames for other BEA surveys of foreign direct investment in the United States, including the quarterly balance of payments survey (form BE-605).

The data from the survey are primarily intended as general purpose statistics. They should be readily available to answer any number of research and policy questions related to new foreign direct investment in the United States.

The forms remain the same as in the past. No changes in the data collected or in exemption levels are proposed.

**II. Method of Collection**

Form BE-13 must be filed by every U.S. business with over \$3 million of assets or cost of investment, or 200 or more acres of U.S. land, that is acquired to the extent of 10 percent or more, or is established, by a foreign investor. It is a one-time report that must be filed within 45 days of the acquisition or establishment. A BE-13 Supplement C—Exemption Claim—must be filed for transactions that do not meet either of the reporting thresholds. Form BE-14 is filed by a person who assists in an investment transaction, such as a real estate broker or attorney, or who enters into a U.S. joint venture with a foreign person. Its purpose is to provide BEA with the name and address of the newly established or acquired U.S. company, so that a BE-13 form can be mailed to it for completion. A BE-14 is not filed, however, if a U.S. person files a BE-13 relating to the establishment or acquisition of the U.S. business enterprise by a foreign person.

**III. Data**

*OMB Number:* 0608-0035.

*Form Numbers:* BE-13/BE-14.

*Type of Review:* Regular submission.

*Affected Public:* Businesses or other for-profit organizations.

*Estimated Number of Respondents:* 600 annually.

*Estimated Time Per Response:* 1½ hours.

*Estimated Total Annual Burden:* 900 hours.

*Estimated Total Annual Cost:* \$36,000 (based on an estimated reporting burden of 900 hours and an estimated hourly cost of \$40).

**Legal Authority:** The International Investment and Trade in Services Survey Act, 22 U.S.C. 3101-3108, as amended.

**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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: February 23, 2006.

**Madeleine Clayton,**

*Management Analyst, Office of Chief Information Officer.*

[FR Doc. E6-2819 Filed 2-28-06; 8:45 am]

BILLING CODE 3510-06-P

**DEPARTMENT OF COMMERCE****International Trade Administration****Advocacy Questionnaire**

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the 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 May 1, 2006.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th & Constitution Ave., NW., Washington, DC 20230, or e-mail [dHynek@doc.gov](mailto:dHynek@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Request for additional information or copies of the information collection instrument and instructions should be directed to: Christel Fredrikson, The

Advocacy Center, Room 3814A, Department of Commerce, 14th and Constitution Ave., NW., Washington, DC 20230; Phone number: (202) 482-4747, and fax number; (202) 482-3508.

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The U.S. Department of Commerce invites the general public and other Federal agencies to comment on the proposed extension of the use of the advocacy questionnaire by the Trade Promotion Coordination Committee's (TPCC) Advocacy Network. The questionnaire is used to evaluate requests for United States Government (USG) advocacy in connection with overseas commercial bids, offers, and proposals. The International Trade Administration's Advocacy Center marshals federal resources to assist U.S. commercial interests competing for foreign government commercial projects, procurements, investments, and business ventures worldwide. The mission of the Advocacy Center is to coordinate USG commercial advocacy in order to promote U.S. exports, trade which both creates and sustains U.S. employment. The Advocacy Center works with and coordinates activities within TPCC, which is chaired by the Secretary of Commerce and includes 19 federal agencies involved in export promotion. The purpose of the advocacy questionnaire is to collect the information necessary to evaluate a commercial interest's (e.g., a company's) eligibility for USG advocacy assistance. There are clear, well-established USG advocacy guidelines that describe the various situations in which the USG can provide advocacy support for a specific commercial interest. The questionnaire was developed to collect only the information necessary to determine if a commercial interest meets the eligibility requirements set forth in the advocacy guidelines. The Advocacy Center, appropriate ITA officials, U.S. Embassy/Consulate officials worldwide, and other federal government agencies (the Advocacy Network) that provide advocacy support, will require firms seeking USG advocacy support to complete the questionnaire. Without the information, the USG would be unable to determine the eligibility of commercial interests seeking USG advocacy support.

**II. Method of Collection**

When U.S. commercial interests request USG advocacy assistance, they are either sent Form ITA-4133P or referred to the Advocacy Center's web site from which Form ITA-4133P may be downloaded completed, signed, and filed.

**III. Data**

OMB Number: 0625-0220.

Form Number: ITA-4133P.

Type of Review: Regular Submission.

Affected Public: Commercial Interests seeking USG advocacy.

Estimated Number of Respondents: 200.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 205.

Estimated Total Annual Costs: \$15,300.00 [\$9,175.00 for respondents and \$6,125.00 for federal government].

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

Dated: February 23, 2006.

**Madeleine Clayton,**

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6-2823 Filed 2-28-06; 8:45 am]

BILLING CODE 3510-PP-P

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Initiation of Five-Year ("Sunset") Reviews**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** In accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") is automatically initiating five-year ("Sunset Reviews") of the antidumping duty orders listed below. The International Trade Commission ("the Commission") is publishing concurrently with this notice its notice of *Institution of Five-year Review* which covers these same orders.

**EFFECTIVE DATE:** March 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** The Department official identified in the *Initiation of Review(s)* section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW, Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3 - *Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*; *Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("Sunset Policy Bulletin").

**Initiation of Reviews**

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following antidumping duty orders:

DOC Case No.	ITC Case No.	Country	Product	Department Contact
A-351-825 .....	731-TA-678	Brazil	Stainless Steel Bar (2nd Review)	Zev Primor (202) 482-4114
A-533-810 .....	731-TA-679	India	Stainless Steel Bar (2nd Review)	Zev Primor (202) 482-4114
A-588-833 .....	731-TA-681	Japan	Stainless Steel Bar (2nd Review)	Zev Primor (202) 482-4114
A-469-805 .....	731-TA-682	Spain	Stainless Steel Bar (2nd Review)	Zev Primor (202) 482-4114

**Filing Information**

As a courtesy, we are making information related to Sunset proceedings, including copies of the Department's regulations regarding Sunset Reviews (19 CFR 351.218) and *Sunset Policy Bulletin*, the Department's schedule of Sunset Reviews, case history information (*i.e.*, previous margins, duty absorption determinations, scope language, import volumes), and service lists available to the public on the Department's sunset Internet website at the following address: "http://ia.ita.doc.gov/sunset/." All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order ("APO") immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

**Information Required from Interested Parties**

Domestic interested parties (defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b)) wishing to participate in these Sunset Reviews must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the orders without further review. See 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic

interested party, the Department's regulations provide that all parties wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the

Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.<sup>1</sup> Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: February 23, 2006.

**Thomas F. Futtner,**

*Acting Office Director, AD/CVD Operations, Office 4, for Import Administration.*

[FR Doc. 06–1929 Filed 2–28–06; 8:45 am]

BILLING CODE 3510-DS-S

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****Proposed Information Collection; Comment Request; Generic Clearance for Program Evaluation Data Collections**

**ACTION:** Notice.

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

<sup>1</sup> In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

**DATES:** Written comments must be submitted on or before May 1, 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](mailto: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 Ami Carbaugh, Management Analyst, NIST, 100 Bureau Drive MS 1710, Gaithersburg, MD 20899–1710, telephone 301–975–4064 or via e-mail to [ami.carbaugh@nist.gov](mailto:ami.carbaugh@nist.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

In accordance with Executive Order 12862, the National Institute of Standards and Technology (NIST), a non-regulatory agency of the Department of Commerce, proposes to conduct a number of surveys—both quantitative and qualitative—designed to evaluate our current programs from a customer's perspective. NIST proposes to perform program evaluation data collections by means of, but not limited to, focus groups, reply cards that accompany product distributions, and Web-based surveys and dialogue boxes that offer customers the opportunity to express their views on the programs they are asked to evaluate. NIST will limit its inquiries to data collections that solicit strictly voluntary opinions and will not collect information that is required or regulated. Steps will be taken to assure anonymity of respondents in each activity covered under this request.

**II. Method of Collection**

NIST will collect this information by mail, fax, electronically, telephone, and person-to-person sessions.

**III. Data**

*OMB Number:* 0693–0033.

*Form Numbers:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations, not-for-profit institutions, individuals or households, Federal Government, State, Local, or Tribal Government.

*Estimated Number of Respondents:* 12,000.

*Estimated Time Per Response:* Varied, dependent upon the data collection. The response time may vary from two minutes for a response card to two hours for focus group participation. The average response time is expected to be 30 minutes.



*Estimated Total Annual Respondent Burden Hours:* 3,022.

*Estimated Total Annual Respondent Cost Burden:* \$0.

#### 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 will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

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

Dated: February 23, 2006.

#### Gwellnar Banks,

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E6-2815 Filed 2-28-06; 8:45 am]

BILLING CODE 3510-13-P

### DEPARTMENT OF COMMERCE

#### National Institute of Standards and Technology

#### Proposed Information Collection; Comment Request; Generic Clearance for Usability Data Collections

**ACTION:** Notice.

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

**DATES:** Written comments must be submitted on or before May 1, 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](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or

copies of the information collection instrument and instructions should be directed to Ami Carbaugh, Management Analyst, NIST, 100 Bureau Dr. Stop 1710, Gaithersburg, MD 20899-1710, telephone 301-975-4064 or via e-mail to [ami.carbaugh@nist.gov](mailto:ami.carbaugh@nist.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

In accordance with Executive Order 12862, the National Institute of Standards and Technology (NIST), a non-regulatory agency of the Department of Commerce, proposes to conduct a number of data collection efforts—both quantitative and qualitative—to determine requirements and evaluate usability and utility of NIST research for measurement and standardization work. These data collection efforts may include, but may not be limited to electronic methodologies, empirical studies, video and audio data collections, interviews, and questionnaires. For example, data collection efforts will be conducted at search and rescue training exercises for rescue workers using robots. Other planned data collection efforts include evaluations of software for use by the intelligence community. Participation will be strictly voluntary. The regulated information will not be collected. The results of the data collected will be used to guide NIST research. Steps will be taken to ensure anonymity of respondents in each activity covered under this request.

##### II. Method of Collection

NIST will collect this information by electronic means when possible, as well as by mail, fax, telephone, and person-to-person interviews.

##### III. Data

*OMB Number:* 0693-0043.

*Form Numbers:* None.

*Type of Review:* Regular submission.

*Affected Public:* Individuals or households; State, local or tribal government, Federal government.

*Estimated Number of Respondents:* 2,000.

*Estimated Time per Response:* Varied, dependent upon the data collection method employed. The response time will vary from 15 min to fill out a questionnaire to several hours to participate in an empirical study. Average response time is expected to be 1 hour.

*Estimated Total Annual Respondent Burden Hours:* 2,000.

*Estimated Total Annual Respondent Cost Burden:* \$0.

#### 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 will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

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

Dated: February 23, 2006.

#### Gwellnar Banks,

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E6-2818 Filed 2-28-06; 8:45 am]

BILLING CODE 3510-13-P

### COMMISSION OF FINE ARTS

#### Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for 16 March 2006 at 10 a.m. in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001-2728. Items of discussion affecting the appearance of Washington, DC, may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: <http://www.cfa.gov>. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, Commission of Fine Arts, at the above address or call 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC., 23 February 2006.

#### Thomas Luebke,

*Secretary.*

[FR Doc. 06-1903 Filed 2-28-06; 8:45 am]

BILLING CODE 6330-01-M



## DEPARTMENT OF EDUCATION

**Office of Safe and Drug-Free Schools;  
Overview Information, Carol M. White  
Physical Education Program; Notice  
Inviting Applications for New Awards  
for Fiscal Year (FY) 2006**

*Catalog of Federal Domestic Assistance  
(CFDA) Number: 84.215F.*

**Dates:**

*Applications Available:* March 1, 2006.

*Deadline for Transmittal of  
Applications:* April 12, 2006.

*Deadline for Intergovernmental  
Review:* June 12, 2006.

*Eligible Applicants:* Local educational agencies (LEAs) and community-based organizations (CBOs), including faith-based organizations provided that they meet the applicable statutory and regulatory requirements.

*Estimated Available Funds:* \$17,400,000. Contingent upon the availability of funds, we may make additional awards in FY 2007 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:* \$100,000–\$500,000.

*Estimated Average Size of Awards:* \$300,000.

*Estimated Number of Awards:* 58.

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

*Project Period:* Up to 36 months.

**Full Text of Announcement****I. Funding Opportunity Description**

*Purpose of the Program:* The Carol M. White Physical Education Program (PEP) provides grants to local educational agencies and community-based organizations to initiate, expand, or enhance physical education programs, including after-school programs, for students in kindergarten through 12th grade. Grant recipients must implement programs that help students make progress toward meeting State standards.

*Priorities:* This competition includes one absolute priority and one competitive preference priority. These priorities are as follows:

*Absolute Priority:* In accordance with 34 CFR 75.105(b)(2)(iv), the following priority is from sections 5503 and 5504(a) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA). (20 U.S.C. 7261b, 7261c) For FY 2006, and any year in which we make awards based on the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we

consider only applications that meet this priority.

This priority is: The initiation, expansion, and improvement of physical education programs (including after-school programs) in order to make progress toward meeting State standards for physical education for kindergarten through 12th grade students by (1) providing equipment and support to enable students to participate actively in physical education activities; and (2) providing funds for staff and teacher training and education.

A physical education program funded under this absolute priority must provide for one or more of the following:

(1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

(3) Development of, and instruction in, cognitive concepts about motor skills and physical fitness that support a lifelong healthy lifestyle.

(4) Opportunities to develop positive social and cooperative skills through physical activity participation.

(5) Instruction in healthy eating habits and good nutrition.

(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

**Competitive Preference Priority:**

Within this absolute priority, we give competitive preference to applications that address the following priority. This priority is from 34 CFR 75.225. For FY 2006, and any subsequent year in which we make awards based on the list of unfunded applicants from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(ii), we award an additional five points to an application that meets this priority.

This priority is for applications from novice applicants.

The term *novice applicant* means any applicant for a grant from the U.S. Department of Education that—

(1) Has never received a grant or subgrant under the program from which it seeks funding;

(2) Has never been a member of a group application, submitted in accordance with 34 CFR 75.127 through 75.129, that received a grant under the program from which it seeks funding; and

(3) Has not had an active discretionary grant from the Federal

Government in the five years before the deadline date for applications under this program (PEP) or its predecessor program (the Physical Education for Progress Program). For the purposes of this requirement, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

In the case of a group application submitted in accordance with 34 CFR 75.127 through 75.129, all group members must meet the requirements described in this priority to qualify as a novice applicant.

**Program Authority:** 20 U.S.C. 7261–7261f.

**Applicable Regulations:** 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.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

**II. Award Information**

*Type of Award:* Discretionary grants.

*Estimated Available Funds:*

\$17,400,000. Contingent upon the availability of funds, we may make additional awards in FY 2007 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:*

\$100,000–\$500,000.

*Estimated Average Size of Awards:* \$300,000.

*Estimated Number of Awards:* 58.

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

*Project Period:* Up to 36 months.

**III. Eligibility Information**

1. *Eligible Applicants:* LEAs and CBOs, including faith-based organizations provided that they meet the applicable statutory and regulatory requirements.

2. *Cost Sharing or Matching:* In accordance with Section 5506 of the ESEA, the Federal share of the project costs may not exceed (a) 90 percent of the total cost of a program for the first year for which the program receives assistance; and (b) 75 percent of such cost for the second and each subsequent year. In addition, in accordance with Section 5507 of the ESEA, funds made available under this program must be used to supplement, and not supplant, any other Federal, State, or local funds available for physical education activities.

3. *Other:* An application for funds under this program may provide for the

participation, in the activities funded, of (a) students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or (b) home-schooled students, and their parents and teachers.

#### IV. Application and Submission Information

1. *Address to Request Application Package:* You may obtain an application via the Internet or from the ED Publications Center (ED Pubs). To obtain a copy via the Internet use the following address: <http://www.ed.gov/programs/whitephysed/index.html>. To obtain a copy from ED Pubs, write or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794-1398. Telephone (toll free): 1-877-433-7827. Fax: (301) 470-1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1-877-576-7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html> or you may contact ED Pubs at its e-mail address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.215F.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g. Braille, large print, audiotope, or computer diskette) by contacting the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. *Content and Form of Application Submission:* Each LEA or CBO desiring a grant under this program shall submit an application that contains a plan to initiate, expand, or improve a physical education program in order to make progress toward meeting State standards for physical education. Additional requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

3. *Submission Dates and Times:* Applications Available: March 1, 2006.

Deadline for Transmittal of Applications: April 12, 2006. Applications for grants under this program (PEP) may be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants system, or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, 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: June 12, 2006.

4. *Intergovernmental Review:* This competition 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 competition.

5. *Funding Restrictions:* Funds may not be used for construction activities or for extracurricular activities, such as team sports and Reserve Officers' Training Corps program activities.

Not more than five percent of grant funds provided to an LEA or CBO for any fiscal year may be used for administrative expenses.

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice. Information about prohibited activities and use of funds also is included in the application package for this competition.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.* If you choose to submit your application to us electronically, you must use e-Application available through the Department's e-Grants system accessible through the e-Grants portal page: <http://e-grants.ed.gov>.

While completing your electronic application, you will be entering data online that will be saved into a database. You may not email an electronic copy of an application to us.

Please note the following:

- Your participation in e-Application is voluntary.

- You must complete the electronic submission of your grant application by 4:30 p.m., Washington, DC time, on the application deadline date. The e-Application system will not accept an application for this competition after 4:30 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

- The regular hours of operation of the e-Grants Web site are 6 a.m. Monday until 7 p.m. Wednesday; and 6 a.m. Thursday until midnight Saturday, Washington, DC time. Please note that the system is unavailable on Sundays, and between 7 p.m. on Wednesdays and

6 a.m. on Thursdays, Washington, DC time, for maintenance. Any modifications to these hours are posted on the e-Grants Web site.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

- You must submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. If you choose to submit your application electronically, 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.

- Prior to submitting your electronic application, you may wish to print a copy of it for your records.

- After you electronically submit your application, you will receive an automatic acknowledgement that will include a PR/Award number (an identifying number unique to your application).

- Within three working days after submitting your electronic application, fax a signed copy of the ED 424 to the Department after following these steps:

- (1) Print the ED 424 from e-Application.

- (2) The applicant's Authorizing Representative must sign this form.
- (3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the ED 424.

- (4) Fax the signed ED 424 to the Office of Safe and Drug-Free Schools at (202) 205-5722.

- We may request that you give us original signatures on other forms at a later date.

*Application Deadline Date Extension in Case of System Unavailability:* If you are prevented from electronically submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

- (1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2) (a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) The e-Application system is unavailable for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgement of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants help desk at 1-888-336-8930. If the system is down and therefore the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application.

Extensions referred to this section apply only to the unavailability of the Department's e-Application system. If the e-Application system is available, and, for any reason, you are unable to submit your application electronically or you do not receive an automatic acknowledgement of your submission, you may submit your application in paper format by mail or hand delivery in accordance with the instructions in this notice.

*b. Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

*By Mail through the U.S. Postal Service:* U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.215F), 400 Maryland Avenue, SW., Washington, DC 20202-4260.

or

*By mail through a commercial carrier:* U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.215F), 7100 Old Landover Road, Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consistent with 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 submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.215F), 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 4 of the ED 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 Department's Application Control Center at (202) 245-6288.

**V. Application Review Information**

1. *Selection Criteria:* The selection criteria for this competition are from 75.210 of EDGAR and are listed in the application package.

2. *Review and Selection Process:* An additional factors we consider in selecting an application for an award is equitable distribution among LEAs and CBOs serving urban and rural areas.

**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:* There are reporting requirements under this program, including under section 5505(a) of the ESEA and 34 CFR 75.590 and 75.720. In accordance with section 5505(a) of the ESEA, grantees under this program are required to submit an annual report that—(1) Describes the activities conducted during the preceding year; and (2) Demonstrates that progress has been made toward meeting State standards for physical education. In accordance with 34 CFR 75.590, grantees also must submit an annual performance report that evaluates:

(a) Progress in achieving the objectives in the approved application;  
(b) The effectiveness of the project in meeting the purposes of the program;  
(c) The effect of the project on participants served by the project.

This annual report must also address progress toward meeting the performance and efficiency measures established by the Secretary for this program and described in the next section of this notice.

At the end of the project period, a final performance and financial report must be submitted as specified by the Secretary in 34 CFR 75.720.

4. *Performance and Efficiency Measures:* The Secretary has established the following performance and efficiency measures for collecting data to use in assessing the effectiveness of PEP.

(a) *Physical Activity Measures (Performance):*

(i) The percentage of students served by the grant who engage in 150 minutes of moderate to vigorous physical activity per week (elementary school students); and/or

(ii) The percentage of students served by the grant who engage in 225 minutes of moderate to vigorous physical activity per week (middle and high school students).

(b) *Cost Per Outcome Measure (Efficiency):*

The cost (based on the amount of the grant award) per student who achieves to meet the physical activity measure above (150 minutes of moderate to vigorous physical activity per week for elementary school students, and/or 225 minutes of moderate to vigorous physical activity per week for middle and high school students).

These measures constitute the Department's indicators of success for this program. Consequently, applicants for a grant under this program are advised to give careful consideration to these measures in formulating their approach and evaluation of their proposed project. If funded, applicants will be asked to collect and report data in their annual and final performance reports about progress toward these measures.

Additional information concerning these measures is available in the application package for this competition.

#### VII. Agency Contacts

*For Further Information Contact:* Monica Woods or Lisa Clayton, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3E332, Washington, DC 20202-6450. Telephone: 202-260-3954 or by e-mail: [Monica.Woods@ed.gov](mailto:Monica.Woods@ed.gov) or [Lisa.Clayton@ed.gov](mailto:Lisa.Clayton@ed.gov).

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 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 persons 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: February 23, 2006.

**Deborah A. Price,**

*Assistant Deputy Secretary for Safe and Drug-Free Schools.*

[FR Doc. E6-2832 Filed 2-28-06; 8:45 am]

BILLING CODE 4001-01-P

### DEPARTMENT OF EDUCATION

#### Emergency Response and Crisis Management Grant Program

**AGENCY:** Office of Safe and Drug-Free Schools, Department of Education.

**ACTION:** Notice of proposed priorities and application requirements.

**SUMMARY:** The Assistant Deputy Secretary for Safe and Drug-Free Schools proposes two priorities and two application requirements under the Emergency Response and Crisis Management (ERCM) Grant program. We may use one or more of these priorities and application requirements for competitions in Fiscal Year (FY) 2006 and later years. We also may use the priority and application requirements developed in FY 2005, and published in the **Federal Register** on June 21, 2005 (70 FR 35652), for competitions in FY 2006 and later years. We take this action to focus Federal financial assistance on supporting grants to local educational agencies (LEAs) that are at high risk for crisis situations, as well as those that have not yet received funding under this program. This action is also intended to modify an application requirement the Department established in FY 2005 for LEAs to support the implementation of the National Incident Management System (NIMS) and to propose an additional application requirement for LEAs to develop written plans to address outbreaks of infectious diseases.

**DATES:** We must receive your comments on or before March 31, 2006.

**ADDRESSES:** Address all comments about the proposed priorities and application requirements to Sara Strizzi, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E320, Washington, DC 20202-6450. If you prefer to send your comments through the Internet, use the following address: [sara.strizzi@ed.gov](mailto:sara.strizzi@ed.gov).

**FOR FURTHER INFORMATION CONTACT:** Sara Strizzi. Telephone: (303) 346-0924 or via Internet: [sara.strizzi@ed.gov](mailto:sara.strizzi@ed.gov).

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-888-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

#### SUPPLEMENTARY INFORMATION:

##### Invitation To Comment

We invite you to submit comments regarding the proposed priorities and application requirements. To ensure that your comments have maximum effect in developing the notice of final priorities and application requirements, we urge you to identify clearly the specific proposed priority or application requirement that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from the proposed priorities and application requirements. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about the proposed priorities and application requirements in room 3E320, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

##### Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed priorities and application requirements. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

*Background:* The events of September 11, 2001, and more recently, Hurricanes Katrina and Rita, reinforce the need for schools and communities to plan for

traditional crises and emergencies, as well as possible terrorist attacks or other catastrophic events. We propose additional priorities for the ERCM Grant program under the Safe and Drug-Free Schools and Communities National Programs to target assistance to high-threat areas and LEAs that have not yet received funding under this program. We also propose (1) to modify the application requirement that we established in FY 2005 for LEAs to support the implementation of NIMS at the local level and (2) to establish a new application requirement for LEAs to develop a plan to mitigate the effects of infectious diseases.

We will announce the final priorities and application requirements in a notice in the **Federal Register**. We will determine the final priorities and application requirements after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or using

additional priorities or application requirements, subject to meeting applicable rulemaking requirements.

*Note:* This notice does not solicit applications. In any year in which we choose to use the proposed priorities and application requirements, we invite applications through a notice in the **Federal Register**.

#### Priorities

*Proposed Priority 1—Competitive Preference Priority for LEAs That Have Not Previously Received a Grant Under the ERCM Program and Are Located in an Urban Areas Security Initiative Jurisdiction*

#### Background

In FY 2003, the Department of Homeland Security established the Urban Areas Security Initiative (UASI) program to focus Federal preparedness resources on the unique planning, equipment, training, and exercise needs of high-threat, high-density urban areas. The intent of the UASI program is to

create a sustainable national model program that will enhance security and overall preparedness in order to prevent, respond to, and recover from acts of terrorism. Jurisdictions included in the UASI program are determined by a formula using a combination of current threat estimates, critical assets within the specific urban area, and population density.

The Governor of each State has designated a State Administrative Agency (SAA) as the entity responsible for applying for, and administering, funds under the Department of Homeland Security Grant Program (which includes the UASI program). The SAA is also responsible for defining the geographic borders for jurisdictions included in the UASI program. Jurisdictions included in the UASI program for FY 2006 are included in the following chart. Additional guidance on jurisdiction definitions can be found at: <http://www.ojp.usdoj.gov/odp/docs/info200.pdf>.

State	Candidate urban area	Geographic area captured in the data count	Previously designated urban areas included
AZ	Phoenix Area	Chandler, Gilbert, Glendale, Mesa, Peoria, Phoenix, Scottsdale, Tempe, and a 10-mile buffer extending from the border of the combined area.	Phoenix, AZ
CA	Anaheim/Santa Ana Area	Anaheim, Costa Mesa, Garden Grove, Fullerton, Huntington Beach, Irvine, Orange, Santa Ana, and a 10-mile buffer extending from the border of the combined area.	Anaheim, CA; Santa Ana, CA
	Bay Area	Berkeley, Daly City, Fremont, Hayward, Oakland, Palo Alto, Richmond, San Francisco, San Jose, Santa Clara, Sunnyvale, Vallejo, and a 10-mile buffer extending from the border of the combined area.	San Francisco, CA; San Jose, CA; Oakland, CA
	Los Angeles/Long Beach Area	Burbank, Glendale, Inglewood, Long Beach, Los Angeles, Pasadena, Santa Clarita, Santa Monica, Torrance, Simi Valley, Thousand Oaks, and a 10-mile buffer extending from the border of the combined area.	Los Angeles, CA; Long Beach, CA
	Sacramento Area	Elk Grove, Sacramento, and a 10-mile buffer extending from the border of the combined area.	Sacramento, CA
	San Diego Area	Chula Vista, Escondido, San Diego, and a 10-mile buffer extending from the border of the combined area.	San Diego, CA
CO	Denver Area	Arvada, Aurora, Denver, Lakewood, Westminster, Thornton, and a 10-mile buffer extending from the border of the combined area.	Denver, CO
DC	National Capital Region	National Capital Region and a 10-mile buffer extending from the border of the combined area.	National Capital Region, DC
FL	Fort Lauderdale Area	Fort Lauderdale, Hollywood, Miami Gardens, Miramar, Pembroke Pines, and a 10-mile buffer extending from the border of the combined area.	N/A
	Jacksonville Area	Jacksonville and a 10-mile buffer extending from the city border.	Jacksonville, FL
	Miami Area	Hialeah, Miami, and a 10-mile buffer extending from the border of the combined area.	Miami, FL
	Orlando Area	Orlando and a 10-mile buffer extending from the city border	Orlando, FL
	Tampa Area	Clearwater, St. Petersburg, Tampa, and a 10-mile buffer extending from the border of the combined area.	Tampa, FL
GA	Atlanta Area	Atlanta and a 10-mile buffer extending from the city border	Atlanta, GA
HI	Honolulu Area	Honolulu and a 10-mile buffer extending from the city border	Honolulu, HI
IL	Chicago Area	Chicago and a 10-mile buffer extending from the city border	Chicago, IL
IN	Indianapolis Area	Indianapolis and a 10-mile buffer extending from the city border.	Indianapolis, IN
KY	Louisville Area	Louisville and a 10-mile buffer extending from the city border	Louisville, KY
LA	Baton Rouge Area	Baton Rouge and a 10-mile buffer extending from the city border.	Baton Rouge, LA
	New Orleans Area	New Orleans and a 10-mile buffer extending from the city border.	New Orleans, LA



State	Candidate urban area	Geographic area captured in the data count	Previously designated urban areas included
MA	Boston Area	Boston, Cambridge, and a 10-mile buffer extending from the border of the combined area.	Boston, MA
MD	Baltimore Area	Baltimore and a 10-mile buffer extending from the city border.	Baltimore, MD
MI	Detroit Area	Detroit, Sterling Heights, Warren, and a 10-mile buffer extending from the border of the combined area.	Detroit, MI
MN	Twin Cities Area	Minneapolis, St. Paul, and a 10-mile buffer extending from the border of the combined entity.	Minneapolis, MN; St. Paul, MN
MO	Kansas City Area	Independence, Kansas City (KS), Kansas City (MO), Olathe, Overland Park, and a 10-mile buffer extending from the border of the combined area.	Kansas City, MO
	St. Louis Area	St. Louis and a 10-mile buffer extending from the city border	St. Louis, MO
NC	Charlotte Area	Charlotte and a 10-mile buffer extending from the city border	Charlotte, NC
NE	Omaha Area	Omaha and a 10-mile buffer extending from the city border	Omaha, NE
NJ	Jersey City/Newark Area	Elizabeth, Jersey City, Newark, and a 10-mile buffer extending from the border of the combined area.	Jersey City, NJ; Newark, NJ
NV	Las Vegas Area	Las Vegas, North Las Vegas, and a 10-mile buffer extending from the border of the combined entity.	Las Vegas, NV
NY	Buffalo Area	Buffalo and a 10-mile buffer extending from the city border	Buffalo, NY
	New York City Area	New York City, Yonkers, and a 10-mile buffer extending from the border of the combined area.	New York, NY
OH	Cincinnati Area	Cincinnati and a 10-mile buffer extending from the city border.	Cincinnati, OH
	Cleveland Area	Cleveland and a 10-mile buffer extending from the city border.	Cleveland, OH
	Columbus Area	Columbus and a 10-mile buffer extending from the city border.	Columbus, OH
	Toledo Area	Oregon, Toledo, and a 10-mile buffer extending from the border of the combined area.	Toledo, OH
OK	Oklahoma City Area	Norman, Oklahoma City, and a 10-mile buffer extending from the border of the combined area.	Oklahoma City, OK
OR	Portland Area	Portland, Vancouver, and a 10-mile buffer extending from the border of the combined area.	Portland, OR
PA	Philadelphia Area	Philadelphia and a 10-mile buffer extending from the city border.	Philadelphia, PA
	Pittsburgh Area	Pittsburgh and a 10-mile buffer extending from the city border.	Pittsburgh, PA
TN	Memphis Area	Memphis and a 10-mile buffer extending from the city border	Memphis, TN
TX	Dallas/Fort Worth/Arlington Area.	Arlington, Carrollton, Dallas, Fort Worth, Garland, Grand Prairie, Irving, Mesquite, Plano, and a 10-mile buffer extending from the border of the combined area.	Dallas, TX; Fort Worth, TX; Arlington, TX
	Houston Area	Houston, Pasadena, and a 10-mile buffer extending from the border of the combined entity.	Houston, TX
	San Antonio Area	San Antonio and a 10-mile buffer extending from the city border.	San Antonio, TX
WA	Seattle Area	Bellevue, Seattle, and a 10-mile buffer extending from the border of the combined area.	Seattle, WA
WI	Milwaukee Area	Milwaukee and a 10-mile buffer extending from the city border.	Milwaukee, WI

Ensuring that LEAs are adequately prepared for multiple hazards is a significant national concern. LEAs located in vulnerable, high-density areas have unique crisis planning needs. While many LEAs in UASI jurisdictions have received funding under this program in prior years, there are a number of LEAs located in UASI jurisdictions that have not received the resources needed to improve and enhance their emergency response plans. In order to help meet the needs of these LEAs, we propose a competitive preference priority for LEAs that have not previously received a grant under this program and are located within UASI jurisdictions.

**Priority:** Under this priority, we give a competitive preference to applications from local educational agencies (LEAs) that (1) have not yet received a grant under this program and (2) are located in whole or in part within Urban Areas Security Initiative (UASI) jurisdictions, as determined by the U.S. Department of Homeland Security (DHS). An applicant must meet both of these criteria in order to receive the competitive preference. Under a consortium application, all members of the LEA consortium need to meet both criteria to be eligible for the preference.

Because DHS' determination of UASI jurisdictions may change from year to year, applicants under this priority must refer to the most recent list of UASI

jurisdictions published by DHS when submitting their applications. In any notice inviting applications using this priority, the Department will provide applicants with information necessary to access the most recent DHS list of UASI jurisdictions.

**Proposed Priority 2—Competitive Preference Priority for Applicants That Have Not Previously Received a Grant Under The ERCM Program**

#### Background

Ensuring that schools are prepared to address crisis situations that may arise from multiple hazards, including man-made and natural, is an issue of national importance. Since FY 2003, 336 LEAs



have received funding under the ERCM grant program to improve and enhance their emergency response plans. However, this represents a small percentage of the total number of LEAs within the United States. To address the crisis planning needs of LEAs that have not previously received funding under this program, we propose a competitive preference priority for applicants that have not yet received a grant under this program.

By awarding previously unfunded LEAs a competitive preference, we hope to ensure that ERCM grant funds reach greater numbers of schools and students whose crisis planning needs have not previously been addressed.

**Priority:** Under this priority, we give competitive preference to applications from local educational agencies (LEAs) that have not previously received a grant under this program. Applicants that have received funding under this program directly, or as the lead agency or as a partner in a consortium application under this program will not receive competitive preference under this priority.

#### Application Requirements

We propose (1) to modify the application requirement that we established in FY 2005 for LEAs to support the implementation of NIMS at the local level and (2) to establish a new application requirement for LEAs to develop a plan to mitigate the effects of infectious diseases.

##### 1. Implementation of the National Incident Management System

**Background:** In accordance with Homeland Security Presidential Directive/HSPD-5, the NIMS provides a consistent approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

Implementation of the NIMS is a dynamic process that will continue to evolve over time. In order to receive Federal preparedness funding, LEAs must cooperate with the efforts of their communities to meet the minimum NIMS requirements established for each fiscal year. We established an application requirement for LEAs to implement the NIMS in FY 2005. Because of the dynamic nature of the NIMS, we believe certain changes to that requirement are necessary.

**Requirement:** Applicants must agree to implement their grant in a manner consistent with the implementation of the NIMS in their communities. Applicants must include in their

applications an assurance that they have met, or will complete, all current NIMS requirements by the end of the grant period.

Because DHS' determination of NIMS requirements may change from year to year, applicants must refer to the most recent list of NIMS requirements published by DHS when submitting their applications. In any notice inviting applications, the Department will provide applicants with information necessary to access the most recent DHS list of NIMS requirements.

**Note:** An LEA's NIMS compliance must be achieved in close coordination with the local government and with recognition of the first responder capabilities held by the LEA and the local government. As LEAs are not traditional response organizations, first responder services will typically be provided to LEAs by local fire and rescue departments, emergency medical service providers, and law enforcement agencies. This traditional relationship must be acknowledged in achieving NIMS compliance in an integrated NIMS compliance plan for the local government and the LEA. LEA participation in the NIMS preparedness program of the local government is essential in ensuring that first responder services are delivered to schools in a timely and effective manner. Additional information about NIMS implementation and requirements is available at <http://www.fema.gov/nims>.

##### 2. Infectious Disease Plan

**Background:** Infectious diseases pose a significant threat for the school environment. In addition to common infectious diseases, such as stomach viruses, seasonal influenza, infestation with lice/scabies, and viral meningitis, health professionals from the Department of Health and Human Services have warned of a new threat attributed to Avian Influenza A (H5N1). The H5N1 virus poses a risk for worldwide infection. In addition to causing widespread illness, an especially severe influenza pandemic could result in widespread school closings, absenteeism, and disruptions to the learning environment in general. Whether or not a pandemic strikes, seasonal influenza and other infectious diseases continue to pose a concern with respect to the health of students as well as the optimal functioning of schools. Although it may be difficult to prevent a widespread pandemic or other infectious disease outbreak, the effects can be mitigated through proper prevention and planning strategies.

**Requirement:** To be considered for a grant award, applicants must agree to develop a written plan designed to prepare the LEA for a possible infectious disease outbreak, such as pandemic influenza. Plans must address

the four phases of crisis planning (Mitigation/Prevention, Preparedness, Response, and Recovery) and include a plan for disease surveillance (systematic collection and analysis of data which lead to action being taken to prevent and control a disease), school closure decision making, business continuity (processes and procedures established to ensure that essential functions can continue during and after a disaster), and continuation of educational services.

#### Executive Order 12866

This notice of proposed priorities and application requirements has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of proposed priorities and application requirements are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of proposed priorities and application requirements, we have determined that the benefits of the proposed priorities and application requirements justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

#### Summary of Potential Costs and Benefits

The potential costs associated with the proposed priorities and application requirements are minimal while the benefits are significant.

Grantees may anticipate costs in achieving NIMS compliance. Costs may also be incurred in the development of a written infectious disease plan. However, these costs may be included in the grant budget and, therefore, will have little financial impact on the applicant.

The benefit of the proposed priorities and application requirements is that grantees that develop a comprehensive emergency response and crisis management plan that includes training and that is implemented in coordination with community partners may mitigate the financial and human impact of a crisis in their district.

#### Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34

CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

#### Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/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>.

(Catalog of Federal Domestic Assistance Number 84.184E—Emergency Response and Crisis Management Grant program)

**Program Authority:** 20 U.S.C. 7131.

Dated: February 23, 2006.

**Deborah A. Price,**  
Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. E6-2843 Filed 2-28-06; 8:45 am]

BILLING CODE 4000-01-P

#### ELECTION ASSISTANCE COMMISSION

##### Sunshine Act; Notice of Meeting

**AGENCY:** United States Election Assistance Commission.

**ACTION:** Notice of public meeting agenda.

**DATE AND TIME:** Tuesday, March 14, 2006, 10 a.m.–1 p.m.

**PLACE:** U.S. Election Assistance Commission, 1225 New York Ave., NW., Suite 1100, Washington, DC 20005 (Metro Stop: Metro Center).

**AGENDA:** The Commission will receive presentations on the National Voter Registration Act and will receive updates on other administrative matters.

This meeting will be open to the public.

**FOR FURTHER INFORMATION CONTACT:**  
Bryan Whitener, Telephone: (202) 566-3100.

**Thomas R. Wilkey,**  
Executive Director, U.S. Election Assistance Commission.

[FR Doc. 06-1956 Filed 2-27-06; 12:44 pm]

BILLING CODE 6820-KF-M

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket No. RP06-227-000]

##### ANR Pipeline Company; Notice of Tariff Filing

February 22, 2006.

Take notice that on February 17, 2006 ANR Pipeline Company (ANR), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Twenty Second Revised Sheet No. 19 and Twelfth Revised Sheet No. 68H, to be effective April 1, 2006.

ANR states that it has submitted these sheets to comply with the annual fuel re-determination provisions of sections 1.68 and 37 of the GT&C of ANR's FERC Gas tariff.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the

"eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

**Magalie R. Salas,**  
Secretary.

[FR Doc. E6-2863 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket Nos. CP06-66-000, CP06-67-000, CP06-68-000]

##### Port Barre Investments, L.L.C. (d/b/a Bobcat Gas Storage); Notice of Application

February 23, 2006.

On February 15, 2006, in Docket Nos. CP06-66-000, CP06-67-000 and CP06-68-000, Port Barre Investments, L.L.C. (d/b/a Bobcat Gas Storage (Bobcat)), pursuant to section 7(c) of the Natural Gas Act, as amended, and sections 157 Subparts A and F, and section 284 Subpart G of the Federal Energy Regulatory Commission's (Commission) regulations, filed requests for: authorization to construct, own, and operate the Bobcat Gas Storage Project; a Subpart F construction, operation and abandonment blanket certificate (CP06-67-000); and, for a Subpart G transportation blanket certificate (CP06-68-000). Bobcat also seeks: approval of its pro forma tariff; authorization to charge market-based rates for the proposed storage services; and waiver of certain Commission regulations. Further, Bobcat asks that the Commission issue requested authorizations by July 15, 2006, so that construction may begin by September 2006 and initial storage operations can commence by the winter 2007 heating season. Start-up in this timeframe also would coincide with proposed in-service dates of certain Gulf Coast region liquefied natural gas import terminals.

The new, high-deliverability storage facility would be located in St. Landry Parish, Louisiana in close proximity to Eunice, Louisiana and the Henry Hub. The facility would have interconnections with five interstate and

one intrastate gas pipeline systems. Due to the sequential construction process associated with the four phases of the Project, Bobcat requests that the Commission authorize construction over a five-year period.

Questions concerning the application should be directed to Paul Bieniawski at Bobcat Gas Storage, 14090 Southwest Freeway, Suite 460, Sugar Land, Texas 77478-3679, or by calling (281) 242-2381 or Lisa Toney at, King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036 or by calling 212-556-2307.

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.

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 at <http://www.ferc.gov>. The Commission strongly encourages intervenors to file electronically.

The Commission may issue a preliminary determination on non-

environmental issues prior to the completion of its review of the environmental aspects of the Projects. This preliminary determination typically considers such issues as the need for the Project and its economic effect on other pipelines in the area and on land and communities.

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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time on March 16, 2006.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E6-2875 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP02-378-004]

#### Cameron LNG, LLC; Notice of Application

February 23, 2006.

Take notice that on January 26, 2006, as supplemented on February 21, 2006, Cameron LNG, LLC (Cameron LNG), 101 Ash Street, San Diego, CA 92101, filed in the above referenced docket, an application to amend its authorizations to construct and operate its liquefied natural gas (LNG) import terminal issued pursuant to section 3 of the Natural Gas Act (NGA), and Part 153 of the Commission's regulations. Specifically, Cameron LNG requests amended section 3 authority approving certain pre-investment terminal facility modifications.

Any questions regarding Cameron LNG's application should be directed to: Carlos F. Peña, Senior Regulatory Counsel, HQ13, 101 Ash Street, San Diego, CA 92101, phone (619) 696-4320.

Cameron LNG requests an amended Section 3 authorization which would approve certain LNG terminal facility modifications. Cameron LNG has proposed an expansion of its LNG terminal which is being examined by the Commission and interested parties

in a Pre-Filing Process under Docket No. PF06-10-000. In advance of that proposed expansion, Cameron LNG seeks in the above amendment approval for certain modifications to the LNG terminal facilities which have already been approved by the Commission. The fourteen specific modifications requested are more fully described in Cameron LNG's filing.

Cameron LNG says these modifications are being proposed to allow the proposed expansion to be fully integrated into the approved base LNG terminal design in as safe a manner as possible with a minimum of downtime and interruption of send out service. Cameron LNG says that it is not now seeking an increase in the physical offload or send out capabilities of the LNG terminal using the proposed modifications. The supplement filed by Cameron LNG on February 21, 2006 included certain critical energy infrastructure information necessary to make its application complete.

As proposed by Cameron LNG, the approval of these modifications is not subject to the mandatory Pre-Filing Process required under section 157.21(e)(2) of the Commission's Regulations. The scope of the proposed modifications is not significant enough to warrant the Pre-Filing Process because the prospective modifications are not significant enough modifications that would involve state and local safety considerations.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as

possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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 encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>.

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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* March 15, 2006.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E6-2877 Filed 2-28-06; 8:45 am]  
BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-223-000]

#### CenterPoint Energy—Mississippi River Transmission Corporation; Notice of Tariff Filing

February 22, 2006.

Take notice that on February 15, 2006, CenterPoint Energy—Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, with an effective date of April 1, 2006:

Second Revised Sheet No. 99E,  
Second Revised Sheet No. 99F.

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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call

(866) 208-3676 (toll free). For TTY, call (202) 502-8659.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E6-2870 Filed 2-28-06; 8:45 am]  
BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-220-000]

#### Colorado Interstate Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 22, 2006.

Take notice that on February 15, 2006, Colorado Interstate Gas Company (CIG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective April 1, 2006.

Fifth Revised Sheet No. 155,  
Third Revised Sheet No. 170,  
Seventh Revised Sheet No. 178,  
First Revised Sheet No. 181B,  
Second Revised Sheet No. 229A.01,  
Fourth Revised Sheet No. 317,  
Fifth Revised Sheet No. 318.

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 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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-2868 Filed 2-28-06; 8:45 am]  
BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-200-001]

#### Entrega Gas Pipeline LLC; Notice of Negotiated Rate

February 22, 2006.

Take notice that on February 15, 2006, Entrega Gas Pipeline LLC (Entrega) pursuant to 18 CFR 154.7 and 154.203, and in compliance with the Commission's letter order issued August 9, 2005, in Docket No. CP04-414-000, tendered for filing and acceptance certain tariff sheets of Original Volume No. 1 of its FERC Gas Tariff to be effective February 23, 2006.

Entrega states that a copy of this filing has been served upon all parties to this proceeding, Entrega's customers, the Colorado Public Utilities Commission and the Wyoming Public Service Commission.

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 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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-2867 Filed 2-28-06; 8:45 am]  
BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP06-61-000; CP01-23-003]

#### North Baja Pipeline, LLC; Notice of Application

February 21, 2006.

Take notice that on February 7, 2006, North Baja Pipeline, LLC (North Baja), 1400 SW Fifth Avenue, Suite 900, Portland, Oregon 97201, filed in Docket Nos. CP01-23-001 and CP06-61-00, applications pursuant to sections 7 and 3 of the Natural Gas Act (NGA), for a certificate of public convenience and necessity authorizing the expansion of North Baja's existing interstate pipeline system and an amendment to its Presidential Permit to allow for the construction of additional facilities at the U.S.-Mexico border to accommodate the importation of regassified LNG from Mexico, all as more fully set forth in the request which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll

free at (866) 208-3676, or TTY, contact (202) 502-8659.

North Baja requests authority to develop its expansion in three phases. Specifically, in Phase I, anticipated in-service October 1, 2007, North Baja seeks to:

(1) Modify its existing Ehrenburg Compressor Station in La Paz County, Arizona and Ogilby Meter Station in Imperial County, California to facilitate the bi-directional flow of gas;

(2) Construct a new meter station and a 36-inch diameter pipeline interconnection with the facilities of Southern California Gas Company (SoCalGas) at the proposed Blythe Meter Station site in Riverside County, California;

(3) Construct a new 42-inch diameter pipeline crossing of the Colorado River to connect the Ehrenberg Compressor Station with the Blythe Meter Station; and

(4) Construct the new 0.625 mile, 10-inch diameter Blythe Energy Interconnect Lateral to connect the Blythe Energy Facility I's existing supply line with the Blythe Meter Station.

North Baja states that the proposed facility modifications and additions will allow it to deliver up to 609,000 Dth per day of regassified LNG into California and Arizona from Mexico.

In Phase I-A, anticipated in-service June 1, 2009, North Baja proposes to construct and operate the 45.7 mile, 16-inch diameter IID Lateral extending westward from North Baja's existing pipeline through Imperial County, California to the El Centro Generating Station near El Centro California. North Baja states that the IID Lateral will have a capacity of 110,000 Dth per day.

In Phase II, anticipated in-service January 1, 2010, North Baja proposes to construct and operate about 80 miles of 48-inch and 42-inch diameter pipeline loop, the B-Line, on its existing mainline (A-Line) in Riverside and Imperial Counties, California. North Baja anticipates that upon completion of the Phase II facilities the capacity of its system will be 2.7 Bcf per day. North Baja estimates that the total cost of all phases of the proposed project will be \$291 million. North Baja proposes to incrementally price transportation service on the Blythe Energy Interconnect Lateral and IID Lateral and to roll-in the costs of the looping facilities (Line B) into its existing rates.

Any questions regarding this application should be directed to Carl M. Fink, Associate General Counsel, North Baja Pipeline, LLC, 1400 SW Fifth Avenue, Suite 900, Portland, Oregon,



97201 at (503) 833-4256 or [Carl\\_Fink@TransCanada.com](mailto:Carl_Fink@TransCanada.com).

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link.

*Comment Date:* March 13, 2006.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E6-2872 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EC05-122-000, et al.]

#### Vermont-Hydro-electric Power Authority, et al.; Notice of Application

February 23, 2006.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

##### 1. Vermont-Hydro-Electric Power Authority

[Docket No. EC05-122-000]

Take notice that on February 13, 2006, Vermont Hydro-electric Power Authority tendered for filing a notice of withdrawal for an Application under section 203 of the Federal Power Act, submitted on August 22, 2005.

*Comment Date:* 5 p.m. Eastern Time on March 6, 2006.

##### 2. Liberty Electric Power, LLC

[Docket No. EC06-11-000]

Take notice that on February 16, 2006, Liberty Electric Power, LLC (Liberty) tendered for filing a supplement to their October 21, 2005 Application by asking for an additional 60-day period in order to allow the parties to close the Transaction on or before April 28, 2006.

*Comment Date:* 5 p.m. Eastern Time on March 3, 2006.

##### 3. Eagle Energy Partners I, L.P.; Eagle Energy Management, LLC; LBMB Partners AIV I, L.P.; LBMB Fund (B) AIV I, L.P.; LBMB Fund AIV I, L.P.; LBMB Capital Partners V AIV I, L.P.; LB I Group Inc.

[Docket No. EC06-84-000]

Take notice that on February 17, 2006, Eagle Energy Partners I, L.P., Eagle Energy Management, LLC and LBMB Partners AIV I, L.P. LBMB Fund (B) AIV I, L.P., LBMB Fund AIV I, L.P., LBMB Capital Partners V AIV I, L.P. and LB I Group Inc (collectively, Applicants) submitted an application pursuant to section 203 of the Federal Power Act for

authorization for a change in Eagle's ownership in which LBMB will acquire limited partnership interests in Eagle and limited liability company membership interests in Eagle Management. The Applicants have requested privileged treatment of certain information and documentation submitted with the application.

*Comment Date:* 5 p.m. Eastern Time on March 10, 2006.

##### 4. Duquesne Conemaugh, LLC

[Docket No. EG06-28-000]

Take notice that on February 7, 2006, Duquesne Conemaugh, LLC tendered for filing additional information to its EWG filing submitted on January 30, 2006.

*Comment Date:* 5 p.m. Eastern Time on March 6, 2006.

##### 5. KGen Enterprise LLC

[Docket No. EG06-37-000]

Take notice that on February 10, 2006, KGen Enterprise LLC submitted a Notice of Self-Recertification of Exempt Wholesale Generator Status.

*Comment Date:* 5 p.m. Eastern Time on March 3, 2006.

##### 6. BlueRock Energy, Inc.

[Docket No. ER06-606-001]

Take notice that on February 17, 2006, BlueRock Energy, Inc. submitted an amendment to their Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket Authority filed February 2, 2006.

*Comment Date:* 5 p.m. Eastern Time on March 1, 2006.

### Standard Paragraph

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission,



888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-2878 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-222-000]

#### Viking Gas Transmission Company; Notice of Tariff Filing

February 22, 2006.

Take notice that on February 15, 2006, Viking Gas Transmission Company (Viking) tendered for filing to be part of its FERC Gas Tariff, First Revised Volume No. 1, Sixteenth Revised Sheet No. 5B, to become effective April 1, 2006.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically

should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-2869 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-225-000]

#### Wyoming Interstate Company, Ltd.; Notice of Proposed Changes in FERC Gas Tariff

February 22, 2006.

Take notice that on February 17, 2006, Wyoming Interstate Company, Ltd. (WIC) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 2, the following tariff sheets, to become effective March 15, 2006:

Seventeenth Revised Sheet No. 4A,  
Seventeenth Revised Sheet No. 4B,  
Fourteenth Revised Sheet No. 4C,  
Seventh Revised Sheet No. 5A,  
Ninth Revised Sheet No. 11,  
First Revised Sheet No. 11A,  
Sixth Revised Sheet No. 26,  
Eighth Revised Sheet No. 27.

WIC states that the tariff sheets implement the Piceance Basin Lateral pro forma tariff provisions filed in the Docket No. CP05-54-000 proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or

protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-2871 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings No. 1

February 22, 2006.

Take notice that the Commission received the following electric rate filings.

*Docket Numbers:* ER00-3039-001.

*Applicants:* Exeter Energy Limited Partnership.

*Description:* Exeter Energy L.P. submits the revised triennial generation market power analysis.

*Filed Date:* 2/10/2006.

*Accession Number:* 20060221-0083.

*Comment Date:* 5 p.m. Eastern Time on Friday, March 3, 2006.

*Docket Numbers:* ER03-447-003.

*Applicants:* Black Oak Energy, LLC.

*Description:* Black Oak Energy, LLC submits its triennial updated market analysis requesting authority to engage in wholesale electric power & energy

transactions pursuant to FERC's 2/10/05 Order 652.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060216-0028.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 2006.

*Docket Numbers:* ER05-918-002.

*Applicants:* Western Massachusetts Electric Company.

*Description:* Northeast Utilities Services Co submits a letter agreement between NUSCO and Connecticut Municipal Electric Energy Cooperative.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060216-0025.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 2006.

*Docket Numbers:* ER06-288-001.

*Applicants:* Northeast Utilities Service Company.

*Description:* Northeast Utilities Service Co submits a letter agreement between NUSCO and Connecticut Municipal Electric Energy Cooperative.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060216-0026.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 2006.

*Docket Numbers:* ER06-439-000.

*Applicants:* Otter Tail Power Company.

*Description:* Otter Tail Power Co submits an amendment to the Interconnection and Transmission Service Agreement with Minnkota Power Cooperative, Inc.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060213-5048.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 2006.

*Docket Numbers:* ER06-631-000.

*Applicants:* Mountainview Power Company, LLC.

*Description:* Mountainview Power Co, LLC submits support for an updated cost of capital for use in billings under the Power Purchase Agreement with Southern California Edison Co.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060216-0147.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 2006.

*Docket Numbers:* ER06-632-000.

*Applicants:* Southern California Edison Company.

*Description:* Southern California Edison Co submits an amended Service Agreement for Wholesale Distribution Service with the City of Riverside, CA.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060216-0035.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 2006.

*Docket Numbers:* ER06-633-000.

*Applicants:* PJM Interconnection, LLC.

*Description:* PJM Interconnection LLC submits an executed interconnection

service agreement with Casselman Windpower LLC and Pennsylvania Electric Co.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060216-0036.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 2006.

*Docket Numbers:* ER06-634-000.

*Applicants:* Spruance Genco, LLC.  
*Description:* Spruance Genco, LLC's petition for order accepting market-based rate tariff for filing and granting waivers and blanket approvals.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060216-0032.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 2006.

*Docket Numbers:* ER06-635-000.

*Applicants:* Edgecombe Genco, LLC.  
*Description:* Petition of Edgecombe Genco, LLC for Order accepting market-based rate tariff for filing and granting waivers and blanket approvals.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060216-0031.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 2006.

*Docket Numbers:* ER06-636-000.

*Applicants:* Nevada Power Company.  
*Description:* Nevada Power Co submits a Notice of Cancellation of an Agreement for Long-Term Firm Point-to-Point Transmission Service with Pinnacle West Energy Corp.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060216-0149.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 2006.

*Docket Numbers:* ER97-3428-009.

*Applicants:* Tri-Valley Corporation.  
*Description:* Tri-Valley Corp's amended and updated market power analysis and Revised First Original Sheet 1 et al., First Revised Volume 1 related to its market-based rate authorization.

*Filed Date:* 2/13/2006.

*Accession Number:* 20060216-0027.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 6, 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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6-2860 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Filings

February 23, 2006.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER01-1121-002; EL05-111-000.

*Applicants:* SF Phosphates Limited Company, LLC.

*Description:* SF Phosphates Limited Co submits Attachment I—Revised Pivotal Supplier Screen Analysis in response to the deficiency letter dated 1/12/06.

*Filed Date:* 02/14/2006.

*Accession Number:* 20060216-0029.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, March 7, 2006.

*Docket Numbers:* ER05-316-002.  
*Applicants:* FPL Energy Marcus Hook, L.P.

*Description:* Compliance Electric Refund Report of FPL Energy Marcus Hook, L.P.

*Filed Date:* 02/14/2006.

*Accession Number:* 20060214-5049.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, March 7, 2006.

*Docket Numbers:* ER06-191-001.

*Applicants:* ISO New England Inc.

*Description:* ISO New England, Inc et al. submit proposed amendments to supplement the amendments to the ISO OATT initially filed on 11/10/05.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060221-0014.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-193-001.

*Applicants:* ISO New England Inc.

*Description:* ISO New England, Inc et al. submit proposed amendments to supplement the improvements to Schedule 22 of the ISO OATT initially filed 11/10/05.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060221-0011.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-233-001.

*Applicants:* Mountainview Power Company, LLC.

*Description:* Mountainview Power Co, LLC submits revised rate schedule sheets to the Power Purchase Agreement with a 12/10/05 effective date.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060221-0007.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-495-001.

*Applicants:* Duke Energy Corporation.

*Description:* Duke Energy Corp on behalf of Duke Electric Transmission submits substitute original Sheet 329-D et al. to FERC Electric Tariff, Third Revised Volume No. 4.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060217-0085.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-578-001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Southwest Power Pool, Inc submits as Exhibit I a corrected designation for the Service Agreement.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060221-0015.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-589-001.

*Applicants:* American Electric Power Service Corporation.

*Description:* American Electric Power Service Corp as agent for AEP Operating

Companies submits and requests acceptance of a correction to the Interconnection & Local Delivery Agreement with Village of Sycamore, OH.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060221-0010.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-637-000.

*Applicants:* Wisconsin Electric Power Company.

*Description:* Wisconsin Electric Power Company submits a proposed amendment to the Power Sales Agreement with Alger Delta Cooperative Electric Assoc.

*Filed Date:* 02/14/2006.

*Accession Number:* 20060217-0092.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, March 7, 2006.

*Docket Numbers:* ER06-638-000.

*Applicants:* Wisconsin Electric Power Company.

*Description:* Wisconsin Electric Power Co submits a proposed amendment to the Power Sales Agreement with the City of Crystal Falls, Michigan.

*Filed Date:* 02/14/2006.

*Accession Number:* 20060217-0091.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, March 7, 2006.

*Docket Numbers:* ER06-639-000.

*Applicants:* Wisconsin Electric Power Company.

*Description:* Wisconsin Electric Power Co submits a proposed amendment to the Power Service Agreement w/ Ontonagon County Electrification Assoc.

*Filed Date:* 02/14/2006.

*Accession Number:* 20060217-0090.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, March 7, 2006.

*Docket Numbers:* ER06-640-000.

*Applicants:* Wisconsin Electric Power Company.

*Description:* Wisconsin Electric Power Co and Madison Gas and Electric Co submit the proposed Balancing Area Operations Coordination Agreement.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060217-0094.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-641-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Southwest Power Pool, Inc submits revised OATT, Attachment AJ of its tariff.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060217-0088.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-642-000.

*Applicants:* Brookfield Power Piney & Deep Creek LLC.

*Description:* Brookfield Power Piney & Deep Creek LLC submit a notice of succession as a result of a corporate name change and amendments to the MBR Tariff as a result of this name change.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060217-0087.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-643-000.

*Applicants:* Brookfield Energy Marketing Inc.

*Description:* Brookfield Energy Marketing Inc submits a notice of succession as a result of a corporate name change, and amendments to the MBR tariff as a result of the name change.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060217-0086.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-644-000.

*Applicants:* ISO New England Inc.

*Description:* ISO New England, Inc submits its Capital Projects Reports and schedule of the unamortized cost of the ISO's funded capital expenditures quarter ending 12/31/05.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060221-0018.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-645-000.

*Applicants:* Avista Corporation.

*Description:* Avista Corp submits notice of termination of the Power Transfer Agreement between The Washington Water Power Co and the City of Tacoma for the Summer Falls and Main Canal Power Project.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060221-0019.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER06-646-000.

*Applicants:* New England Power Pool Inc.

*Description:* ISO New England, Inc & New England Power Pool Participants Committee submits revisions to Market Rule 1 pursuant to section 205 of the FPA.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060221-0020.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 8, 2006.

*Docket Numbers:* ER98-411-013.

*Applicants:* Wolverine Power Supply Cooperative, Inc.

*Description:* Wolverine Power Supply Cooperative, Inc amends its initial 1/31/06 filing of Notification of Change in Status Potentially Affecting Market-Based Sales Authority.

*Filed Date:* 02/15/2006.

*Accession Number:* 20060217-0072.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 1, 2006.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6-2862 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PF06-7-000]

#### Northern Natural Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Northern Lights Project, Request for Comments on Environmental Issues and Notice of Scoping Meetings

February 23, 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 Northern Natural Gas Company's (Northern) planned Northern Lights Expansion Project located in Iowa and Minnesota. This notice announces the opening of the scoping process we will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period will close on March 24, 2006.

Comments may be submitted in written form or presented verbally at the public meetings detailed below. Further details on how to submit written comments are provided in the public participation section of this notice. In lieu of sending written comments, you are invited to attend the public scoping meetings that are scheduled as follows:

Tuesday, March 14, 2006, 7 p.m.—  
Riverwood Inn and Conference Center, Sunset Room, 10990 95th Street NE., Monticello, MN 55362, 763-441-6833.

Wednesday, March 15, 2006, 7 p.m.—  
Farmington Middle School East, Multi-Purpose Room, 4100 208 Street West, Farmington, MN 55024, 651-460-1600.

Thursday, March 16, 2006, 7 p.m.—  
Best Western Holiday Lodge, 2023 7th Avenue North, Clear Lake, IA 50428, 641-357-5253.

This notice is being sent to affected landowners; Federal, state, and local government representatives and agencies; environmental and public interest groups; Native American tribes; other interested parties in this proceeding; and local libraries and newspapers. We encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

### Summary of the Proposed Project

Northern proposes to expand its natural gas transmission system to provide incremental firm service of 350,000–400,000 dekatherms in Northern's market area. More specifically, Northern seeks authority to construct the following facilities in various counties in Iowa and Minnesota:

- Construct approximately 18.8 miles of 36-inch-diameter pipeline extension in Hancock, Worth, and Winnebago counties, Iowa (Ventura/Owatonna E-Line);
  - Abandon and remove approximately 15.0 miles of 16-inch-diameter pipeline in Hancock, Worth, and Winnebago counties, Iowa (J-Line);
  - Construct approximately 10.0 miles of 30-inch-diameter pipeline extension in Rice and Steele counties, Minnesota (Owatonna/Faribault D-Line);
  - Construct approximately 29.2 miles of 24-inch-diameter pipeline extension in Dakota and Rice counties, Minnesota (Faribault/Farmington E-Line);
  - Construct approximately 4.3 miles of 4-inch-diameter pipeline loop in Anoka County, Minnesota (Elk River/Ham Lake Line);
  - Construct approximately 7.6 miles of 24-inch-diameter pipeline loop in Dakota County, Minnesota (Rosemount Loop);
  - Construct approximately 1.8 miles of 6-inch-diameter pipeline loop in Sherburne County, Minnesota (St. Cloud/Becker Line);
  - Replace approximately 3.3 miles of 3-inch-diameter pipeline loop with 10-inch-diameter pipeline in Sherburne and Wright counties, Minnesota (Elk River/St. Michael Line);
  - Modifications at two existing compressor stations in Dakota and Rice counties, Minnesota;
  - Construction of two town border stations (TBS) in Dakota and Waseca counties, Minnesota;
  - Rebuild of an existing TBS in Hennepin County, Minnesota; and
  - Modifications at 19 existing TBS in Anoka, Wright, Chisago, Washington, Dakota, Stearns, and Carver counties, Minnesota.
- With the exception of five miles of new greenfield pipeline, Northern would install the pipeline looping and extensions adjacent to existing pipelines. Location maps depicting Northern's proposed facilities are provided in Appendix 1.<sup>1</sup>

<sup>1</sup> The appendices referenced in this notice are not being printed in the Federal Register. Copies are available on the Commission's Web site (excluding maps) at the "eLibrary" link or from the Commission's Public Reference Room or call (202) 502-8371. For instructions on connecting to

### Currently Identified Environmental Issues

At this time no formal application has been filed with the FERC. For this project, the FERC staff has initiated its NEPA review prior to receiving the application. The purpose of our NEPA Pre-Filing Process is to involve interested stakeholders early in project planning and to identify and resolve issues before an application is filed with the FERC.

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities, environmental information provided by Northern, and comments gathered from concerned citizens at Northern's open houses. This preliminary list of issues may be changed based on your comments and our analysis.

- Potential impacts on the Mississippi, Vermillion, and Cannon rivers;
- Potential impacts to Vermillion River watershed;
- Potential impacts on wetlands;
- Safety concerns of the pipeline;
- Potential impacts on agricultural land and prime farmland; and
- Potential impacts on historic resources.

### The EA Process

The FERC will use the EA to consider the environmental impact that could result if it issues Northern a Certificate of Public Convenience and Necessity.

This notice formally announces our preparation of the EA and the beginning of the process referred to as "scoping." We<sup>2</sup> are soliciting input from the public and interested agencies to help us focus the analysis in the EA on the potentially significant environmental issues related to the proposed action.

Our independent analysis of the issues will be included in an EA that will be prepared for the project. Our evaluation will also include reasonable alternatives to the proposed project or portions of the project, and we will make recommendations on how to lessen or avoid impacts on the various resource areas of concern.

Depending on the comments received during the scoping process, the EA may be published and mailed to affected landowners; Federal, state, and local government representatives and agencies; elected officials; environmental and public interest

groups; Native American tribes; other interested parties; local libraries and newspapers; and the FERC's official service list for this proceeding. A 30-day 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.

We are currently coordinating with other jurisdictional and resource management agencies to identify their issues and concerns. These agencies include the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture Natural Resources Conservation Service, Minnesota Department of Natural Resources, Iowa Department of Natural Resources, and the U.S. Department of Transportation. By this notice, we are asking these and other Federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

### Public Participation

You can make a difference by providing us with your specific comments or concerns about the proposals. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please mail your comments so that they will be received in Washington, DC on or before March 24, 2006 and carefully follow these instructions:

- 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, DG2E; and
- Reference Docket No. PF06-7-000 on the original and both copies.

Please note that the Commission encourages electronic filing of comments. See 18 Code of Federal Regulations 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at <http://www.ferc.gov> under the "eFiling" 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".

When Northern submits its application for authorization to construct and operate the Northern Lights Project, the Commission will publish a Notice of Application in the **Federal Register** and will establish a deadline for interested persons to intervene in the proceeding. Because the Commission's Pre-filing Process occurs before an application to begin a proceeding is officially filed, petitions to intervene during this process are premature and will not be accepted by the Commission.

### Environmental Mailing List

If you wish to remain on the environmental mailing list, please return the Mailing List Retention Form included in Appendix 2. If you do not return this form, you will be taken off our mailing list.

### Availability of Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1-866-208 FERC (3372) or on the FERC Internet Web site (<http://www.ferc.gov>). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" (i.e., PF06-7-000), and follow the instructions. Searches may also be done using the phrase "Northern Lights" in the "Text Search" field. For assistance with access to eLibrary, the helpline can be reached at 1-866-208-3676, TTY (202) 502-8659, or at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription that 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. To register for this service, go to <http://www.ferc.gov/esubscribenow.htm>.

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. Finally, Northern has established an Internet

eLibrary refer to the end of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

<sup>2</sup>"We," "us," and "our" refer to the environmental staff of the Office of Energy Projects.



Web site for its project at <http://www.northernnaturalgas.com/expansionprojects>. The Web site includes a project overview, contact information, regulatory overview, and construction procedures.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-2876 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

February 22, 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.*: 12648-000.

c. *Date filed*: January 27, 2006.

d. *Applicant*: Gerard M. Luticken.

e. *Name of Project*: Sugar Pine Creek Project.

f. *Location*: The project would be located on the Sugar Pine Creek, in El Dorado County, California. The project would be located upstream of the licensed Upper American River Project No. 2101. None of the proposed project facilities affect this licensed project. However the proposed project's transmission line may cross the project boundary of Project No. 2101. The project would use approximately 7 acres of Federal land within the El Dorado National Forest.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r)

h. *Applicant Contact*: Mr. Gerard M. Luticken, 730 Bluegrass Drive, Petaluma, CA 94954, Phone (707) 765-9671.

i. *FERC Contact*: Robert Bell, (202) 502-6062.

j. *Deadline for filing comments, protests, and motions to intervene*: 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they

must also serve a copy of the document on that resource agency.

k. *Description of Project*: The proposed project would consist of: (1) A proposed 50-foot-long, 6-foot-high concrete masonry gravity diversion structure, (2) a proposed impoundment have a surface area of 1 acre with negligible storage and a normal water surface elevation at 4,040 feet mean sea level, (3) a proposed 2,500-foot-long, 12-inch-diameter steel penstock, (4) a proposed powerhouse containing one generating unit with an installed capacity of 750 kilowatts, (5) a proposed 3,000-foot-long, 13.8 kilovolt transmission line, and (6) appurtenant facilities. The project would have an annual generation of 1.72 gigawatt hours, which would be sold to a local utility.

l. *Locations of Applications*: A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto: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 letters the title "COMMENTS", "COMPETING APPLICATION", "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. 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. E6-2864 Filed 2-28-06; 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

February 21, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Non-Project Use of Project Lands and Waters.

b. *Project No.:* 2146-113.

c. *Date Filed:* February 7, 2006.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* Coosa River Project.

f. *Location:* The Logan-Martin Development of the Coosa River Project is located in St. Clair and Talladega Counties, Alabama. The development contains approximately 5 acres of Federal lands.

g. *Filed pursuant to:* 18 CFR 4.201.

h. *Applicant Contact:* Mr. Alan Peeples, Alabama Power Company, 600 N. 18th Street, PO Box 2641, Birmingham, AL 35291-8180, (205) 257-1401.

i. *FERC Contact:* Any questions on this notice should be addressed to Diana Shannon (202) 502-8887, or [diana.shannon@ferc.gov](mailto:diana.shannon@ferc.gov).

j. *Deadline for filing motions to intervene, protests, comments:* March 22, 2006.

k. *Description of Proposed Action:* Alabama Power Company requests approval to allow the Coosa Valley Water Supply District (CVWSD) to withdraw up to 9.33 million gallons per day (mgd) from the Logan Martin Reservoir for municipal purposes. This water would supplement the water supply found in the CVWSD-owned quarry (which itself could supply approximately 2.5 mgd) adjacent to the Logan Martin Reservoir. The licensee requests authorization to allow the CVWSD to construct, maintain, and operate an intake structure and pipeline (on project lands) which would lead to a raw water pumping station that would be located outside the project boundary. The application documented consultation with federal and state agencies.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/subscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene—*Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .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 (P-2146-113). All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-2865 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Applications for Non-Project Use of Project Lands and Amendment of Shoreline Management Plan and Soliciting Comments, Motions to Intervene, and Protests

February 22, 2005.

Take notice that the following applications have been filed with the Commission and are available for public inspection:

a. *Application Types:* Non-project use of Project Lands and Amendment of Shoreline Management Plan.

b. *Project No.:* 2232-510 & 511.

c. *Date Filed:* January 26, 2006.

d. *Applicant:* Duke Power, a division of Duke Energy Corporation.

e. *Name of Project:* Catawba-Wateree Project.

f. *Location*: The project is located on Lake Norman, in Catawba County, North Carolina. This project does not occupy any Tribal or federal lands.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791 (a) 825(r) and sections 799 and 801.

h. *Applicant Contact*: Joe Hall, Lake Management Representative, Duke Energy Corporation, P.O. Box 1006, Charlotte, NC 28201-1006, (704) 382-8576.

i. *FERC Contact*: Any questions on this notice should be addressed to Mr. Jon E. Cofrancesco at (202) 502-8951, or e-mail address:

*Jon.Cofrancesco@ferc.gov*.

j. *Deadline for filing comments and or motions*: March 22, 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 numbers (P-2232-510 & 511) 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 at <http://www.ferc.gov> under the e-Filing link. The Commission strongly encourages e-filings.

k. *Description of Request*: Duke Power is seeking authorization to lease to Davidson Development, LLC 0.22 acre of Project land on Lake Norman for a Commercial/ Residential Marina, which would consist of a dock with seven boat slips. The dock would be constructed off-site and floated into place during low lake recreation usage. These slips would serve the residents of Cove Key Townhomes at Westview. Further, Duke Power is seeking authorization to change the designated shoreline classification for the site, as shown in the project's approved shoreline management plan. Specifically, Duke Power requests the approved shoreline classification map (Catawba-Wateree Project-Cowans Ford Development, Sheet 3 of 10) for the site's approximately 700 feet of shoreline be changed from a Future Residential designation to a Future Commercial/ Residential designation.

l. *Location of the Applications*: This filing is available for review at the Commission in the Public Reference Room 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, call toll-free

1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .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. Copies 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. E6-2866 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP06-12-000]

#### Gulf LNG Energy, LLC; Notice of Technical Conference

February 27, 2006.

On Wednesday, March 8, 2006, at 8:30 a.m. (CST), staff of the Office of Energy Projects will convene a cryogenic design and technical conference regarding the proposed Gulf LNG Energy Project. The cryogenic conference will be held in the Ashbury Hotel & Suites located at 600 South Beltline Highway, Mobile, AL 36608. For hotel details call (251) 706-3572.

In view of the nature of critical energy infrastructure information and security issues to be explored, the cryogenic conference will not be open to the public. Attendance at this conference will be limited to existing parties to the proceeding (anyone who has specifically requested to intervene as a party) and to representatives of interested Federal, state, and local agencies. Any person planning to attend the March 8th cryogenic conference must register by close of business on Monday, March 6, 2006. Registrations may be submitted either online at <https://www.ferc.gov/whats-new/registration/cryo-conf-form.asp> or by faxing a copy of the form (found at the referenced online link) to 202-208-0353. All attendees must sign a non-disclosure statement prior to entering the conference. Upon arrival at the community center, check the reader board in the lobby area for the venue. For additional information regarding the cryogenic conference, please contact Thach Nguyen at 202-502-6364.

Magalie R. Salas,

Secretary.

[FR Doc. E6-2874 Filed 2-28-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM01-10-007]

#### Standards of Conduct for Transmission Providers; Notice of Technical Conference and Workshop

February 23, 2006.

The Federal Energy Regulatory Commission (Commission) will hold a technical conference and workshop on Standards of Conduct for Transmission

Providers and on April 7, 2006, in Phoenix/Scottsdale, Arizona. The meeting is expected to begin at 9:30 a.m. (MT) and conclude late afternoon. The details regarding the time and place will be provided in the near future. All interested persons are invited to attend.

The purpose of the conference and workshop is to discuss Standards of Conduct for Transmission Providers under Order No. 2004.<sup>1</sup> The Commission is hosting this conference and workshop to help provide guidance on complying with the Standards of Conduct that have been in effect since September 2004. Interested persons are invited to submit specific questions or issues that they would like to have addressed at the conference and workshop or other suggestions for the content of the program. Prospective attendees and participants are urged to watch for further notices; a detailed agenda will be issued in advance of the conference and workshop.

There is no registration fee to attend this conference. However, we request that those planning to attend the conference register online on the Commission's Web site at <http://www.ferc.gov/whats-new/registration/sc-0407-form.asp>.

Questions on complying with the regulations, suggestions of issues to be addressed and requests to participate should be submitted by March 15, 2006. Questions about the conference and workshop, including requests to participate, should be directed to:

Demetra Anas, Office of Market Oversight and Investigations, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, 202-502-8178, [Demetra.Anas@ferc.gov](mailto:Demetra.Anas@ferc.gov).

Magalie R. Salas,  
Secretary.

[FR Doc. E6-2873 Filed 2-28-06; 8:45 am]  
BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8038-8]

### Agency Information Collection Activities OMB Responses

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

**FOR FURTHER INFORMATION CONTACT:** Susan Auby (202) 566-1672, or e-mail at [auby.susan@epa.gov](mailto:auby.susan@epa.gov) and please refer to the appropriate EPA Information Collection Request (ICR) Number.

#### SUPPLEMENTARY INFORMATION:

#### OMB Responses to Agency Clearance Requests

##### OMB Approvals

EPA ICR No. 2195.02; Submission of Protocols and Study Reports for Environmental Research Involving Human Subjects (Final Rule); was approved 01/26/2006; OMB Number 2070-0169; expires 01/31/2009.

EPA ICR No. 1601.06; Air Pollution Regulations for Outer Continental Shelf Activities (Renewal); in 40 CFR part 55; was approved 01/24/2006; OMB Number 2060-0249; expires 01/31/2009.

EPA ICR No. 0664.08; NSPS for Bulk Gasoline Terminals (Renewal); in 40 CFR part 60, subpart XX; was approved 01/24/2006; OMB Number 2060-0006; expires 01/31/2009.

EPA ICR No. 1557.06; NSPS for Municipal Solid Waste Landfills (Renewal); in 40 CFR part 60, subpart WWW; was approved 01/24/2006; OMB Number 2060-0220; expires 01/31/2009.

EPA ICR No. 0746.06; NSPS for Calciners and Dryers in Mineral Industries (Renewal); in 40 CFR part 60, subpart UUU; was approved 01/24/2006; OMB Number 2060-0251; expires 01/31/2009.

EPA ICR No. 1811.05; NESHAP for Polyether Polyol Production; in 40 CFR part 63, subpart PPP; was approved 01/11/2006; OMB Number 2060-0415; expires 01/31/2009.

EPA ICR No. 1789.05; NESHAP for Natural Gas Transmission and Storage

(Renewal); in 40 CFR part 63, subpart HHH; was approved 01/11/2006; OMB Number 2060-0418; expires 01/31/2009.

EPA ICR No. 1656.12; Risk Management Program Requirements and Petitions to Modify the List of Regulated Substances under Section 112(r) of the Clean Air Act (Renewal); in 40 CFR part 68; was approved 01/09/2006; OMB Number 2050-0144; expires 01/31/2009.

EPA ICR No. 1745.05; Criteria for Classification of Solid Waste Disposal Facilities and Practices (Renewal); in 40 CFR part 257, subpart B; was approved 01/09/2006; OMB Number 2050-0154; expires 01/31/2009.

EPA ICR No. 0262.11; RCRA Hazardous Waste Permit Application and Modification, Part A (Renewal); in 40 CFR 270.1(b) and (c), 40 CFR 270.11, 40 CFR 270.13, 40 CFR 270.70, 40 CFR 270.72; was approved 01/09/2006; OMB Number 2050-0034; expires 01/31/2009.

EPA ICR No. 1031.08; Recordkeeping and Reporting Requirements for Allegations of Significant Adverse Reactions to Human Health or the Environment (TSCA Section 8(c)); in 40 CFR part 717; was approved 01/09/2006; OMB Number 2070-0017; expires 01/31/2009.

EPA ICR No. 1775.04; Hazardous Remediation Waste Management Requirements (HWIR-Media) (Renewal); in 40 CFR 264.1(j)(1-13); 40 CFR part 270, subpart H; 40 CFR 264.554; was approved 01/09/2006; OMB Number 2050-0161; expires 01/31/2009.

EPA ICR No. 2171.01; Survey of Airport Deicing Operations; was approved 01/13/2006; OMB Number 2040-0267; expires 01/31/2009.

EPA ICR No. 2132.01; CAMEO Software Usability Evaluation Survey; was approved 02/08/2006; OMB Number 2050-0198; expires 02/28/2007.

EPA ICR No. 1361.10; Information Requirements for Boilers and Industrial Furnances: General Hazardous Waste Facility Standards, Specific Unit Requirements, and Part B Permit Application and Modifications Requirements (Renewal); in 40 CFR 264.12, 40 CFR 265.12, 40 CFR 264.13, 40 CFR 265.13, 40 CFR 264.15, 40 CFR 265.15, 40 CFR 264.16, 40 CFR 265.16, 40 CFR 264.17, 40 CFR 264.73, 40 CFR 265.73, 40 CFR 264.112, 40 CFR 265.112, 40 CFR 264.113, 40 CFR 265.113, 40 CFR 264.115, 40 CFR 265.115, 40 CFR 264.101, 40 CFR 264.142, 40 CFR 265.142, 40 CFR 264.143, 40 CFR 265.143, 40 CFR 264.147, 40 CFR 265.147, 40 CFR 264.149, 40 CFR 265.149, 40 CFR 264.150, 40 CFR 265.150, 40 CFR 261.38, 40 CFR 266, subpart H, 40 CFR 270.22, 40 CFR 270.30, 40 CFR 270.66,

<sup>1</sup> *Standards of Conduct for Transmission Providers*, Order No. 2004, FERC Stats. & Regs., Regulations Preambles ¶ 31,155 (2003), order on reh'g, Order No. 2004-A, III FERC Stats. & Regs. ¶ 31,161 (2004), 107 FERC ¶ 61,032 (2004), order on reh'g, Order No. 2004-B, III FERC Stats. & Regs. ¶ 31,166 (2004), 108 FERC ¶ 61,118 (2004), order on reh'g, Order No. 2004-C, 109 FERC ¶ 61,325 (2004), order on reh'g, Order No. 2004-D, 110 FERC ¶ 61,320 (2005), *Notional Fuel Gas Supply Corp., et al. v. FERC*, Nos. 04-1188, *et al.* (D.C. Cir. Filed June 9, 2004).

was approved 02/09/2006; OMB Number 2050-0073; expires 02/28/2009.

EPA ICR No. 0161.10; Foreign Purchaser Acknowledgment Statement of Unregistered Pesticides; in 40 CFR 168.75 and 40 CFR 168.85; was approved 02/08/2006; OMB Number 2070-0027; expires 02/28/2009.

EPA ICR No. 2207.01; Exchange Network Performance Survey; was approved 01/31/2006; OMB Number 2025-0006; expires 07/31/2006.

#### Short Term Extensions

EPA ICR No. 0261.14; Notification of Regulated Waste Activity; OMB Number 2050-0028; on 01/27/2006; OMB extend the expiration date through 04/30/2006.

#### Withdrawn

EPA ICR No. 2179.04; Recordkeeping and Periodic Reporting of the Production, Import, Recycling, Transshipment and Feedback Use of Ozone Depleting Substance (Proposed Rule to Amend the Critical Use Exemption); on 01/19/2006 EPA withdrew the ICR from OMB; OMB Number 2060-0564.

#### OMB Comment Filed

EPA ICR No. 1715.07; Proposed ICR Amendment for Rulemaking entitled "Lead; Renovation, Repair, and Painting Program (Proposed Rule); on 02/08/2006 OMB's action was "Comment filed and continue"; OMB Number 2070-0155.

Dated: February 17, 2006.

#### Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E6-2901 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-P

### ENVIRONMENTAL PROTECTION AGENCY

[FRL-8039-3]

#### EPA Science Advisory Board Staff Office; Request for Nominations of Experts for the Ethylene Oxide Review Panel

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Requesting the nomination of experts for the Science Advisory Board (SAB) Ethylene Oxide Review Panel.

**DATES:** Nominations should be submitted by March 22, 2006, per instructions below.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding this Request for Nominations may contact Dr. Sue Shallal, Designated Federal Officer

(DFO), SAB Staff Office, by telephone/voice mail at (202) 343-9977; by fax at (202) 233-0643; or via e-mail at [shallal.suhair@epa.gov](mailto:shallal.suhair@epa.gov). General information concerning the EPA Science Advisory Board can be found on the EPA SAB Web site at: <http://www.epa.gov/sab>.

#### SUPPLEMENTARY INFORMATION:

**Background:** EPA last published a health assessment of the potential carcinogenicity of ethylene oxide (EtO) in 1985 (U.S. EPA, 1985). EPA's Office of Research and Development (ORD) has now completed a review of the more recent database on the carcinogenicity of EtO, pertinent data from the 1985 assessment, and several reviews and assessments issued by other organizations. EtO is manufactured from ethylene and used primarily as a chemical intermediate in the manufacture of ethylene glycol. It is also used as a sterilizing agent for medical equipment and as a fumigating agent for spices. ORD's draft assessment focuses on lifetime cancer risk from inhalation exposure. The assessment broadly supports activities authorized in the 1990 Clean Air Act and is of particular interest to EPA's Office of Air and Radiation. However, this review also should be applicable to the needs of all program Offices and Regions in evaluating the carcinogenicity of EtO. ORD has requested that the Science Advisory Board (SAB) review its draft assessment entitled "Evaluation of the Carcinogenicity of Ethylene Oxide".

The EPA Science Advisory Board (SAB) was established by 42 U.S.C. 4365 to provide independent scientific and technical advice, consultation and recommendations to the EPA Administrator on the technical basis for Agency positions and regulations. The SAB review panel, conducting the review of the Agency's evaluation of the carcinogenicity of ethylene oxide, will consist of members of the chartered SAB, SAB Committee members and other experts as determined to be necessary. This panel will comply with the provisions of the Federal Advisory Committee Act (FACA) and all appropriate SAB procedural policies. Upon completion, the panel's report will be submitted to the chartered SAB for final approval for transmittal to the EPA Administrator. The SAB Ethylene Oxide Review Panel is being asked to comment on the scientific soundness of this carcinogenicity assessment.

**Availability of the Review Materials:** The EPA draft document to be reviewed by the SAB Panel will be made available by the Office of Research and Development. For questions and

information concerning the review materials, please contact Dr. Henry Kahn, at (202) 564-3269, or [kahn.henry@epa.gov](mailto:kahn.henry@epa.gov).

**Request for Nominations:** The SAB Staff Office is requesting nominations of recognized experts with one or more of the following areas of expertise, especially with respect to the potential human carcinogenic effects of ethylene oxide: Respiratory/pulmonary physiology and exposure; epidemiology; toxicology, including genetic toxicology and mechanisms of action for carcinogenicity; metabolism; pharmacokinetics and modeling; dose-response assessment; risk assessment and statistical evaluation of epidemiological and toxicological data.

**Process and Deadline for Submitting Nominations:** Any interested person or organization may nominate qualified individuals to serve on the SAB Panel(s). Nominations should be submitted in electronic format through the SAB Web site at the following URL: <http://www.epa.gov/sab>; or directly via the *Form for Nominating Individuals to Panels of the EPA Science Advisory Board* link found at URL: <http://www.epa.gov/sab/panels/paneltopics.html>. To be considered, nominations must include all of the information required on the associated forms. Anyone who is unable to submit nominations using this form, and who has any questions concerning any aspects of the nomination process may contact the DFO, as indicated above in this notice. Nominations should be submitted in time to arrive no later than March 22, 2006.

The EPA SAB Staff Office will acknowledge receipt of the nomination. From the nominees identified by respondents to this notice (termed the "Widecast"), the SAB Staff Office will develop a smaller subset (known as the "Short List") for more detailed consideration. Criteria used by the SAB Staff in developing this Short List are given at the end of the following paragraph. The Short List will be posted for public comment on the SAB Web site at: <http://www.epa.gov/sab>. The Short List will include each nominee's name and a short biographical description of expertise and professional experiences. During this comment period, the public may provide relevant information on nominees that the SAB Staff Office should consider in evaluating candidates for the Panel.

For the EPA SAB Staff Office, a balanced subcommittee or panel is characterized by inclusion of candidates who possess the necessary domains of knowledge, the relevant scientific

perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. Public responses to the Short List candidates will be considered in the selection of the Panel, along with information provided by candidates and information independently-gathered by the SAB Staff Office on the background of each candidate. Specific criteria to be used in evaluating an individual nominee include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; and (e) skills working in committees, subcommittees and advisory panels; and, for the Panel as a whole, (f) diversity of, and balance among, scientific expertise and viewpoints.

Prospective candidates will also be required to fill-out the "Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency" (EPA Form 3110-48). This confidential form allows Government officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The form may be viewed and downloaded from the following URL address: [http://www.epa.gov/sab/sge\\_course/pdf\\_sge/epaform3110\\_48.pdf](http://www.epa.gov/sab/sge_course/pdf_sge/epaform3110_48.pdf). The process by which the EPA SAB Office forms panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA-SAB-EC-02-010), which is posted on the SAB Web site at: <http://www.epa.gov/sab/pdf/ec02010.pdf>.

Dated: February 23, 2006.

**Anthony F. Maciorowski,**  
Associate Director for Science, EPA Science Advisory Board Staff Office.

[FR Doc. E6-2899 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8038-7]

### Meeting of the Local Government Advisory Committee

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Local Government Advisory Committee and the Small Community Advisory Subcommittee (SCAS), Water and Indicators workgroups will meet on March 8-10, 2006, in Dallas, TX at the EPA's Region 6 office. The Committee will be discussing the 2008 Clean Water Needs Survey, National Urban Water Resources Survey Conducted by the U.S. Conference of Mayors Urban Water Council, Bartow County, Georgia, Environmental Management System and other region specific initiatives.

The SCAS, Water and Indicators Workgroups will meet in separate sessions on Wednesday, March 8. SCAS will meet at 10 a.m. on the 7th floor to discuss asset management, full-cost pricing and the Report on the Environment. Water and Indicators will meet after the special presentation which will be held in the Louisiana Room located on the 12th floor.

The Committee will hear comments from the public between 1 p.m.-1:15 p.m. on Thursday, March 9. Each individual or organization wishing to address the LGAC meeting will be allowed a maximum of five minutes to present their point of view. Please contact the Designated Federal Officer (DFO) at the number listed below to schedule agenda time. Time will be allotted on a first come, first serve basis, and the total period for comments may be extended, if the number of requests for appearances require it.

This is an open meeting and all interested persons are invited to attend. LGAC meeting minutes and Subcommittee summary notes will be available after the meeting and can be obtained by written request from the DFO. Members of the public are requested to call the DFO at the number listed below if planning to attend so that arrangements can be made to comfortably accommodate attendees as much as possible. Seating will be on a first come, first serve basis.

**DATES:** The Local Government Advisory Committee plenary session will begin at 8:30 a.m. Thursday, March 9 and conclude at 2 p.m. on Friday, March 10.

**ADDRESSES:** The LGAC meeting will be held at the U.S. EPA Region 6 Office,

located at Fountain Place, 1445 Ross Avenue, Dallas, TX. Everyone must report to the 7th floor to sign in and to obtain a visitor's badge.

Additional information can be obtained by writing the DFO at 1200 Pennsylvania Avenue, NW. (1301A), Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Contact Pamela Luttner, DFO for the Local Government Advisory Committee (LGAC) at (202) 564-3107.

### SUPPLEMENTARY INFORMATION:

*Information on Services for the Disability:* For information on access or services for individuals with disability, please contact Pamela Luttner at (202) 564-3107. To request accommodation of a disability, please contact Pamela Luttner, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: February 22, 2006.

**Pamela A. Luttner,**

Designated Federal Officer, Local Government Advisory Committee.

[FR Doc. E6-2902 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8039-4]

### Science Advisory Board Staff Office; Notification of Public Teleconference Meetings of the Science Advisory Board; Radiation Advisory Committee (RAC) RadNet Review Panel

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office announces three public teleconference meetings of the SAB Radiation Advisory Committee (RAC) RadNet Review Panel to conduct edits in review of the Environmental Protection Agency's (EPA) Office of Radiation and Indoor Air (ORIA) draft document entitled "Expansion and Upgrade of the RadNet Air Monitoring Network," (Vols. 1 & 2), dated October 2005.

**DATES:** Public teleconference meetings of the SAB Radiation Advisory Committee (RAC) RadNet Review Panel will be held eastern standard time on Monday, March 20, 2006 from 10 a.m. to 1 p.m., Monday April 10, 2006 from 1 p.m. to 4 p.m., and Monday, June 12, 2006 from 1 p.m. to 4 p.m. Should any of these conference call meetings be unnecessary, a notice of cancellation of the meeting will be posted on the SAB's Web site at <http://www.epa.gov/sab>. In



addition, the DFO for the RAC's RadNet Review Panel will be on the line for five minutes to advise any callers if any of these meetings have been cancelled or postponed.

**ADDRESSES:** The public teleconference meetings will take place via telephone only.

**FOR FURTHER INFORMATION CONTACT:**

Members of the public who wish to obtain the call-in number and access code for the teleconference meetings, or further information concerning the public meetings may contact Dr. K. Jack Kooyoomjian, Designated Federal Officer (DFO), by mail at EPA SAB Staff Office (1400F), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone at (202) 343-9984; by fax at (202) 233-0643; or by e-mail at:

[kooyoomjian.jack@epa.gov](mailto:kooyoomjian.jack@epa.gov). General information concerning the SAB can be found on the SAB Web site at: <http://www.epa.gov/sab>.

**Technical Contact:** For questions and information concerning the Agency's draft document being reviewed, contact Dr. Mary E. Clark, U.S. EPA, ORIA by telephone at (202) 343-9348, fax at (202) 243-2395, or e-mail at [clark.marye@epa.gov](mailto:clark.marye@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Summary:** EPA's ORIA has requested EPA's Science Advisory Board to review its draft document "Expansion and Upgrade of the RadNet Air Monitoring Network," (Vols. 1 & 2), dated October, 2005. The purpose of the upcoming teleconference meetings is for the RAC's RadNet Review Panel to edit the Panel's draft report following the Panel's face-to-face meeting of December 19 and 20, 2005 at the National Air and Radiation Environmental Laboratory (NAREL) in Montgomery, Alabama in review of the EPA's draft document.

The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical basis for Agency positions and regulations. The review will be conducted by the RAC's RadNet Review Panel, consisting of current SAB RAC members and additional outside experts. The Panel will comply with the provisions of the Federal Advisory Committee Act (FACA) and all appropriate SAB procedural policies. As such, all public meetings will be announced in the **Federal Register** at least 15 days prior to their scheduled times.

**Background:** Pursuant to the Federal Advisory Committee Act, Public Law 92-463, the SAB Staff Office hereby gives notice of three public

teleconference meetings of the Radiation Advisory Committee (RAC) RadNet Review Panel. The EPA ORIA requested the SAB to provide advice on RadNet, which is the National Monitoring System (NMS) upgrade, formerly known as the Environmental Radiation Ambient Monitoring System (ERAMS). The RAC's RadNet Review Panel has been reviewing the draft document entitled "Expansion and Upgrade of the RadNet Air Monitoring Network," (Vols. 1 & 2), dated October 2005.

**Purpose of Monday, March 20, 2006, 10 a.m. to 1 p.m. EST Teleconference Meeting:** The purpose is to edit the RAC's RadNet Review Panel's March draft report. The intention of the Panel is to edit and obtain Panel consensus on the body of the draft report in response to the charge questions.

**Purpose of Monday, April 10, 2006, 1 p.m. to 4 p.m. EST Teleconference Meeting:** The purpose is to further edit and format the RAC RadNet Review Panel's draft report following the March 20, 2006 conference call, and to draft an Executive Summary and Letter to the Administrator in response to the charge questions.

**Purpose of Monday, June 12, 2006, 1 p.m. to 4 p.m. EST Teleconference Meeting:** The purpose is to finalize edits to the Panel's consensus draft following the April 10, 2006 conference call.

**Availability of Meeting Materials:** A roster of the Panel members, the teleconference agendas, the charge to the Panel, the Panel's draft report, as well as other draft materials to be discussed by the Panel will be posted on the SAB Web site at (<http://www.epa.gov/sab>) prior to the teleconference meeting. Additional background information on this review include notification of a public teleconference meeting of the RAC to receive briefings from the Agency and discuss its advisory agenda for FY 2005 [70 FR 4847, January 31, 2005], a request for nominations of experts [70 FR 15083, March 24, 2005], and notification of a public teleconference and meeting [70 FR 69550, November 16, 2005]. All these notices, the charge to the Panel, other supplemental information, and drafts prepared by the Panel may be found at the SAB's Web site (<http://www.epa.gov/sab>).

Persons who wish to obtain additional background materials on the current ERAMS network may find them at the following Web site: <http://www.epa.gov/narel/radnet>. Copies of the materials provided to the RAC's RadNet Review Panel, including the Agency's draft document entitled "Expansion and Upgrade of the RadNet Air Monitoring Network," (Vols. 1 & 2), dated October

2005 as well as briefing materials and other background materials pertinent to the activities announced in this notice may be requested from Dr. Mary E. Clark of the U.S. EPA, ORIA by telephone at (202) 343-9348, fax at (202) 243-2395, or e-mail at [clark.marye@epa.gov](mailto:clark.marye@epa.gov).

**Procedures for Providing Public Input:**

Interested members of the public may submit relevant written or oral information for the SAB Panel to consider during the advisory process. **Oral Statements:** In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker with no more than a total of fifteen minutes for all speakers.

Interested parties should contact the DFO, contact information provided above, in writing via e-mail seven days prior to the teleconference meeting date. For the March 20, 2006 teleconference meeting, the deadline is Monday, March 13, 2006. For the April 10, 2006 teleconference meeting, the deadline is Monday, April 3, 2006, and for the June 12, 2006 teleconference meeting, the deadline is Monday, June 5, 2006 to be placed on the public speaker list for the teleconference. **Written Statements:** Written statements should be received in the SAB Staff Office seven days prior to the teleconference meeting. For the March 20, 2006 teleconference meeting, the deadline is Monday, March 13, 2006; for the April 10, 2006 teleconference meeting the deadline is Monday, April 3, 2006, and for the June 12, 2006 teleconference meeting, the deadline is Monday, June 5, 2006, so that the information may be made available to the Panel for their consideration. Written statements should be supplied to the DFO in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files in IBM-PC/Windows 98/2000/XP format).

**Meeting Accommodations:** For information on access or services for individuals with disabilities, please contact the DFO, contact information provided above. To request accommodation of a disability, please contact the DFO, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: February 23, 2006.

**Anthony F. Maciorowski,**  
Associate Director for Science, EPA Science Advisory Board Staff Office.  
[FR Doc. E6-2898 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION  
AGENCY**

[EPA-HQ-OPP-2006-0099; FRL-7763-5]

**Notice of Receipt of Requests for  
Amendments to Delete Uses in Certain  
Pesticide Registrations****AGENCY:** Environmental Protection  
Agency (EPA).**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendments by registrants to delete uses in certain pesticide registrations. Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any request in the **Federal Register**.

**DATES:** The deletions are effective on March 31, 2006, unless the Agency receives a written withdrawal request on or before March 31, 2006. The Agency will consider withdrawal request postmarked no later than March 31, 2006.

Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant on or before March 31, 2006.

**ADDRESSES:** Written withdrawal requests may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket identification (ID) number EPA-HQ-OPP-2006-0099 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** John Jamula, Information Technology and Resources Management Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6426; e-mail address: [jamula.john@epa.gov](mailto:jamula.john@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information****A. Does this Action Apply to Me?**

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

**B. How Can I Get Copies of This Document and Other Related Information?**

1. **Docket.** EPA has established an official public docket for this action under docket identification (ID) number EPA-HQ-OPP-2006-0099. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. **Electronic access.** You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

**Agency Web site:** EDOCKET, EPA's electronic public docket and comment system was replaced on November 25, 2005, by and enhanced Federal-wide electronic docket management and comment system located at <http://www.regulations.gov/>. Follow the on-line instructions.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to

access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

**C. How and To Whom Do I Submit Written Withdrawal Requests?**

1. **Electronically**—i. **E-mail.** E-mail your written withdrawal requests to: John Jamula at [jamula.john@epa.gov](mailto:jamula.john@epa.gov), Attention: Docket ID Number EPA-HQ-OPP-2006-0099.

ii. **Disk or CD-ROM.** Written withdrawal requests on disk or CD-ROM may be mailed to the address in Unit I.C.2. or delivered by hand or courier to the address in Unit I.C.3., Attention: Docket ID Number EPA-HQ-OPP-2006-0099. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. **By mail.** Send your written withdrawal requests to: John Jamula, Information Technology and Resources Management (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001, Attention: Docket ID Number EPA-HQ-OPP-2006-0099.

3. **By hand delivery or courier.** Deliver your written withdrawal requests to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID Number EPA-HQ-OPP-2006-0099. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

**II. What Action is the Agency Taking?**

This notice announces receipt by the Agency of applications from registrants to delete uses in certain pesticide registrations. These registrations are listed in Table 1 of this unit by registration number, product name, active ingredient, and specific uses deleted:

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Registration No.	Product Name	Active Ingredient	Delete From Label
000264-00637	Thiodan Technical	Endosulfan	Cherry Nursery Stock Dip, Peach Nursery Stock Dip, Plum Nursery Stock Dip, Strawberries (Dip Applications Northwest Use Only), Barley, Corn Seed Crop, Oats, Rye, and Wheat
000264-00638	Phaser 3EC Insecticide	Endosulfan	Barley, Oats, Rye, and Wheat, Cherry, Peach, Plum (Nursery Stock Dip), Strawberries (Northwest Use Only)
000264-00656	Phaser 50WP Insecticide	Endosulfan	Barley, Oats, Rye, and Wheat, Cherry, Peach, Plum (Nursery Stock Dip), Strawberries (Northwest Use Only)
000264-00658	Phaser 3EC Insecticide for Use in California	Endosulfan	Barley, Oats, Rye, and Wheat, Cherry, Peach, Plum (Nursery Stock Dip), Strawberries (Northwest Use Only)
000264-00659	Phaser 50WP Insecticide for Use in California	Endosulfan	Barley, Oats, Rye, and Wheat, Cherry, Peach, Plum (Nursery Stock Dip), Strawberries (Northwest Use Only)
000432-01209	R and M Garden Dust 5%	Carbaryl	Pets and Agriculture
000432-01210	R and M Garden Dust 10%	Carbaryl	Pets and Agriculture
000432-01226	Sevin 80 WSP Carbaryl Insecticide	Carbaryl	Control of Adult Mosquito Applied via ULV Application
000432-01227	Sevin SL Carbaryl Insecticide	Carbaryl	Control of Adult Mosquito Applied via ULV Application
000432-01237	BES Garden Dust 10%	Carbaryl	Pets and Agriculture
000432-01239	BES Garden Dust 5%	Carbaryl	Pets and Agriculture
019713-00091	Drexel Diazinon Insecticide	Diazinon	Chinese Broccoli, Chinese Cabbage, Chinese Mustard, Chinese Radish, corn, grapes, hops, sugar beets, and Walnut
019713-00095	Drexel Diazinon 14G	Diazinon	Beets (red and table), Broccoli, Brussels Sprouts, Cabbage, Carrots, Cauliflower, Collards, Endive, Ginseng, Kale, Melons, Mustard, Onions (bulb and green), Radishes, Spinach, Sugar Beets, Sweet Corn, and tomatoes
019713-00492	Drexel Diazinon 50WP	Diazinon	Chinese Broccoli, Chinese Cabbage, Chinese Mustard, Chinese Radish, Corn, Grapes, Hops, Sugar Beets, and Walnuts
019713-00523	Drexel Diazinon Technical AG	Diazinon	Liquid or Wettable Powder Formulations: Chinese Broccoli, Chinese Cabbage, Chinese Mustard, Chinese Radish, corn, grapes, hops, sugar beets, and Walnut
019713-00523	Drexel Diazinon Technical AG	Diazinon	Granular Formulations: Beets (red and table), Broccoli, Brussels Sprouts, Cabbage, Carrots, Cauliflower, Collards, Endive, Ginseng, Kale, Melons, Mustard, Onions (bulb and green), Radishes, Spinach, sugar beets, sweet corn, and tomatoes

In addition to the registrations listed in Table 1, the MCPA Task Force will no longer support continued registration of MCPA acid, DMA salt or 2EHE ester as selective herbicides on rice and grain sorghum.

Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before March 31, 2006, to discuss withdrawal of the application for amendment. This 30-day period will also permit interested members of the

public to intercede with registrants prior to the Agency's approval of the deletion.

Table 2 of this unit includes the names and addresses of record for all registrants of the products listed in Table 1 of this unit, in sequence by EPA company number.

TABLE 2.—REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Company No.	Company Name and Address
000264	Bayer Cropscience LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709
000432	Bayer Environmental Science, A Business Group of Bayer Cropscience LP, P.O. Box 12014, Research Triangle Park, NC 27709
019713	Drexel Chemical Co, P.O. Box 13327, Memphis, TN 38113-0327
068632	MCPA Task Force Three, PMB 239, 7474 Creedmoor Road, Raleigh, NC 27613

### III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

### IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for use deletion must submit the withdrawal in writing to John Jamula using the instructions in Unit I.C. The Agency will consider written withdrawal requests postmarked no later than March 31, 2006.

### V. Provisions for Disposition of Existing Stocks

The Agency has authorized the registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 13, 2006.

**Arnold E. Layne,**

Director, Information Technology and Resource Management Division, Office of Pesticide Programs.

[FR Doc. 06-1849 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-S

### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2006-0078; FRL-7762-2]

#### Notice of Filing of Pesticide Petitions for Establishment or Amendment to Regulations for Residues of Pesticide Chemicals in or on Various Commodities

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of pesticide petitions proposing the establishment or amendment of regulations for residues of pesticide chemicals in or on various commodities.

**DATES:** Comments must be received on or before March 31, 2006.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2006-0078, and pesticide petition number PP 6E7026, by one of the following methods:

- <http://www.regulations.gov/>. Follow the on-line instructions for submitting comments.

- **Mail:** Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- **Hand Delivery:** Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP-2006-0078. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility

is (703) 305-5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to docket ID number EPA-HQ-OPP-2006-0078. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going to [regulations.gov](http://www.regulations.gov), your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the [regulation.gov](http://www.regulations.gov) index.

Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in regulations.gov or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:**

Bipin Gandhi, Registration Division, (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460-0001; (703) 308-8380; e-mail: [gandhi.bipin@epa.gov](mailto:gandhi.bipin@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](http://regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that

you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns, and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

**II. What Action is the Agency Taking?**

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical

method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at <http://www.regulations.gov/>. To locate this information on the home page of EPA's Electronic Docket, select "Quick Search" and type the OPP docket ID number. Once the search has located the docket, clicking on the "Docket ID" will bring up a list of all documents in the docket for the pesticide including the petition summary.

**New Exemption from Tolerance**

PP 6E7026. BASF AG, 67056 Ludwigshafen, Germany, proposes to establish an exemption from the requirement of a tolerance for residues of a polymer, 2H-azepin-2-one, 1-ethenylhexahydro-, homopolymer, (CAS Reg. No. 25189-83-7), in or on food commodities when used as an inert ingredient. Because this petition is a request for an exemption from the requirement of a tolerance without numerical limitations, no analytical method is required.

**List of Subjects**

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 17, 2006.

**Donald R. Stubbs,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. E6-2895 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-S

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2005-0309; FRL-7756-4]

**Notice of Filing of a Pesticide Petition for the Establishment of a Regulation for the Residues of the Insecticide Hexythiazox in or on Field Corn**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment of a regulation for residues of the insecticide hexythiazox (trans-5-(4-chlorophenyl)-N-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety in or on field corn commodities.

**DATES:** Comments must be received on or before March 31, 2006.



**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2005-0309 and pesticide petition number (PP) 5F6953, by one of the following methods:

- <http://www.regulations.gov/>. Follow the on-line instructions for submitting comments.

- **Mail:** Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- **Hand Delivery:** Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP-2005-0309. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to docket ID number EPA-HQ-OPP-2005-0309. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov/) or e-mail. The [www.regulations.gov](http://www.regulations.gov/) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov/), your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects

or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/docket.html/>.

**Docket:** All documents in the docket are listed in the [www.regulation.gov](http://www.regulation.gov) index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Olga Odiott, Registration Division, (7505C), Office of Pesticide Programs, U. S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460-0001; (703) 308-9369; e-mail: [odiott.olga@epa.gov](mailto:odiott.olga@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. What Should I Consider as I Prepare My Comments for EPA?

1. **Submitting CBI.** Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

- Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

- Describe any assumptions and provide any technical information and/or data that you used.

- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

- Provide specific examples to illustrate your concerns, and suggest alternatives.

- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the comment period deadline identified. II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at

this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at <http://www.regulations.gov/>. To locate this information on the home page of EPA's Electronic Docket, select "Quick Search" and type the OPP docket ID number. Once the search has located the docket, clicking on the "Docket ID" will bring up a list of all documents in the docket for the pesticide including the petition summary.

#### New Tolerance

PP 5F6953. Gowan Company, 370 South Main Street, Yuma, AZ 85364, proposes to establish a regional tolerance for residues of the insecticide hexythiazox (trans-5-(4-chlorophenyl)-N-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety in or on food commodities corn, field, grain at 0.05 parts per million (ppm); corn, field, forage at 2.0 ppm; and corn, field, stover at 2.0 ppm. A practical analytical method, high pressure liquid chromatography with an ultraviolet detector, which detects and measures residues of hexythiazox and its metabolites as a common moiety, is available for enforcement purposes with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances.

#### List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 15, 2006.

Rachel C. Holloman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6-2897 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-S

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2006-0073; FRL-7763-1]

#### Notice of Filing of a Pesticide Petition for the Establishment of a Regulation for the Residues of Sodium Salt of Fomesafen in or on Dry and Snap Beans, and Cotton Seed and Gin Byproducts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment of a regulation for residues of the herbicide sodium salt of fomesafen, 5-[2-chloro-4-(trifluoromethyl)phenoxy]-N-(methylsulfonyl)-2-nitrobenzamide in or on dry beans, snap beans, and cotton seed and gin byproducts food commodities.

**DATES:** Comments must be received on or before March 31, 2006.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2006-0073 and pesticide petition numbers (PP) 1E6228, 6E4653, and 9F5068, by one of the following methods:

- <http://www.regulations.gov/>. Follow the on-line instructions for submitting comments.

- *Mail:* Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Hand Delivery:* Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP-2006-0073. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to docket ID number EPA-HQ-OPP-2006-0073. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business

Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/docket.htm/>.

**Docket:** All documents in the docket are listed in the [www.regulation.gov](http://www.regulation.gov) index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Barbara Madden, Registration Division, (7505C), Office of Pesticide Programs, U. S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; (703) 305-6463; e-mail: [madden.barbara@epa.gov](mailto:madden.barbara@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

##### A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural

producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

#### *B. What Should I Consider as I Prepare My Comments for EPA?*

1. **Submitting CBI.** Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- Identify the document by docket ID number and other identifying information (subject heading, Federal Register date and page number).
- Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at

your estimate in sufficient detail to allow for it to be reproduced.

- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

#### **II. What Action is the Agency Taking?**

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at <http://www.regulations.gov>. To locate this information on the home page of EPA's Electronic Docket, select "Quick Search" and type the OPP docket ID number. Once the search has located the docket, clicking on the "Docket ID" will bring up a list of all documents in the docket for the pesticide including the petition summary.

#### **New Tolerance**

*PPs 1E6228, 6E4653, and 9F5068.* Interregional Research Project No. 4 (IR-4), 681 U. S. Highway No. 1 South, North Brunswick, NJ 08902-3390; and Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27410, proposes to establish tolerances for residues of the herbicide sodium salt of fomesafen, 5-[2-chloro-4-(trifluoromethyl)phenoxy]-N-(methylsulfonyl)-2-nitrobenzamide] in or on food commodities dry beans (PP 1E6228), snap beans (PP 6E4653), cotton seed and cotton gin byproducts (9F5068) at 0.025 parts per million (ppm). An analytical method using chemical derivatization followed by gas chromatography (GC) with Nitrogen-Phosphorus detection (NPD) has been

developed and validated for residues of fomesafen in snap/dry beans, cotton seed and cotton gin byproducts, as well as for other crops. After homogenization, the samples are extracted with acidified acetonitrile. After addition of water and additional acid, the extract was submitted to liquid/liquid partition. The residue is transferred to dichloromethane followed by acetone and derivatized with iodomethane in the presence of anhydrous potassium carbonate. A silica gel column cleanup is done with dichloromethane:hexane as the eluent. The final extract is transferred to toluene and analyzed by GC/NPD. The limit of quantitation is 0.025 ppm.

#### **List of Subjects**

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 17, 2006.

**Donald R. Stubbs,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[ER Doc. 06-1852 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-S

#### **ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2005-0533; FRL-7763-2]

#### **Notice of Filing of a Pesticide Petition for the Establishment of a Regulation for the Residues of Bentazon and Its Metabolites in or on Peaches and Nectarines**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment of a regulation for residues of the herbicide bentazon (3-isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on peaches and nectarines.

**DATES:** Comments must be received on or before March 31, 2006.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2005-0533 and pesticide petition number (PP) 2E6501, by one of the following methods:

- <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- Mail: Public Information and Records Integrity Branch (PIRIB)

(7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• **Hand Delivery:** Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP-2005-0533. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to docket ID number EPA-HQ-OPP-2005-0533. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/docket.htm/>.

**Docket:** All documents in the docket are listed in the [www.regulation.gov](http://www.regulation.gov) index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Barbara Madden, Registration Division, (7505C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; (703) 305-6463; e-mail: [madden.barbara@epa.gov](mailto:madden.barbara@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. General Information**

##### **A. Does this Action Apply to Me?**

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### **B. What Should I Consider as I Prepare My Comments for EPA?**

1. **Submitting CBI.** Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is

claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

#### **II. What Action is the Agency Taking?**

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at <http://www.regulations.gov/>.



To locate this information on the home page of EPA's Electronic Docket, select "Quick Search" and type the OPP docket ID number. Once the search has located the docket, clicking on the "Docket ID" will bring up a list of all documents in the docket for the pesticide including the petition summary.

#### New Tolerance

**PP 2E6501.** Interregional Research Project No. 4, Rutgers, the State University of New Jersey, 681 U. S. Highway No. 1 South, North Brunswick, NJ 08902-3390, proposes to establish a tolerance for residues of the herbicide bentazon (3-isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on peach and nectarine at 0.05 parts per million (ppm). Adequate enforcement methods are available for the determination of residues of bentazon and its 6- and 8-hydroxy metabolites in/on plant commodities. The Pesticide Analytical Manual (PAM) Volume 11 lists Method II, a gas-liquid chromatography (GLC) method with flame photometric detection for the determination of bentazon and its hydroxyl metabolites in/on corn, rice, and soybeans; the limit of detection for each compound is 0.05 ppm. Method III, modified from Method II, is available for the determination of bentazon and its hydroxyl metabolites in/on peanuts and seed and pod vegetables with a limit of detection of 0.05 ppm for each compound.

#### List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 15, 2006.

**Rachel C. Holloman,**

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6-2896 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2006-0029; FRL-7759-2]

### Carbofuran; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received a specific exemption request from the Louisiana Department of Agriculture and Forestry to use the pesticide carbofuran (CAS No. 563-66-2) to treat up to 239,063 acres of rice to control rice water weevil, *Lissorhoptrus oryzophilus*. The Applicant proposes the use of an active ingredient which has been the subject of a special review and is intended for a use that has been the subject of the special review. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

**DATES:** Comments must be received on or before March 16, 2006.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2006-0029, by one of the following methods:

- <http://www.regulations.gov/>. Follow the on-line instructions for submitting comments.

- **Mail:** Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- **Hand Delivery:** Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. Attention: Docket ID number EPA-HQ-OPP-2006-0029. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to docket ID number EPA-HQ-OPP-2006-0029. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov/) or e-mail. The [www.regulations.gov](http://www.regulations.gov/) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov/), your e-mail address

will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/docket.htm/>.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov/) index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov/> or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Libby Pemberton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9364; fax number: (703) 308-5433; e-mail address: [Sec-18-Mailbox@epa.gov](mailto:Sec-18-Mailbox@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).



This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit II. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns, and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

## II. Background

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Louisiana Department of Agriculture and Forestry has requested the Administrator to issue a specific exemption for the use of carbofuran on rice to control rice water weevil, *Lissorhoptrus oryzophilus*. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that the current emergency situation with respect to weevil management has arisen primarily from the continuing, and probably increasing, practice of cultivating crawfish in ponds in close proximity to rice fields in southern Louisiana. The great majority of crawfish ponds (at least 75%) are close enough to rice fields to be affected by the management practices used in rice. All of the insecticides currently registered for use against the rice water weevil in Louisiana are toxic to crawfish. The use of carbofuran for weevil control has one significant advantage over currently used liquid products in that it is formulated as a granular and thus there is far less potential for drift. The Applicant states that the estimated economic loss if no effective weevil controls are available will be 5.6–11 million dollars.

The Applicant proposes to make no more than one application of 3.0% carbofuran to 239,063 acres of rice in Louisiana between March 1 and September 1, 2006. A maximum of 143,437 pounds of active ingredient will be required.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing the use of an active ingredient which has been subject of a special review and is intended for a use that has been the subject of the special review. The notice provides an opportunity for public comment on the application.

The Agency will review and consider all comments received during the

comment period in determining whether to issue the specific exemption requested by the Louisiana Department of Agriculture and Forestry.

## List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 16, 2006.

**Rachel C. Holloman**,  
Acting Director, Registration Division, Office of Pesticide Programs.  
[FR Doc. 06–1848 Filed 2–28–06; 8:45 am]  
BILLING CODE 6560–50–S

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–8038–9; OEI–2006–0014]

### New—SORN for Federal Retirement Benefits Calculator

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Establishment of a New System of Records Notice for Federal Retirement Benefits Calculator—FRB.

**SUMMARY:** Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Office of Human Resources is giving notice that it proposes to establish a new system of records, Federal Retirement Benefits Calculator. This system of records is an integrated application that works from one central database that allows employees to access personal and benefits-related information.

**DATES:** Persons wishing to comment on this new system of records Notice may do so by April 10, 2006. Unless there is a further notice in the **Federal Register**, this new system of records will become effective on April 10, 2006.

**ADDRESSES:** Questions regarding this notice should be referred to Rose Ann Clark, Office of Human Resources, 1200 Pennsylvania Ave, NW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Rose Ann Clark or (202) 564–7877.

### SUPPLEMENTARY INFORMATION:

#### General Information

The Federal Retirement Benefits Calculator (FRB) is a system that integrates information into one central database. The FRB is an application that allows EPA employees to access personal and benefits-related information that will be used by EPA employees to calculate their retirement benefits. The information in the FRB system includes: voluntary, early, and

disability retirement benefits; part-time and intermittent service; deposits and re-deposits owed; Social Security/Federal Employee Retirement System (FERS) supplement benefits; Civil Service Retirement System benefits; Thrift Savings Plan benefits; survivor benefits; and severance pay.

EPA Employees will be able to use the system to generate either a "quick" or a detailed retirement annuity estimate using the FRB calculator. EPA will provide information to the system in order for the employee to be able to generate an estimate. Data will be updated each pay period (bi-weekly).

EPA has established an official public docket for this action under Docket ID No. EPA-HQ-OEI-2006-0014. The official public docket is the collection of materials that is available for public viewing at the OEI Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified above.

Dated: February 21, 2006.

Linda A. Travers,

Acting Assistant Administrator and Chief Information Officer.

#### EPA-55

#### SYSTEM NAME: FEDERAL RETIREMENT BENEFITS CALCULATOR

#### SYSTEM LOCATION

Economic Systems Inc., 3141 Fairview Park Dr., Suite 700, Falls Church, Virginia 22042-4507.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

Current employees of the Environmental Protection Agency (EPA). Any federal employee paid by EPA will be covered by the system.

#### CATEGORIES OF RECORDS IN THE SYSTEM

This system contains records related to personnel, basic benefits, pay, and leave. This includes, but is not limited to, employee information such as: name(s), date of birth, social security number, home and mailing addresses, salary, number of hours worked, and service computation date.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM

5 U.S.C. Chapter 53, Pay Rates and Systems; 5 U.S.C. 5101 *et seq.*; 5 U.S.C. 1308, 3323, 3595a, 8301, 8331, 8501; 5 U.S.C. 5525 *et seq.*; 5 U.S.C. 6301 *et seq.*; Executive Order 9397 (Nov.22, 1943).

#### PURPOSE

The Federal Retirement Benefits Calculator (FRB) is a system that integrates information into one central database. The FRB is an application that allows EPA employees to access personal and benefits-related information that will be used by EPA employees to calculate their retirement benefits. The information in the FRB system includes: voluntary, early, and disability retirement benefits; part-time and intermittent service; deposits and re-deposits owed; Social Security/Federal Employee Retirement System (FERS) supplement benefits; Civil Service Retirement System benefits; Thrift Savings Plan benefits; survivor benefits; and severance pay.

EPA employees will be able to use the system to generate either a "quick" or a detailed retirement annuity estimate using the FRB calculator. EPA will provide information to the system in order for the employee to be able to generate an estimate. Data will be updated each pay period (bi-weekly). EPA will provide the necessary information to the Contractor responsible for the FRB calculator through a secured site, followed by email notification.

#### General Routine Uses of EPA Systems of Records

A. To the Department of Treasury to issue checks, make payments, make electronic funds transfers, and issue U.S. Savings Bonds.

B. To the Department of Agriculture National Finance Center to credit Thrift Savings Plan deductions and loan payments to employee accounts.

C. To the Department of Labor in connection with a claim filed by an employee for compensation due to a job connected injury or illness.

D. To the Internal Revenue Service; Social Security Administration; and State and local tax authorities in

connection with the withholding of employment taxes.

E. To State Unemployment Offices in connection with a claim filed by former employees for unemployment benefits.

F. To the Office of Personnel Management and to Health Benefit carriers in connection with enrollment and payroll deductions.

G. To the Office of Personnel Management in connection with employee retirement and life insurance deductions.

H. To the Combined Federal Campaign in connection with payroll deductions for charitable contributions.

I. To the Office of Management and Budget and Department of the Treasury to provide required reports on financial management responsibilities.

J. To the Internal Revenue Service in connection with withholdings for tax levies.

K. Information may be disclosed to contractors, grantees, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, job or other activity for the Agency and who have a need to have access to the information in the performance of their duties or activities for the Agency. When appropriate, recipients will be required to comply with the requirement of the Privacy Act of 1974 as provided in 5 U.S.C. 552a(m).

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

##### STORAGE

Records are stored in electronic media or paper format within appropriate individual file folders.

##### RETRIEVABILITY

Individual users will gain access to the system through the use of a combination Of First Name, Last Name, and the last four numbers of the Social Security Number.

*User Name:* First four letters of first name and first seven letters of last name.

*Password:* Two digit month and day of birth, and last four of Social Security Number.

Initially users will log in with identifying data, which will verify from information provided by the Agency. After verification, the system will establish a user account and request individual to change password. Users will be encouraged to immediately change this password. Only the data pertaining to the specific user will be retrievable via the newly created password.

**SAFEGUARDS**

Electronic records are maintained in a secure password-protected computer system and are accessible only by authorized personnel. Paper records are maintained in lockable metal file cabinets, or vault, accessible only by authorized personnel. Separations files are kept at the National Records Center in St Louis Missouri.

**RETENTION AND DISPOSAL**

The retention of data in the system will be in accordance with the EPA Records Schedule, as approved by the National Archives and Records Administration.

**SYSTEM MANAGER(S) AND ADDRESS**

Acting Director, Office of Human Resources, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

**NOTIFICATION PROCEDURE**

Individuals wishing to determine if they are named in this system or seeking access to records maintained in this system must submit their requests in writing to the Office of Human Resources, 1200 Pennsylvania Avenue, NW., Washington DC 20460. Individuals requesting records must provide their name, address and a notarized statement attesting to their identity.

**RECORD ACCESS PROCEDURES**

See "Notification procedure" above. Individuals requesting access will also be required to provide adequate identification, such as a driver's license, employee identification badge, or other identifying document.

**CONTESTING RECORD PROCEDURES**

See "Notification procedure" above. Individuals wishing to contest or amend information maintained in this system should specify the information being contested, the reason for contesting it, and the proposed amendment to such information.

**RECORD SOURCE CATEGORIES**

Information in this system of records is provided by

A. EPA People Plus records. (Earning & Leave Records).

B. The employee about whom the record is maintained.

**EXEMPTIONS CLAIMED FOR THE SYSTEM**

None.

[FR Doc. E6-2900 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8038-4]

**Proposed CERCLA Administrative Agreement for Recovery of Past Response Costs; San Joaquin Drum Superfund Removal Site**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed Administrative Order on Consent ("AOC," Region 9 Docket No. 9-2006-0003) pursuant to Section 122(h) of CERCLA concerning the San Joaquin Drum Removal Site (the "Site"), located in Bakersfield, California. The respondent to the AOC is Chevron USA, which arranged for the disposal of hazardous substances at the Site for which EPA incurred response costs.

Through the proposed AOC, Chevron USA will reimburse the United States its incurred response costs of \$113,493. The AOC provides Chevron USA with a covenant not to sue and contribution protection for the costs and the removal action at the Site.

For thirty (30) days following the date of publication of this Notice, the Agency will receive written comments relating to the proposed AOC. The Agency's response to any comments will be available for public inspection at EPA's Region IX offices, located at 75 Hawthorne Street, San Francisco, California 94105.

**DATES:** Comments must be submitted on or before March 31, 2006.

**ADDRESSES:** The proposed Agreement may be obtained from Judith Winchell, Docket Clerk, telephone (415) 972-3124. Comments regarding the proposed Agreement should be addressed to Judith Winchell (SFD-7) at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105, and should reference the San Joaquin Drum Removal Site, Bakersfield, California, and USEPA Docket No. 9-2006-0003.

**FOR FURTHER INFORMATION CONTACT:** J. Andrew Helmlinger, Office of Regional Counsel, telephone (415) 972-3904, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105.

Dated: February 10, 2006.

Daniel A. Meer,

Acting Director, Superfund Division.

[FR Doc. E6-2903 Filed 2-28-06; 8:45 am]

BILLING CODE 6560-50-P

**EXPORT-IMPORT BANK**

[Public Notice 80]

**Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Export Import Bank

**ACTION:** Notice and request for comments.

**SUMMARY:** The Export-Import Bank, as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. Our customers will be able to submit this form on paper or electronically. The form has been updated in order to standardize the outline of this application to those used for medium-term insurance and guarantees and financial institution short-term single sale insurance. The application also more explicitly states the financial information that is required to be submitted with the application. This form mirrors the on-line version of the application that Ex-Im Bank is developing.

**DATES:** Written comments should be received on or before May 1, 2006, to be assured of consideration.

**ADDRESSES:** Direct all comments and requests for additional information to Angela Beckham, Export-Import Bank of the U.S., 811 Vermont Avenue, NW., Washington, DC 20571, (202) 565-3418.

**SUPPLEMENTARY INFORMATION:** *Title and Form Number:* Application for Exporter Short-term Single-Buyer Insurance, EIB 92-64.

*OMB Number:* Presently part of OMB #3048-0009 collection. Going forward we would like this form to have its own OMB number.

*Type of Review:* Regular.

*Need and Use:* The information requested enables the applicant to provide Ex-Im Bank with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements.

*Affected Public:* The form affects entities involved in the export of U.S. goods and services.

*Estimated Annual Respondents:* 160.

*Estimated Time Per Respondent:* 1  
hour.

*Estimated Annual Burden:* 160 hours.

*Frequency of Reporting or Use:* As  
needed each time an exporter seeks to  
obtain Ex-Im Bank short-term insurance  
for a single-buyer export sale.

Dated: February 23, 2006.

**Solomon Bush,**  
*Agency Clearance Officer.*

BILLING CODE 6690-01-M



## Export-Import Bank of the United States

OMB #  
Expire**APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE**

This application is to be completed by an exporter (or a broker acting on its behalf) in order to obtain a short-term insurance policy covering sales to a single foreign buyer. Repayment terms can be up to 360 days.

An online version of this application is available on Ex-Im Bank's web site. Ex-Im Bank encourages customers to apply on line, as it will facilitate our review and allow customers a faster response time. Additional information on how to apply for Ex-Im Bank insurance can be found on Ex-Im's web site <http://www.exim.gov>.

Send this completed application to Ex-Im Bank, 811 Vermont Ave., NW, Washington, D.C. 20571. Ex-Im Bank will also accept e-mailed pdf and faxed applications. Ex-Im Bank will not require the originals of these applications to be mailed. The application must be PDF scans of original applications and all required attachments. (Fax number 202.565.3380, e-mail [exim.applications@exim.gov](mailto:exim.applications@exim.gov))

**APPLICATION FORM****Applicant/Exporter**

The applicant/exporter is the U.S. entity that contracts with the buyer for the sale of the U.S. goods and services.

Applicant legal name:	State:
Contact person:	Country:
Position title:	E-mail:
Street Address:	Phone:
City:	Zip Code:
	Fax:

**Broker (if applicable):**

Name of Broker: \_\_\_\_\_

Ex-Im Bank Broker#: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**I. GENERAL QUESTIONS****A. Type of Coverage Requested**

- Comprehensive risk  
 Political risk

**B. Qualification for Coverage**

Will the applicant have title to the products at the time they are shipped?

Yes  No

Will the applicant directly invoice the buyer?

Yes  No

If you answered no to either, you may not be eligible for coverage. Call Ex-Im Bank or your broker for assistance.



**APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE**OMB #  
Expire**C. Primary Reason for applying for this policy**

- Risk mitigation
- Financing
- To offer more competitive terms

**D. Is this a resubmission of a previously withdrawn, returned or denied application, or a follow-on policy for the same buyer?**

- Yes
- No

If yes, indicate previous transaction number: \_\_\_\_\_

**E. Primary point of contact for this application**

- Exporter
- Broker

**2. SPECIAL COVERAGES**

Check the boxes for the special coverage that apply to this transaction. Complete and attach the requested forms, where applicable.

<input type="checkbox"/> Pre-shipment Cover Attachment II – Pre-shipment questionnaire required	<input type="checkbox"/> Shipment to address in US	<input type="checkbox"/> Additional Named Insured Attachment IV - ANI required
<input type="checkbox"/> Bulk agriculture	<input type="checkbox"/> Enhanced assignment Attachment III - EA questionnaire required	<input type="checkbox"/> Services
<input type="checkbox"/> Warehouse Attachment V – Warehouse information required	<input type="checkbox"/> Foreign currency coverage indicate currency: _____ - currency of supply contract <input type="checkbox"/> US dollar <input type="checkbox"/> foreign currency	<input type="checkbox"/> Other

**3. PARTICIPANTS**

Provide information on the additional participants to the transaction.

**Supplier**The supplier is the U.S. entity that manufactures the goods and/or performs the services to be exported. Check  if the exporter is the supplier and there are no additional suppliers. Enter any additional suppliers, or check  various:

Supplier legal name: \_\_\_\_\_ State: \_\_\_\_\_

Contact person: \_\_\_\_\_ Country: \_\_\_\_\_

Position title: \_\_\_\_\_ E-mail: \_\_\_\_\_

Street Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Fax: \_\_\_\_\_

---

**APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE**


---

**Buyer**

The buyer is the entity that contracts with the exporter for the purchase of U.S. goods and services.

Buyer legal name:	State:
Contact person:	Country:
Position title:	E-mail:
Street Address:	Phone:
City:	Postal Code:
	Fax:

---

**Guarantor**

The guarantor is the person or entity that agrees to repay the credit if the buyer does not. Refer to the Short-Term Credit Standards to determine in what circumstances personal or corporate guarantors are required.

Is a guarantor involved in this transaction? Yes  No   
 If yes, is the guarantor  an individual or  a company?

Guarantor legal name:	State:
Contact person:	Country:
Position title:	E-mail:
Street Address:	Phone:
City:	Postal Code:
	Fax:

---

**End-user**

The end-user is the foreign entity that uses the U.S. goods and services:

Check if the end-user is also the buyer,

End-user legal name:	State:
Contact person:	Country:
Position title:	E-mail:
Street Address:	Phone:
City:	Postal Code:
	Fax:

---

**Agent**

An agent is a business entity or individual located in the country of the borrower or buyer who has assisted in the sourcing, packaging, and/or preparation of a request for support from Ex-Im Bank, and which will receive compensation in some form for their services.

Is an agent involved in this transaction? Yes  No

If yes, add the agent information below:

Agent legal name:	State:
Contact person:	Country:
Position title:	E-mail:
Street Address:	Phone:
City:	Postal Code:
	Fax:

---

**APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE**OMB #  
Expire**Related Parties**

Describe any direct or indirect ownership or family relationship that exists between any of the participants. If none, so indicate:  None.

**Primary Source of Repayment**

The PSOR is the entity whose financial statements or credit information form the basis of Ex-Im Bank's evaluation of reasonable assurance of repayment, i.e. the entity whose financial statements Ex-Im Bank uses to supply calculate the ratios for Short-Term Credit Standards compliance. For this transaction, indicate whether the PSOR is:

- the buyer,  
 the corporate guarantor, or  
 business combination, (e.g. the consolidated or combined financial statements of the buyer and one or more corporate guarantors.).  
 Indicate which entities comprise the combination \_\_\_\_\_

Is the PSOR a financial institution? Yes  No

Select the risk category of the PSOR: Private sector  Public sector

Does the PSOR have a bond rating? Yes  No

If yes, indicate the name of the rating agency, rating, and the date of the rating. \_\_\_\_\_

**4. TRANSACTION DESCRIPTION AND ELIGIBILITY**

Indicate whether the sale represents a:

- Firm order  
 sale in negotiations  
 response to an invitation to bid

Provide a description of the products or service, including their NAICs code, if known: \_\_\_\_\_

Regarding the above products or services...

Is each product produced or manufactured in the United States? Yes  No

Has at least one-half of the value, exclusive of mark-up, been added by labor or material exclusively of United States origin?

Yes  No

Are these products on the munitions control list?

Yes  No

Are the products new or used?

New  Used

Are the products capital goods that will be used to produce exportable products? Yes  No

Will any value be added to the product after export from the U.S.? Yes  No

If yes, provide an explanation: \_\_\_\_\_

Has this transaction been considered by any other export credit insurer? Yes  No

If yes, provide details: \_\_\_\_\_

## APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE

OMB #  
Expire

## 5. FINANCED AMOUNTS AND STRUCTURE

Enter the %s for each payment term the exporter will extend to the buyer

(e) Payment terms requested	(number of days)							
	Sight	Up to 30	Up to 60	Up to 90	Up to 120	Up to 180	Up to 270	Up to 360
Cash Against Documents (CAD)	<input type="checkbox"/>							
Sight Draft Documents Against Payment (SDDP)	<input type="checkbox"/>							
Unconfirmed Irrevocable Letter of Credit (UILC)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Open Account		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sight Draft Documents Against Acceptance (SDDA)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promissory Note		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Number of shipments:  single  multiple under one sales contract

Expected date(s) of shipment: \_\_\_\_\_

Estimated shipment volume to be insured: \_\_\_\_\_

If multiple shipments, the expected highest amount outstanding during the shipment period: \_\_\_\_\_

Other security available: \_\_\_\_\_

## 6. CREDIT INFORMATION ON THE PSOR

 The information requested in Attachment I: Credit Information is attached.

## 7. NOTICES AND CERTIFICATIONS

**Certifications**

The applicant certifies that neither it, nor its Principals, have within the past 3 years been a) debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in, a Covered Transaction, b) formally proposed for debarment, with a final determination still pending, c) indicted, convicted or had a civil judgment rendered against it for any of the offenses listed in the Regulations, d) delinquent on any substantial debts owed to the U.S. Government or its agencies or instrumentalities as of the date of execution of this application; or e) the undersigned has received a written statement of exception from Ex-Im Bank attached to this certification, permitting participation in this Covered Transaction despite an inability to make certifications a) through d) in this paragraph.

The applicant further certifies that it has not and will not knowingly enter into any agreements in connection with the Goods and Services with any individual or entity that has been debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in a Covered Transaction. All capitalized terms not defined herein shall have the meanings set forth in the Ex-Im Bank Suspension and Debarment Regulations at 12 C.F.R. Part 413 (Regulations).

In addition, the applicant further certifies that it has not, and will not, engage in any activity in connection with this transaction that is a violation of a) the Foreign Corrupt Practices Act of 1977, 15 U.S.C. 78dd-1, et seq. (which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business), b) the Arms Export Control Act, 22 U.S.C. 2751 et seq., c) the International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq., or d) the Export Administration Act of 1979, 50 U.S.C. 2401 et seq.; nor been found by a court of the United States to be in violation of any of these statutes within the preceding 12 months, and to the best of its knowledge, the performance by the parties to this transaction of their respective obligations does not violate any other applicable law.

The applicant certifies that the representation made and the facts stated in this document and any attachments are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts, and if any of the certifications made herein become untrue, Ex-Im Bank will be promptly informed of such changes. The applicant further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001, et seq.).

**Notices**

The applicant is hereby notified that information requested by this application is done so under authority of the Export-Import Bank Act of 1945, as amended (12 USC 635 et seq.); provision of this information is mandatory and failure to provide the requested information may result in Ex-Im Bank being unable to determine eligibility for support. The information provided will be reviewed to determine the participants' ability to perform and pay under the transaction referenced in this application. Ex-Im Bank may not require

the information and applicants are not required to provide information requested in this application unless a currently valid OMB control number is displayed on this form (see upper right of each page).

Public Burden Statement: Reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send comments regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

Applicant (Exporter) name: \_\_\_\_\_

Name and title of authorized officer: \_\_\_\_\_

Signature of Authorized officer: \_\_\_\_\_

Date: \_\_\_\_\_



## APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE OMB #

**Attachment I: Credit Information Requirements**

Directions: The required credit information depends on whether the PSOR is the buyer or corporate guarantor, or a financial institution guarantor and on the amount of credit support requested. Check the boxes that are applicable to your transaction.

1.  The PSOR is not a financial institution:

## a) Provide details of the exporter's experience with the buyer

Does the exporter have any experience selling to the buyer?  Yes  No

If yes, provide the following information:

Date of first sale to the buyer: \_\_\_\_\_

Date of first credit sale to the buyer: \_\_\_\_\_

Historic credit experience with the buyer:

Yearly Credit Experience	Current year	Prior year 1	Prior year 2
Total amount sold			
Total amount on credit			
Highest amount outstanding for which exporter has been paid			
Payment terms/tenor			

Amount now owing: \_\_\_\_\_

Payment history:  prompt  1 - 30 days slow  31 - 60 days slow  more than 60 days slow

Is there an amount past due?  yes  no

If yes, enter amount due and due dates. \_\_\_\_\_

Provide reasons for past dues: \_\_\_\_\_

If past dues were due to foreign exchange problems, does applicant have evidence of local currency deposits on all payments due?  yes  no

## b) Provide the applicable supporting financial information on the PSOR. Check the box that applies to your transaction and provide the information noted below the box

 The transaction is for an amount up to \$50,000:

- credit agency report *or* trade reference or applicant's ledger experience

 The transaction is between \$50,001 and \$100,000:

- credit agency report *and* trade reference or applicant's ledger experience

 The transaction is between \$100,001 and \$300,000:

- credit agency report,
- two trade references or one trade reference and applicant's ledger experience, or
- two most recent years signed fiscal year-end statements

 The transaction is between \$300,001 and \$1,000,000:

- credit agency report
- two trade references
- audited or signed, unaudited financial statements for the last two fiscal years that adequately disclose financial condition and afford a reasonable basis for reliance on the information provided.

## APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE

OMB #  
Expire

The transaction is between \$1,000,001 - \$10,000,000

- credit agency report
- two trade references
- bank reference
- audited or signed unaudited financial statements for the last three fiscal years that adequately disclose financial condition and afford a reasonable basis for reliance on the information provided.

2.  The PSOR is the financial institution guarantor.

a. Provide details of the exporter's experience with the financial institution guarantor. Include dates and amounts of previous transactions with the PSOR or indicate  None

b. Provide supporting financial information.

Check the box that applies to your transaction and provide the information noted below the box .

The transaction is for an amount up to \$1 million:

- One favorable reference from creditor bank.
- One short-term debt rating of the PSOR from S & P, Moody's or Fitch IBCA. Ratings must be B, P-3 or F3 or better, respectively.

OR

- Most recently published fiscal year end or interim statements or statement spreads from Fitch IBCA, or Bankscope.

The transaction is for between \$1,000,001 and \$10,000,000

- One favorable reference from a creditor bank
- If the PSOR does not have an acceptable current market rating, provide most recently published audited financial statements that adequately disclose financial condition and were prepared in accordance with to accounting principles that afford a reasonable basis for reliance on the information provided.

## APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE

OMB #  
Expire**Attachment II**  
**Pre-shipment Questionnaire**

## Details of Coverage Requested

- a) Provide the reason pre-shipment coverage is requested \_\_\_\_\_
- b) Indicate the date the contract was executed or the anticipated date of signing
- c) Indicate the estimated period between the contract date and the final shipment date
- d) Provide a schedule of any progress payments made or to be made by the buyer or during the pre-shipment period, or indicate none:
- \_\_\_\_\_

APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE

OMB #  
Expire

**Attachment III. Enhanced Assignment Questionnaire**

If requesting Enhanced Assignment, attach

- A bank reference on the exporter/applicant dated within six months of the application
- Two trade references dated within six months of the application
- Financial statements on the exporter/applicant as follows, for a policy limit of liability of:
  - \$500,000 or less signed by an authorized officer for the applicant/exporter
  - \$500,001 - \$999,999 reviewed by a CPA with notes attached
  - \$1,000,000 or more audited by a CPA with opinion and notes attached

APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE

**Attachment IV Additional Named Insured Questionnaire**

Indicate the name of the additional named insured as follows:

Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Country: \_\_\_\_\_

Zip/ Postal Code: \_\_\_\_\_

Relationship to Applicant: \_\_\_\_\_

Role in the transaction: \_\_\_\_\_

E-mail: \_\_\_\_\_

Contact person: \_\_\_\_\_



APPLICATION FOR EXPORTER SHORT-TERM, SINGLE-BUYER INSURANCE

OMB #  
Expire

**Attachment V -- Warehouse Information**

If you requested the Special Coverage -- Warehouse, answer the following questions about the warehouse

Warehouse Type:  Owned or controlled by exporter

Bonded warehouse

Neither

Warehouse Location: City \_\_\_\_\_

State/Province \_\_\_\_\_

Country \_\_\_\_\_

EIB 92-64

[FR Doc. 06-1900 Filed 2-28-06; 8:45am]

BILLING CODE 6690-01-C

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

February 23, 2006.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 31, 2006. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., DC 20554 or an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov). If you would like to obtain or view a copy of this information collection, you may do so by visiting the FCC PRA Web page at: <http://www.fcc.gov/omd/pr>.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Judith B. Herman at 202-418-0214 or via the Internet at [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-0763.

**Title:** The ARMIS Customer Satisfaction Report.  
**Report No.:** FCC Report 43-06.  
**Type of Review:** Extension of a currently approved collection.  
**Respondents:** Business or other for-profit.  
**Number of Respondents:** 7.  
**Estimated Time Per Response:** 720 hours.

**Frequency of Response:** Annual reporting requirement.  
**Total Annual Burden:** 5,040 hours.  
**Total Annual Cost:** N/A.  
**Privacy Act Impact Assessment:** N/A.  
**Needs and Uses:** The Commission is submitting this information collection to OMB as an extension (no change in requirements) in order to obtain the full three-year clearance from them. The ARMIS Report 43-06 is an annual report that captures trends in service quality based on the results of customer satisfaction surveys. ARMIS was implemented to facilitate the timely and efficient analysis of revenue requirements, rates of return and price caps: to provide an improved basis for audits or other oversight functions; and to enhance the Commission's ability to quantify the effects of alternative policy. The ARMIS Report 43-06 reflects the results of customer satisfaction surveys conducted by individual carriers with residential and business customers. The information contained in the ARMIS Report 43-06 provides the necessary detail to enable the Commission to fulfill its regulatory responsibilities. Automated reporting of these data greatly enhances the Commission's ability to process and analyze the extensive amounts of data that are needed to administer its rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E6-2880 Filed 2-28-06; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

February 22, 2006.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13.

An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before May 1, 2006. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov). If you would like to obtain or view a copy of this information collection, you may do so by visiting the FCC PRA Web page at: <http://www.fcc.gov/omd/pr>.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Judith B. Herman at 202-418-0214 or via the Internet at [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-0233.

Title: Part 36—Separations.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 2,067 respondents; 5,433 responses.

Estimated Time Per Response: 5-22 hours.

Frequency of Response: On occasion, annual and quarterly reporting requirements, and third party disclosure requirement.

Total Annual Burden: 58,418 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: No.

Needs and Uses: This collection will be submitted as an extension (after this

60-day comment period) to OMB in order to obtain the full three year clearance.

In order to allow determination of the study areas that are entitled to an expense adjustment, and the wire centers that are entitled to high-cost universal service support, incumbent and competitive telecommunications carriers must provide certain data to the National Exchange Carrier Association (NECA) or the Universal Service Administrative Company annually or quarterly. Local telecommunications carriers who want to participate in the federal universal service support program must make certain informational showings to demonstrate eligibility. The reporting requirements are necessary to implement the congressional mandate for universal service. The reporting requirements are necessary to verify that non-rural and rural local exchange carriers are eligible to receive universal service support. Information filed with NECA pursuant to section 36.611 is used to calculate universal service support payments to eligible carriers. Without this information, NECA would not be able to calculate such payments to eligible carriers.

*OMB Control No.:* 3060-0168.

*Title:* Section 43.43, Reports of Proposed Changes in Depreciation Rates.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 10.

*Estimated Time Per Response:* 6,000 hours.

*Frequency of Response:* On occasion reporting requirement, and recordkeeping requirement.

*Total Annual Burden:* 60,000 hours.

*Total Annual Cost:* N/A.

*Privacy Act Impact Assessment:* No.

*Needs and Uses:* This collection will be submitted as an extension (after this 60-day comment period) to OMB in order to obtain the full three year clearance.

Section 43.43 requires certain carriers to file specified information before making any change in the depreciation rates applicable to their operating plants. The information filed is used by the Commission to establish proper depreciation rates to be charged by the carriers, pursuant to section 220(b) of the Communications Act of 1934, as amended. The information serves as the basis for depreciation analyses made by the Wireline Competition Bureau in establishing the aforementioned rates.

Without this information, the validity of the carriers' depreciation policies could not be ascertained.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E6-2881 Filed 2-28-06; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

February 21, 2006.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Persons wishing to comment on this information collection should submit comments by or before May 1, 2006. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** You may submit your Paperwork Reduction Act (PRA) comments by e-mail or U.S. postal mail. To submit your comments by e-mail send them to: [PRA@fcc.gov](mailto:PRA@fcc.gov). To submit your comments by U.S. mail, mark it to the attention of Judith B. Herman,

Federal Communications Commission, 445 12th Street, SW., Room 1-C804, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection(s) send an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) or contact Judith B. Herman at 202-418-0214.

#### SUPPLEMENTARY INFORMATION:

*OMB Control No.:* 3060-0817.

*Title:* Computer III Further Remand Proceedings: BOC Provision of Enhanced Services (ONA

Requirements), CC Docket No. 95-20.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 5.

*Estimated Time per Response:* 2-50 hours.

*Frequency of Response:* On occasion and semi-annual reporting requirements and third party disclosure requirement.

*Total Annual Burden:* 270 hours.

*Annual Cost Burden:* N/A.

*Privacy Act Impact Assessment:* N/A.

*Needs and Uses:* This collection will be submitted to the Office of Management and Budget (OMB) after this 60-day comment period as an extension (no change in requirements) in order to obtain the full three year clearance from them.

Bell Operating Companies (BOCs) are required to post their Comparably Efficient Interconnection (CEI) plans and amendments on their publicly accessible Internet sites. The requirement extends to all CEI plans for new or modified telemessaging or alarm monitoring services and for new or amended payphone services. If the BOC receives a good faith request for a plan from someone who does not have Internet access, the BOC must notify that person where a paper copy of the plan is available for public inspection. The CEI plans will be used to ensure that BOCs comply with Commission policies and regulations safeguarding against potential anticompetitive behavior by the BOCs in the provision of information services.

*OMB Control No.:* 3060-0725.

*Title:* Quarterly Filing of Nondiscrimination Reports (on Quality of Service, Installation and Maintenance) by Bell Operating Companies (BOCs).

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 4.

*Estimated Time per Response:* 200 hours.

*Frequency of Response:* Quarterly reporting requirement.

*Total Annual Burden:* 800 hours.

*Annual Cost Burden:* N/A.

*Privacy Act Impact Assessment:* N/A.

*Needs and Uses:* This collection will be submitted to the Office of Management and Budget (OMB) after this 60-day comment period as an extension (no change in requirements) in order to obtain the full three year clearance from them.

This information collection contains quarterly filing of nondiscrimination reports on quality of service, installation and maintenance by Bell Operating Companies (BOCs). BOCs must submit nondiscrimination reports with regard to payphones to prevent BOCs from discriminating in favor of their own payphones. The reports allow the Commission to determine how the BOCs will provide competing payphone providers with equal access to all the basic underlying network services that are provided to its own payphones.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E6-2882 Filed 2-28-06; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[DA 06-427]

### Ninth Meeting of the Advisory Committee for the 2007 World Radiocommunication Conference (WRC-07 Advisory Committee)

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the ninth meeting of the WRC-07 Advisory Committee will be held on April 27, 2006, at the Federal Communications Commission. The purpose of the meeting is to continue preparations for the 2007 World Radiocommunication Conference. The Advisory Committee will consider any preliminary views and draft proposals introduced by the Advisory Committee's Informal Working Groups.

**DATES:** April 27, 2006; 11 a.m.-12 noon.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-C305, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Alexander Roytblat, FCC International

Bureau, Strategic Analysis and Negotiations Division, at (202) 418-7501.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission (FCC) established the WRC-07 Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2007 World Radiocommunication Conference (WRC-07).

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, this notice advises interested persons of the ninth meeting of the WRC-07 Advisory Committee. The WRC-07 Advisory Committee has an open membership. All interested parties are invited to participate in the Advisory Committee and to attend its meetings. The proposed agenda for the ninth meeting is as follows:

#### Agenda

Ninth Meeting of the WRC-07 Advisory Committee, Federal Communications Commission, 445 12th Street, SW., Room TW-C305, Washington, DC 20554

April 27, 2006; 11 a.m.-12 noon

1. Opening Remarks
2. Approval of Agenda
3. Approval of the Minutes of the Eighth Meeting
4. Status of Preliminary Views and Draft Proposals
5. Reports on Recent WRC-07 Preparatory Meetings
6. NTIA Draft Preliminary Views and Proposals
7. Informal Working Group Reports and Documents relating to:
  - a. Consensus Views and Issues Papers
  - b. Draft Proposals
8. Future Meetings
9. Other Business

Federal Communications Commission.

**Donald Abelson,**

*Chief, International Bureau.*

[FR Doc. E6-2890 Filed 2-28-06; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request; 3064-0097, 0134 & 0135

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of information collections 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 or revision of the information collection systems described below.

**DATES:** Comments must be submitted on or before March 31, 2006.

**ADDRESSES:** Interested parties are invited to submit written comments on the collections of information entitled: (1) Interagency Notice of Change in Director or Executive Officer (3064-0097); (2) Customer Assistance (3064-0134); and Purchaser Eligibility Certification (3064-0135).

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 2100, 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: Mark Menchik, 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 or Revise the Following Currently Approved Collections of Information

1. *Title:* Interagency Notice of Change in Director or Executive Officer.

*OMB Number:* 3064-0097.

*Frequency of Response:* On occasion.

*Affected Public:* Business or other financial institutions.

*Estimated Number of Respondents:* 200.

*Estimated Time per Response:* 2 hours.

*Total Annual Burden:* 400 hours.

*General Description of Collection:*

Certain insured state nonmember banks must notify the FDIC of the addition of a director or the employment of a senior executive officer.

**2. Title:** Customer Assistance.

OMB Number: 3064-0134.

Form: Customer Assistance Form, FDIC Form 6422/04.

Frequency of Response: On occasion.

Affected Public: Individuals, households, businesses and other financial institutions.

Estimated Number of Respondents: 5000.

Estimated Time per Response: 0.5 hours.

Total Annual Burden: 2,500 hours.

**General Description of Collection:**

This collection permits the FDIC to collect information from customers of financial institutions who have inquiries or complaints about service.

**3. Title:** Purchaser Eligibility Certification.

OMB Number: 3064-0135.

Form: FDIC Form 7300/06.

Frequency of Response: On occasion.

Affected Public: Business or other financial institutions.

Estimated Number of Respondents: 2500.

Estimated Time per Response: 0.5 hours.

Total Annual Burden: 1250 hours.

**General Description of Collection:**

FDIC uses the Purchaser Eligibility Certification to assure compliance with statutory restrictions on whom may purchase assets held by the FDIC. One change was to add to the prohibition against persons who were directors and officers of a failed institution from purchasing assets from the FDIC an extension to include not only the failed institution, but any affiliate of such institution, so as to comply with the applicable statute. The other change was to limit the prohibition against FDIC contractors from purchasing assets in connection with which they had performed services to three years, and to impose no limit if the FDIC service contract allowed for the purchase.

**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 24th day of February, 2006.

Federal Deposit Insurance Corporation.

Carol L. Middlebrook,

Special Assistant to the Executive Secretary.

[FR Doc. 06-1916 Filed 2-28-06; 8:45 am]

BILLING CODE 6714-01-M

**FEDERAL DEPOSIT INSURANCE CORPORATION****Application for Deposit Insurance for Wal-Mart Bank**

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of public hearing.

**SUMMARY:** This notice announces two public hearing(s) on the application for Federal deposit insurance filed on behalf of the proposed Wal-Mart Bank (Application). A copy of the public portions of the Application together with the comments received on the Application are available on the FDIC's Web site at <http://www.fdic.gov>. The FDIC has scheduled two hearings to obtain the public's views on the issues presented by the Application. This notice sets forth the dates, times, locations, and other details of the hearings. Opportunities to make an oral presentation at the hearings are limited, and not all requests to make an oral presentation may be granted. Attendance at the hearing is not required in order to submit a written statement.

**DATES:** The hearings will be held on Monday and Tuesday, April 10th and 11th, 2006 in the Washington, DC area and on Tuesday and Wednesday, April 25th and 26th, 2006 in the Kansas City, Missouri metro area. On each of the four hearing days the hearing will commence at 9 a.m. and end at approximately 5:30 p.m. Any person who would like to make an oral presentation at one of the hearings must complete two steps. First, no later than 5 p.m. on Friday, March 10th, 2006 he or she must deliver to the Executive Secretary of the FDIC a written request to make an oral presentation. Second, no later than 5 p.m. on Tuesday, March 28th, 2006 he or she must deliver to the Executive Secretary a copy of his or her written statement plus a two-page (or less) summary of that statement. Please include in your request to make an oral presentation the following: (a) Your name, address, telephone number, and e-mail address, (b) the name and addresses of the organization or institution that you represent, if applicable, and (c) the location (Washington, DC area or Kansas City,

Missouri metro area) where you would like to make your presentation. No later than March 20th, 2006 the FDIC will notify each person who has submitted a request to make an oral presentation at the hearing whether the FDIC will be able to accommodate his or her request. Each written statement submitted to the FDIC must also include your name, address, telephone number, and e-mail address.

**ADDRESSES:** No later than March 14th, 2006, the FDIC will announce the exact locations of the hearing in the Washington, DC area and in the Kansas City, Missouri metro area. The announcement will be made on the FDIC's Web site <http://www.fdic.gov>, by press release, and by a recorded message available by calling 877-872-1348. In addition, the FDIC will specifically provide the exact locations of the hearings to each person whose request to make an oral presentation has been granted.

While the FDIC will accept presentation requests, statements, and summaries either in paper form or in electronic form, the FDIC encourages all persons to submit their documents electronically, if possible. You may submit your written request to make an oral presentation, a copy of your written statement and the two-page (or less) summary of your statements by any of the following methods:

- E-mail to: [Publichearing@FDIC.gov](mailto:Publichearing@FDIC.gov).
- Mail to: Robert E. Feldman,

Executive Secretary, Attention: Comments/Legal ESS, Room 3060, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

- Hand Deliver/Courier: The guard station at the area of the 550 17th Street Building (location on F Street), on business days between 7 a.m. and 5 p.m.

**Public Inspection:** All requests to make an oral presentation, statements, and summaries received by the FDIC may be inspected and photocopies in the FDIC Public Information Center, 3503 North Fairfax Drive, Room VS-E-1002, Arlington, VA 22226, between 9 a.m. and 5 p.m. (ET) Monday through Friday. Alternatively, the FDIC will send copies of these documents via the U.S. Postal Service upon request by calling (877) ASK-FDIC/(703) 562-2200, by FAX to (703) 562-2296, or by e-mail to [publicinfo@fdic.gov](mailto:publicinfo@fdic.gov). The FDIC may impose fees for photocopying at the rate of \$0.20 per page and for postage at the rates charged by the U.S. Postal Service for the type of delivery requested.

**Internet Posting:** All requests to make an oral presentation, statements, and



summaries received by the FDIC will be posted to: <http://www.fdic.gov/regulations/laws/walmart/index.html>. However, street addresses, telephone numbers, and e-mail addresses will not be posted, if specifically requested.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding the conduct of the hearings: contact Valerie Best, Assistant Executive Secretary, (202) 898-3812; Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429.

#### SUPPLEMENTARY INFORMATION:

##### I. Overview of the Application

On July 19, 2005 representatives of the proposed Wal-Mart Bank (Bank) filed the Application with the FDIC. The FDIC is authorized to grant or deny Federal deposit insurance to a depository institution pursuant to section 5 of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1815. Wal-Mart Bank is a proposed Utah industrial bank and as such is a state nonmember bank under the FDI Act.

The FDIC has made available to the public the non-confidential portions of the application, supporting data, supplementary information and any comments received on the Application. Collectively, this information is known as the public file. The public file is available at the FDIC's Regional Office in San Francisco and on the FDIC's Web site at <http://www.fdic.gov>.

At approximately the same time that the Application was filed with the FDIC, an application for an industrial bank charter was filed with the State of Utah's Department of Financial Institutions. On July 19, 2005 the FDIC accepted the Application for processing. The FDIC is currently engaged in analyzing and evaluating the Application, and neither the FDIC nor the State of Utah has acted to approve or disapprove either application.

In order to assist the FDIC in determining whether to approve or disapprove the Application, the FDIC has decided to hold hearings to obtain the public's views on the issues raised by the Application. There has been considerable public interest in the Application. The FDIC believes that public participation will provide valuable insight into the issues presented by the application and will serve the public interest.

On February 21, 2006 by resolution the Board of Directors of the FDIC (Board) delegated to the Acting Chairman of the Board the authority to designate a Presiding Officer and such other Hearing Officers as the Acting Chairman deems appropriate for the

hearings on the Application. In addition, by means of that same resolution, and in accordance with 12 CFR 303.10(m), the Board delegated to any Presiding Officer designated by the Acting Chairman the authority to modify the procedures for the hearings provided in 12 CFR 303.10.

##### II. Public Hearings

The FDIC will hold hearings in two locations: the Washington, DC area and the Kansas City, Missouri metro area.

The hearing in the Washington, D.C. area will be held on Monday and Tuesday, April 10th and 11th, 2006 from 9 a.m. to approximately 5:30 p.m.

The hearing in the Kansas City, Missouri metro area, will be held on Tuesday and Wednesday, April 25th and 26th, 2006 from 9 a.m. to approximately 5:30 p.m.

No later than March 14th, 2006, the FDIC will announce the exact locations of the hearings in the Washington, DC area and in the Kansas City, Missouri metro area. The announcement will be made on the FDIC's Web site at <http://fdic.gov>, by press release, and by a recorded message available by calling 877-872-1348.

A Presiding Officer and such other Hearing Officers as may be designated by the FDIC will preside over the hearings. The hearings will be informal, and neither the rules of evidence nor the rules of civil procedure will apply. Persons making an oral presentation will be able to express their views and insights regarding the Application and the issues raised by the Application. However, only the Hearing Officers may ask the presenters questions in order to clarify the presenters' statements. We anticipate that most presenters at the hearings will be limited to five (5) minutes for their presentations. Additional time will be provided for presenters to answer any questions asked by the Hearing Officers.

Any person who would like to make an oral presentation at one of the hearings must complete two steps. First, no later than 5 p.m. on Friday, March 10th, 2006 he or she must deliver to the Executive Secretary of the FDIC a written request to make an oral presentation. Second, no later than 5 p.m. on Tuesday, March 28th, 2006 he or she must deliver to the Executive Secretary a copy of his or her written statement plus a two-page (or less) summary of that statement. Please include in your request to make an oral presentation the following: (a) Your name, address, telephone number, and e-mail address, (b) the name and address of the organization or institution that you represent, if

applicable, and (c) the location (Washington, DC area or Kansas City, Missouri metro area) where you would like to make your presentation. No later than March 20th, 2006 the FDIC will notify each person who has submitted a request to make an oral presentation at the hearings whether the FDIC will be able to accommodate his or her request. Each written statement submitted to the FDIC must also include your name, address, telephone number, and e-mail address.

Opportunities to make an oral presentation at the hearings are limited, and not all requests may be granted. If the FDIC grants a person's request to make an oral presentation, the FDIC's notice to such person will include the time scheduled for his or her presentation and a hearing agenda. Depending upon the number of the persons making an oral presentation, the FDIC may organize presenters into panels or groups in order to accommodate as many presenters as possible.

Persons who would like to attend the hearings, but who do not want to make an oral presentation will be admitted to the hearings on a first-come-first-served basis to the extent space is available. Both presenters and attendees should plan to arrive early; all persons presenting at, or attending the hearings, will be subject to security screening consistent with the security measures in place at all Federal Buildings.

Any person may submit a written statement of their views even if he or she does not want to make an oral presentation at the hearings. Pursuant to the FDIC's Rules and Regulations the FDIC has already received approximately 1,900 comment letters on the Application, and those comment letters are posted on the FDIC's Web site at <http://www.fdic.gov>. All of those comment letters will be considered as part of the record of this hearing. As a result, there is no need to resubmit those comments in order for them to be considered as part of the record of this hearing. Any person submitting a written statement of their views should do so in the manner specified in the ADDRESSES section of this Notice and should include his or her name, address, telephone number, and e-mail address, and the name and address of the organization or institution that he or she represents, if applicable.

Any person may submit a supplemental statement in addition to the statement presented at the hearings until Friday, May 5th, 2006.

The hearings will be transcribed, and the transcript will be posted on the FDIC's Web site as soon as it becomes



available. Also, the FDIC will provide presenters and attendees with any auxiliary aids (e.g., sign language interpretation) required for the hearings. Persons needing such assistance should call (202) 416-2089 (Voice); or (202) 416-2007 (TTY), to make the necessary arrangements no later than March 14th, 2006.

Dated at Washington DC this 21st day of February, 2006.

By order of the Board of Directors.

**Robert E. Feldman,**  
Executive Secretary.

[FR Doc. 06-1875 Filed 2-28-06; 8:45 am]

BILLING CODE 6714-01-M

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Office of Agreements (202-523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov)).

*Agreement No.:* 010099-043.

*Title:* International Council of Containership Operators.

*Parties:* A.P. Moller-Maersk A/S; ANL Container Line Pty Ltd.; American President Lines, Ltd.; APL Co. Pte. Ltd.; APL Limited; Atlantic Container Line AB; Australia-New Zealand Direct Line; Canada Maritime Limited; Cast Line Limited; China Shipping Container Lines Co., Ltd.; CMA CGM, S.A.; Companhia Libra de Navegacao; Companhia Sud-Americana de Vapores S.A.; Contship Containerlines; COSCO Container Lines Company Limited; CP Ships Limited; CP Ships USA LLC; Crowley Maritime Corporation; Delmas SAS; Evergreen Marine Corporation (Taiwan), Ltd.; Hamburg-Sud; Hanjin Shipping Co., Ltd.; Hapag-Lloyd Container Linie GmbH; Hyundai Merchant Marine Co., Ltd.; Italia di Navigazione, LLC; Kawasaki Kisen Kaisha, Ltd.; Malaysian International Shipping Company Berhad; Mediterranean Shipping Company S.A.; Mitsui O.S.K. Lines, Ltd.; Montemar Maritima S.A.; Neptune Orient Lines, Ltd.; Nippon Yusen Kaisha; Norasia Container Line Limited; Orient Overseas Container Line, Limited; Pacific International Lines (Pte) Ltd.; Safmarine Container Line N.V.; TMM Lines Limited, LLC; United Arab Shipping

Company (S.A.G.); Wan Hai Lines Ltd.; Yang Ming Transport Marine Corp.; Zim Integrated Shipping Services Ltd.

*Filing Party:* John Longstreth, Esq.; Preston Gates Ellis & Rouvelas Meeds LLP; 1735 New York Avenue, Suite 500; Washington, DC 20006-5209.

*Synopsis:* The amendment removes P&O Nedlloyd B.V. and P&O Nedlloyd Limited as parties to the agreement and reflects the acquisition of Delmas SAS by CMA CGM, S.A.

*Agreement No.:* 011944.

*Title:* Maersk Line/MOL Space Charter Agreement.

*Parties:* A.P. Moller-Maersk A/S and Mitsui O.S.K. Lines, Ltd.

*Filing Party:* Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW., Suite 900; Washington, DC 20036.

*Synopsis:* The agreement authorizes Maersk Line to charter space to MOL in the trade between U.S. East Coast ports and ports in Argentina, Brazil, Uruguay, and Jamaica. The parties request expedited review.

*Agreement No.:* 011945.

*Title:* FOML/Sinolines Space Charter Agreement.

*Parties:* FESCO Ocean Management Limited ("FOML") and Sinotrans Container Lines Co., Ltd. ("Sinolines").

*Filing Party:* Neal M. Mayer, Esq.; Hoppel, Mayer & Coleman, LLP; 1050 Connecticut Avenue, NW.; 10th Floor; Washington, DC 20036.

*Synopsis:* The agreement authorizes Sinolines to charter space to FOML on an "as-needed, as-available" basis in the trade from United States ports to ports in the Far East (China and Korea).

*Agreement No.:* 011946.

*Title:* CMA CGM/CSCL Cross Space Charter, Sailing, and Cooperative Working Agreement—Far East/USEC Loop, PEX1/AAE1 Service.

*Parties:* CMA CGM, S.A. and China Shipping Container Lines Co., Ltd./China Shipping Container Lines (Hong Kong) Co., Ltd.

*Filing Party:* Paul M. Keane, Esq.; Cichanowicz, Callan, Keane, Vengrow & Textor, LLP; 61 Broadway, Suite 3000; New York, NY 10006-2802.

*Synopsis:* The agreement authorizes the parties to share vessel space between ports on the U.S. Atlantic Coast and ports in the Caribbean, Central America, and Far East (China, Taiwan, Hong Kong, and South Korea).

Dated: February 24, 2006.

By order of the Federal Maritime Commission.

**Bryant L. VanBrakle,**

Secretary.

[FR Doc. E6-2893 Filed 2-28-06; 8:45 am]

BILLING CODE 6730-01-P

## FEDERAL MARITIME COMMISSION

### Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding date shown below:

*License Number:* 017306F.

*Name:* Dockside Management, Inc. dba Dockside International Forwarders.

*Address:* 8405 NW 53rd Street, Suite A-104, Miami, FL 33166.

*Date Revoked:* January 15, 2006.

*Reason:* Failed to maintain a valid bond.

*License Number:* 018799N.

*Name:* Elite International Logistics, Inc.

*Address:* 11222 S. La Cienega Blvd., Suite 606, Inglewood, CA 90304.

*Date Revoked:* January 23, 2006.

*Reason:* Failed to maintain a valid bond.

*License Number:* 012345F.

*Name:* Home Run Shipping International, Inc.

*Address:* One Cross Island Plaza, Suite 316, Rosedale, NY 11422.

*Date Revoked:* November 17, 2005.

*Reason:* Failed to maintain a valid bond.

*License Number:* 004286F.

*Name:* Joseph Esposito dba Mondo Comm International Ltd.

*Address:* 17 Main Street, Bloomingdale, NJ 07403.

*Date Revoked:* February 2, 2006.

*Reason:* Failed to maintain a valid bond.

*License Number:* 013824N.

*Name:* LAFCO Americas, Inc.

*Address:* 6819 NW 84th Avenue, Miami, FL 3166.

*Date Revoked:* February 8, 2006.

*Reason:* Failed to maintain a valid bond.

*License Number:* 003316F.

*Name:* Latin American Forwarding Company dba LAFCO.

*Address:* 6819 NW 84th Avenue, Miami, FL 33166.

*Date Revoked:* February 8, 2006.

*Reason:* Failed to maintain a valid bond.

*License Number:* 001163F.

*Name:* Overseas Expeditors, Inc.

*Address:* 45 John Street, Suite 708, New York, NY 10038.

*Date Revoked:* January 15, 2006.

*Reason:* Failed to maintain a valid bond.

*License Number:* 004409NF.

*Name:* Perfect West Inc.

*Address:* 118 E. Savarona Way, Suite 116, Carson, CA 90746.

*Date Revoked:* December 30, 2005.

*Reason:* Failed to maintain valid bonds.

*License Number:* 004554F.

*Name:* Safa Shipping, Inc.  
*Address:* 3311 Richmond, Suite 330, Houston, TX 77098.  
*Date Revoked:* December 25, 2005.  
*Reason:* Failed to maintain a valid bond.  
*License Number:* 012415N.  
*Name:* Safeway Purchasing Construction Co., Inc. dba Safeway Freight Consolidators.  
*Address:* 10871 NW 33rd Street, Miami, FL 33172.  
*Date Revoked:* January 15, 2006.  
*Reason:* Failed to maintain a valid bond.  
*License Number:* 008918N.  
*Name:* Sea World Services, Inc.  
*Address:* 20 West Fairview Avenue, Valley Stream, NY 11580.  
*Date Revoked:* February 16, 2006.  
*Reason:* Surrendered license voluntarily.  
*License Number:* 014629N.  
*Name:* Septor International Inc.  
*Address:* 1460 Route 9 North, Woodbridge, NJ 07095.  
*Date Revoked:* February 3, 2006.  
*Reason:* Surrendered license voluntarily.  
*License Number:* 017084F.  
*Name:* Stuart Logistics, Inc.  
*Address:* 56-58 Broad Street, 3rd Floor, Charleston, SC 29401.  
*Date Revoked:* August 25, 2005.  
*Reason:* Failed to maintain a valid bond.  
**Peter J. King,**  
*Deputy Director, Bureau of Certification and Licensing.*  
 [FR Doc. E6-2889 Filed 2-28-06; 8:45 am]  
**BILLING CODE 6730-01-P**

**FEDERAL MARITIME COMMISSION**

**Ocean Transportation Intermediary Licenses Correction**

In the **Federal Register** Notice published February 23, 2006 (71 FR 36) reference to the name and address of Fastland Shipping, Inc., 1990 Westwood Blvd. is corrected to read: Fastlane Shipping, Inc., 1990 Westwood Blvd., Suite #240, Los Angeles, CA 90025.  
 Dated: February 24, 2006.  
**Bryant L. VanBrakle,**  
*Secretary.*  
 [FR Doc. E6-2888 Filed 2-28-06; 8:45 am]  
**BILLING CODE 6730-01-P**

**FEDERAL MARITIME COMMISSION**

**Ocean Transportation Intermediary License Applicants**

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

**Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants**

Maritime and Intermodal Logistics Systems, Inc., 821 Second Avenue, Suite 1100, Seattle, WA 98104, Officers: Junko Altman, General Manager, (Qualifying Individual), Aspi Rostami, President.

Alliance Navigation LLC, 500 North Broadway, Jericho Atrium, Ste. 233, Jericho, NY 11753, Officers: Roy I. Winograd, President, (Qualifying Individual), Erik Falkenberg, Director.

KBB Express Inc., 3380 Flair Drive, #235, El Monte, CA 91731, Officer: Katy Hungyi Lin, President, (Qualifying Individual).

Transpoint, LLC, 7051 W. Pierson Drive, Indianapolis, IN 46241, Officer: Russell C. Baker, Vice President, (Qualifying Individual).

Business Solutions Partner, Inc., 12493 Cliff Edge Drive, Herndon, VA 20170, Officers: Ernesto Hernandez, Vice President, (Qualifying Individual). Marina Komova, President,

Ice Express LLC dba Icxpress, 600 Bayview Avenue, Inwood, NY 11096, Officer: Kristin Isfeld, President, (Qualifying Individual).

Cruz World Shipping, 317 Brick Blvd., Brick, NJ 08723, Officer: Victor Cruz, President, (Qualifying Individual).

**Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants**

MP Freight System, Inc. dba MP Ocean Line, 7220 NW 36th Street, Suite 530, Miami, FL 33166, Officer: Paolo Mangia, President, (Qualifying Individual).

CJ Services International Corp., 8540 NW 66 Street, Miami, FL 33166, Officer: Carla Liliana Imach, President, (Qualifying Individual).

LSP Cargo, Inc., 8174 NW 31 Street, Doral, FL 33122, Officer: Pedro Ruddy Vargas, President, (Qualifying Individual).

Manila Forwarders Corporation, 8241-B Backlick Road, Lorton, VA 22079, Officers: Maria C.J. Castro, President, (Qualifying Individual). Crisanto J. Castro, Vice President

D & F Holdings (USA) Inc. dba DFHU Worldwide Shipping, 12511 Crenshaw Boulevard, Hawthorne, CA 90250. Officers: Emit Waite, Partner, (Qualifying Individual), Franklyn A. Egere, Partner.

Dated: February 24, 2006.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. E6-2894 Filed 2-28-06; 8:45 am]

**BILLING CODE 6730-01-P**

**FEDERAL MARITIME COMMISSION**

**Ocean Transportation Intermediary License Reissuances**

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/Address	Date reissued
004268F .....	J & S Universal Services, Inc. dba Patrick & Rosenfeld Shipping Corp., 12972 S.W. 133 Court, Suite A, Miami, FL 33186.	October 30, 2005.
004553F .....	Marianas Steamship Agencies, Inc., P.O. Box 3219, Agana, Guam 96932 .....	July 14, 2005.

**Peter J. King,**

Deputy Director, Bureau of Certification and Licensing.

[FR Doc. E6-2891 Filed 2-28-06; 8:45 am]

BILLING CODE 6730-01-P

**FEDERAL RESERVE SYSTEM****Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 16, 2006.

**A. Federal Reserve Bank of Kansas City** (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Amos Kendall Bass, III*, Wilburton, Oklahoma; to acquire control of Wilburton State Bancshares, Inc., and thereby indirectly acquire shares of Wilburton State Bank, both in Wilburton, Oklahoma.

Board of Governors of the Federal Reserve System, February 24, 2006.

**Robert deV. Frierson,**

Deputy Secretary of the Board.

[FR Doc. E6-2855 Filed 2-28-06; 8:45 am]

BILLING CODE 6210-01-S

**FEDERAL RETIREMENT THRIFT INVESTMENT BOARD****Employee Thrift Advisory Council; Open Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), a notice is hereby given of the following committee meeting:

*Name:* Employee Thrift Advisory Council.  
*Time:* 2 p.m.

*Date:* March 7, 2006.

*Place:* 4th Floor Conference Room, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC.

*Status:* Open.

**Matters To Be Considered:**

1. Approval of the minutes of the October 14, 2005, meeting.
2. Report of the Executive Director on Thrift Savings Plan status.
3. L Funds.
4. Investment consultant.
5. Legislation.
6. New business.

*For Further Information Contact:* Thomas K. Emswiler, Acting Committee Management Officer, on (202) 942-1660.

Dated: February 23, 2006.

**Thomas K. Emswiler,**

Acting General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. E6-2812 Filed 2-28-06; 8:45 am]

BILLING CODE 6760-01-P

**FEDERAL TRADE COMMISSION****Request for Information and Comment: Food Industry Marketing Practices to Children and Adolescents**

**AGENCY:** Federal Trade Commission (FTC).

**ACTION:** Notice requesting information and comment.

**SUMMARY:** The Conference Report of Public Law 109-108 instructs the FTC to submit a report to Congress by July 1, 2006 on "marketing activities and expenditures of the food industry targeted toward children and adolescents." To assist in the preparation of this report, the Commission seeks relevant information and empirical data regarding food and beverage industry marketing to children and adolescents.

**DATES:** Written or electronic comments must be submitted on or before Monday, April 3, 2006.

**ADDRESSES:** Comments should refer to "Food Marketing to Children and Adolescents Report to Congress—Comment, Project No. P064504" to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission/Office of the Secretary, Room H-135 (Annex H), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Because standard postal mail in the Washington area and at the Commission is subject to delay, please consider submitting your comments in electronic form, as prescribed below. Comments containing confidential material, however, must be filed in paper form, must be clearly

labeled "Confidential," and must comply with Commission Rule 4.9(c).<sup>1</sup>

Comments filed in electronic form should be submitted by clicking on the following Web link: <https://secure.commentworks.com/foodmarketing> and following the instructions on the Web-based form. To ensure that the Commission considers an electronic comment, you must file it on the Web-based form available at <https://secure.commentworks.com/foodmarketing>.

The Federal Trade Commission Act, 15 U.S.C. 42-58 (FTC Act), and other laws the Commission administers permit the collection of public comments to consider and use as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at <http://www.ftc.gov>. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

**FOR FURTHER INFORMATION CONTACT:** Mary Johnson, 202-326-3115, or Rielle Montague, 202-326-2645, FTC, Bureau of Consumer Protection. The FTC staff contacts can be reached by mail at: Federal Trade Commission, 600 Pennsylvania Avenue NW., NJ-3212, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:****Background**

On July 14 and 15, 2005, the Federal Trade Commission and the Department of Health and Human Services (HHS) jointly sponsored a public workshop on food and beverage marketing to children, self-regulation, and childhood obesity. The public workshop provided a forum for representatives from food and beverage companies, medical and nutrition experts, media representatives, consumer groups, advertising specialists, and other experts to discuss industry self-regulation concerning the marketing of food and beverages to children, and initiatives to educate children and parents about nutrition. In

<sup>1</sup> Any request for confidential treatment, including the factual and legal basis for the request, must accompany the comment and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See Commission Rule 4.9(c), 16 CFR 4.9(c).

connection with the workshop, the FTC and HHS sought public comment on food and beverage marketing to children and various other issues related to industry self-regulation and childhood obesity. 70 FR 25060 (May 12, 2005). The agencies received relatively little empirical data addressing the extent of food and beverage marketing to children in connection with the workshop.

On November 22, 2005, the President signed a bill appropriating funds for the Commission for FY 2006. Public Law 109-108. The Conference Report (H. R. Rep. No. 109-272 (2005)) for this law incorporates by reference the following language from the Senate Report (S. Rep. No. 109-88 (2005)):

The Committee is concerned about the growing rate of childhood and adolescent obesity and the food industry's marketing practices for these populations. The Committee directs the FTC to submit a report to the Committee by July 1, 2006, on marketing activities and expenditures of the food industry targeted toward children and adolescents. The report should include an analysis of commercial advertising time on television, radio, and in print media; in-store marketing; direct payments for preferential shelf placement; events; promotions on packaging; all Internet activities; and product placements in television shows, movies, and video games.

#### Information Requested

To prepare the report, the Commission seeks relevant information, including empirical data, on the nature and extent of marketing activities and expenditures targeted to children and adolescents. The FTC is interested in receiving publicly available information that can be used to prepare the report. However, because it is unlikely that information sufficient to prepare the report is publicly available, the Commission likely will later issue orders under Section 6(b) of the FTC Act (15 U.S.C. 46(b))<sup>2</sup> to obtain needed information from food industry members.<sup>3</sup> To assist the Commission in

<sup>2</sup> Section 6(b) of the FTC Act (15 U.S.C. 46(b)) authorizes the FTC to require corporations, partnerships, and persons "engaged in or whose business affects commerce" (excepting specified entities such as certain banking institutions) "by general or special orders . . ." (to file) annual or special, or both annual and special, reports or answers in writing to specific questions "to obtain information about "the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals . . ."

<sup>3</sup> See, e.g., Institute of Medicine of the National Academies, *Food Marketing to Children and Youth: Threat or Opportunity?* (Dec. 2005), at ES-6 (reporting difficulty in assessing the nature and extent of food and beverage marketing to children because "[s]ubstantial proprietary market research data was not publicly accessible, or available only for purchase at considerable cost and with prohibitive constraints on public use of the data").

drafting such requests so that they elicit the necessary information without imposing any unnecessary burdens, the FTC seeks comment on how food and beverage companies record and maintain information about their marketing activities and expenditures targeted to children and adolescents—for example, whether they record and maintain marketing expenditure information based on product category, brand, specific product, etc., and how long they keep marketing information.<sup>4</sup> The FTC also seeks comment on how food and beverage companies record and maintain information about commercial advertising time on television, radio, and in print media and information about exposure to products through the use of other marketing techniques.

In particular, the FTC requests information and invites comment on the following subjects. Commenters should respond with as much specificity as possible.

1. Types of foods and beverages marketed to children and adolescents;
  - a. The categories or subcategories used to describe these products.
  - b. The extent to which food and beverage marketing to children and adolescents varies based on age, and the age groups used to target such marketing (e.g., 2-5, 6-11, 12-17).
2. Types of media used in advertising to children and adolescents (e.g., broadcast and cable television, radio, print, the Internet, outdoor advertising, etc.);
  - a. The total amount of advertising expenditures for each medium for all foods and beverages marketed to children and adolescents.
  - b. The amount of advertising expenditures for each medium for each category or subcategory of food and beverages marketed to children or adolescents.
  - c. The extent to which the medium used to advertise to children and adolescents varies based on age, and the age groups used to target such advertising (e.g., 2-5, 6-11, 12-17).
  - d. The amount of such advertising time on each medium.
3. Types of techniques used in marketing to children and adolescents (e.g., preferential shelf placement and other in-store marketing; licensing and cross-promotion of movie, television or electronic game programs or characters; product placement; celebrity

endorsements; word-of-mouth marketing; event-related marketing; product packaging; toys and similar prize promotions; in-school marketing, etc.);

- a. The total amount of marketing expenditures for each of these techniques for all foods and beverages marketed to children.
- b. The amount of marketing expenditures for each of these techniques for each category or subcategory of food and beverages marketed to children or adolescents.
- c. The extent to which techniques used to market to children and adolescents varies based on age, and the age groups used in targeting such marketing (e.g., 2-5, 6-11, 12-17).
- d. The product exposure generated for each of these techniques for each category or subcategory of food and beverages marketed to children and adolescents.

4. All Internet activities related to the marketing of food and beverages to children and adolescents, including advergames;
 

- a. The type of Internet activities related to the marketing of food and beverages to children and adolescents.
- b. The amount of marketing expenditures for each of these activities.
- c. The extent to which such activities used to market to children and adolescents varies based on age, and the age groups used in targeting such marketing.

<sup>4</sup> Note that the Commission intends to report only aggregated information on marketing activities and expenditures, rather than reporting information for specific brands or products. To aggregate the data, it will be important to have similar categories of data from the various companies.

endorsements; word-of-mouth marketing; event-related marketing; product packaging; toys and similar prize promotions; in-school marketing, etc.);

a. The total amount of marketing expenditures for each of these techniques for all foods and beverages marketed to children.

b. The amount of marketing expenditures for each of these techniques for each category or subcategory of food and beverages marketed to children or adolescents.

c. The extent to which techniques used to market to children and adolescents varies based on age, and the age groups used in targeting such marketing (e.g., 2-5, 6-11, 12-17).

d. The product exposure generated for each of these techniques for each category or subcategory of food and beverages marketed to children and adolescents.

4. All Internet activities related to the marketing of food and beverages to children and adolescents, including advergames;

a. The type of Internet activities related to the marketing of food and beverages to children and adolescents.

b. The amount of marketing expenditures for each of these activities.

c. The extent to which such activities used to market to children and adolescents varies based on age, and the age groups used in targeting such marketing.

#### Form and Availability of Information and Comments

The FTC requests that interested parties submit written information and comments on the above questions and other related issues to foster greater understanding of these topics. Especially useful are any studies, surveys, research, and empirical data. All comments should be filed as prescribed in the ADDRESSES section above, and must be received on or before Monday, April 3, 2006.

By direction of the Commission.

Donald S. Clark,  
Secretary.

[FR Doc. 06-1931 Filed 2-28-06; 8:45 am]  
BILLING CODE 6750-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration on Aging

### 2005 White House Conference on Aging

AGENCY: Administration on Aging, HHS.  
ACTION: Notice of conference call.

**SUMMARY:** Pursuant to Section 10(a) of the Federal Advisory Committee Act as amended (5 U.S.C. Appendix 2), notice is hereby given that the Policy Committee of the 2005 White House Conference on Aging will consider the recommendations from the Reports Subcommittee related to the Preliminary Report to the Governors and may discuss other items related to the final report of the Conference during a conference call. The conference call will be open to the public to listen, with call-ins limited to the number of telephone lines available. Individuals who plan to call in and need special assistance, such as TTY, should inform the contact person listed below in advance of the conference call.

**DATES:** The conference call will be held on Tuesday, March 14, 2006, at 5 p.m., Eastern Standard Time.

**ADDRESSES:** The conference call may be accessed by dialing, U.S. toll-free, 1-888-390-3401, passcode: 4824846, call leader: Nora Andrews, on the date and time indicated above.

**FOR FURTHER INFORMATION CONTACT:**

Emily Morrison, (301) 443-3457, or e-mail at [Emily.Morrison@hhs.gov](mailto:Emily.Morrison@hhs.gov). Registration is not required. Call in is on a first come, first-served basis.

Dated: February 23, 2006.

**Edwin L. Walker,**

*Deputy Assistant Secretary for Policy and Programs.*

[FR Doc. E6-2842 Filed 2-28-06; 8:45 am]

BILLING CODE 4154-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60 Day-06-06AV]

#### 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](mailto: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

Developing a Baseline of Occupational Safety and Health Communication Provided by Trade Associations and Labor Unions to Their Members in Eight Industrial Sectors-New-National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

As mandated in the Occupational Safety and Health Act of 1970 (PL 91-596), the mission of NIOSH is to conduct research and investigations on work-related disease and injury and to disseminate information for preventing identified workplace hazards (Sections 20(a) (1) and (d)). Through the development, organization, and dissemination of information, NIOSH promotes awareness about occupational hazards and their control, and improves the quality of American working life.

Previous research has shown that trade associations and labor unions are primary sources of occupational safety and health (OSH) information. These organizations know the industries they represent and how to relate to the various groups within their respective industries. If NIOSH could learn more about the OSH-related activities of these organizations, it would be a first step in routinely partnering with them to communicate information which impacts worker safety and health. For example, through these organizations NIOSH could learn about unmet occupational safety and health information needs in industry and develop information and communication products to address these needs. Furthermore, with more focused information on the safety and health issues, NIOSH would be in a better position to develop impact communication products to serve this community.

NIOSH proposes to obtain OSH information from trade associations and labor unions that represent each of the eight NIOSH National Occupational Research Agenda (NORA) industry sectors. These sectors are Agriculture, Forestry, and Fishing; Mining; Construction; Manufacturing; Wholesale and Retail Trade; Transportation and Utilities; Public and Private Services; and Healthcare and Social Assistance Industries. The goals of this project are to determine (1) sources of occupational safety and health (OSH) information currently used by the different sector trade associations and labor unions, (2) OSH information presently being disseminated by these different trade associations and labor unions to their members, (3) channels of communication within the different sector associations and unions used to disseminate OSH information, (4) needs for specific types of OSH information, especially those needs not presently being serviced, (5) OSH concerns of industry trade associations and labor unions, (6) awareness and perception of NIOSH as a source of OSH information, (7) use of NIOSH information services (Website, printed materials, 800 number, etc.), (8) usefulness of NIOSH information to address their OSH concerns and (9) credibility of NIOSH as a trusted source of occupational safety and health information. The ultimate desired outcome of this project is to reduce illness and injury for workers on jobs and tasks which pose high risks. Occupational Safety and Health information will be collected from a sample of trade associations and labor unions for each of the NORA industry sectors using a telephone survey. The data collection will be conducted over three years.

To facilitate the survey, NIOSH will interact with trade association and labor organization staff within the industry sectors to ensure that (1) the survey questions developed appropriately capture the needed information, (2) the survey is well received and (3) that the data obtained is representative of the full range of occupations within the targeted industry sectors. These interactions will be structured to foster professional relationships that will improve NIOSH's future communication and information dissemination efforts to these important partners. The process of interacting and surveying the trade associations and labor unions will allow NIOSH to develop a benchmark against which future efforts in partnership and communication can be measured. Working cooperatively on new solutions and distribution of future



communication products will promote cooperation and trust between NIOSH

and trade and labor groups for the future. There is no cost to respondents

for participation in the survey except other than their time.

#### ESTIMATED ANNUALIZED BURDEN

Sectors	Number of respondents	Number of responses/respondent	Average burden/hours	Total burden hours
Construction .....	120	1	20/60	40
Mining .....	49	1	20/60	16.3
Healthcare and Social Assistance .....	102	1	20/60	34
Transportation and Utilities .....	110	1	20/60	37
Agriculture, Forestry and Fishing .....	129	1	20/60	43
Public and Private Services .....	143	1	20/60	48
Wholesale and Retail Trade .....	137	1	20/60	46
Manufacturing .....	145	1	20/60	48
<b>Total .....</b>	<b>935</b>	<b>.....</b>	<b>20/60</b>	<b>312</b>

Dated: February 14, 2006.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E6-2838 Filed 2-28-06; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Disease, Disability, and Injury Prevention and Control Special Emphasis Panels (SEP): Occupational Safety and Health Education, PAR-05-107, and Research Center and Occupational Safety and Health Training Projects Grants, PAR-05-126

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

**Nome:** Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Occupational Safety and Health Education, PAR-05-107, and Research Center and Occupational Safety and Health Training Projects Grants, PAR-05-126.

**Times and Dates:** 8:30 a.m.-5 p.m., March 23, 2005 (Closed). 8:30 a.m.-5 p.m., March 24, 2005 (Closed).

**Place:** Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, VA 22314. Telephone Number 703.684.5900.

**Status:** The meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

**Matters to be Discussed:** The meeting will include the review, discussion, and evaluation of applications received in response to: Occupational Safety and Health Education, PAR-05-107, and Research Center and Occupational Safety and Health Training Projects Grants, PAR-05-126.

**For Further Information Contact:** Charles N. Rafferty, Ph.D., Designated Federal Official, National Institute for Occupational Safety and Health, CDC, 1600 Clifton Road, NE., Mailstop E-74, Atlanta, GA 30333, Telephone Number 404.498.2582.

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: February 23, 2006.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E6-2839 Filed 2-28-06; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### National Center for Health Statistics (NCHS), Classifications and Public Health Data Standards Staff, Announces the Following Meeting

**Nome:** ICD-9-CM Coordination and Maintenance Committee meeting.

**Time and Date:** 9 a.m.-4:30 p.m., March 23-24, 2006.

**Place:** Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland 21244.

**Status:** Open to the public, limited only by the space available.

**Purpose:** The C&M meeting is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Ninth-Revision, Clinical Modification.

**Matters To Be Discussed:** Human herpesvirus 6 (HHV-6) encephalitis; Hypoadosteronism; Long term use of other drugs; Wound botulism; Steven-Johnson syndrome; Normal pressure hydrocephalus; Endosseous dental implant failure; VIN I and

VIN II; Multiple endocrine neoplasia (MEN type I, type II, type III); Secondary diabetes; Addenda (diagnosis); NeuroThera™ Stroke Therapy; C Port Mechanical Anastomosis; Systemic/Therapeutic Temperature Management; Thermal Ablation of Liver, Lung, and Renal Lesions or Tissues; Transmyocardial Revascularization; Bronchial Airflow Redirection Valve; Hip Resurfacing; Hip Replacement Bearing Surfaces; Intracranial Pressure Monitoring and Oxygen Monitoring; Repair of Ventricular Septal Defect with Prosthesis—Closed Technique; Surgical Decompression with Insertion Of Interspinous Dynamic Stabilization Device; Infusion of Cintredekin Besudotox; placement of intracerebral catheters; implantable miniature telescope; Addenda (procedures); ICD-10 Procedure Classification System (PCS) Update.

**Contact Person for Additional Information:** Amy Blum, Medical Systems Specialist, Classifications and Public Health Data Standards Staff, NCHS, 3311 Toledo Road, Room 2402, Hyattsville, Maryland 20782, e-mail [olb8@cdc.gov](mailto:olb8@cdc.gov), telephone 301-458-4106 (diagnosis); Mady Hue, Health Insurance Specialist, Division of Acute Care, CMS, 7500 Security Blvd., Baltimore, Maryland, 21244, e-mail [Morilu.Hue@cms.hhs.gov](mailto:Morilu.Hue@cms.hhs.gov), telephone 410-786-4510 (procedures).

**Notice:** Because of increased security requirements, CMS has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government ID will need to show an official form of picture ID, such as a drivers license, and sign-in at the security desk upon entering the building. Those who wish to attend a specific ICD-9-CM C&M meeting in the CMS auditorium must submit their name and organization for addition to the meeting visitor list. Those wishing to attend the meeting must submit their name and organization by March 17, 2006, for inclusion on the visitor list. This visitor list will be maintained at the front desk of the CMS building and used by the guards to admit visitors to the meeting. Those who attended previous ICD-9-CM C&M meetings will no longer be automatically added to the visitor list. You must request inclusion of your name prior to each meeting you attend. Register to attend the meeting on-line at: <http://cms.hhs.gov/events>.



The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 23, 2006.

**Alvin Hall,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. E6-2836 Filed 2-28-06; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[Docket Number NIOSH-063]

#### National Institute for Occupational Safety and Health Meeting

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the following public meeting:

*Name:* Stakeholders' Meeting to Seek Input on the NIOSH Fire Fighter Fatality Investigation and Prevention Program (FFFIPP)

*Meeting Date and Time:* March 22, 2006, 9 a.m.-5 p.m.

*Place:* Washington Court Hotel, Atrium Ballroom, 525 New Jersey Avenue NW., Washington, DC 20001.

*Status:* This meeting is hosted by NIOSH and will be open to the public, limited only by the space available. The meeting room will accommodate approximately 120 people. Interested parties should make hotel reservations directly with the Washington Court Hotel (202-628-2100 or 800-321-3010) and reference the NIOSH Fire Fighter Meeting. Interested parties should confirm their attendance to this meeting by completing a registration form and forwarding it by e-mail to the NIOSH Event Management Office, [npptlevents@cdc.gov](mailto:npptlevents@cdc.gov) or fax (304-225-2003). A registration form may be obtained from the NIOSH Web site: <http://www.cdc.gov/niosh/fire/pdfs/registration.pdf>.

*Purpose:* The public meeting will seek stakeholder input on the progress and future directions of the NIOSH FFFIPP to ensure that the program is meeting the needs of the stakeholders, and to identify ways in which the program can be improved to increase its impact on the safety and health of fire fighters across the United States. NIOSH will compile and consider all comments received at the meeting and through the NIOSH docket and use them in making decisions on how to proceed with FFFIPP.

*Background:* NIOSH convened a similar stakeholders' meeting in January 1998 to seek input to help guide the planning for the

FFFIPP. The input provided by stakeholders at that meeting was very valuable in providing insight into stakeholder needs and in helping to establish the FFFIPP. The March 2006 meeting will be held to again seek stakeholder input.

A document, "National Institute for Occupational Safety and Health (NIOSH) Fire Fighter Fatality Investigation and Prevention Program, 1998-2005" may be obtained from the NIOSH Web site <http://www.cdc.gov/niosh/fire/progress.html> or <http://www.cdc.gov/niosh/fire/pdfs/progress.pdf>. This document summarizes FFFIPP progress, possible future directions, and specific areas of NIOSH interest for stakeholder input. Copies of the document will also be available at the March 22, 2006 stakeholders' meeting.

*Format of Meeting:* The NIOSH Director, Dr. John Howard, will provide opening remarks, followed by NIOSH presentations that provide an overview of the FFFIPP and possible future directions. Representatives from seven stakeholder groups have accepted invitations to give 15-minute presentations on the usefulness of the FFFIPP and program products in their efforts to improve fire fighter safety and health, and their suggestions for enhancing the impact of the program and future directions. Stakeholders who will be giving presentations represent the United States Fire Administration, National Volunteer Fire Council, National Fire Protection Association, National Fallen Firefighters Foundation, National Wildfire Coordinating Group, International Association of Fire Chiefs, and International Association of Fire Fighters.

An opportunity to make oral presentations will be provided to other interested parties, given available time on the agenda. The agenda currently includes time for fifteen 5-minute presentations from other stakeholders. Requests to make such presentations at the meeting should be made by e-mail to the NIOSH Event Management Office ([npptlevents@cdc.gov](mailto:npptlevents@cdc.gov)). All requests to present should include the name, address, telephone number, relevant business affiliations of the presenter, and a brief summary of the presentation. Oral presentations will be limited to 5 minutes. After reviewing the requests for presentation, NIOSH Event Management will notify each presenter of the approximate time that their presentation is scheduled to begin. If a participant is not present when their presentation is scheduled to begin, the remaining participants will be heard in order. The meeting will end with an interactive session providing the opportunity for clarification of stakeholder comments.

Written comments without an oral presentation are also encouraged, and should be submitted to the NIOSH Docket Office as outlined in the next section.

*Docket:* Written comments on the usefulness of the FFFIPP program and products for improving fire fighter safety and health and suggestions for enhancing the impact of the program and future directions should be mailed to: NIOSH Docket Office, Robert A. Taft Laboratories, M/S C34, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone 513-533-8303, Fax 513-533-8285. Comments may also be submitted by e-

mail to [niocindocket@cdc.gov](mailto:niocindocket@cdc.gov). E-mail attachments should be formatted in Microsoft Word. Comments should be submitted to NIOSH no later than April 22, 2006, and should reference the Docket Number in the subject heading.

*For Additional Information:* Logistical Contact: NIOSH Event Management, 3604 Collins Ferry Road, Suite 100, Morgantown, West Virginia 26505-2353, Telephone 304-599-5941 x138, Fax 304-225-2003, E-mail [npptlevents@cdc.gov](mailto:npptlevents@cdc.gov); Technical Contact: Dawn Castillo, Chief, Surveillance and Field Investigations Branch, Division of Safety Research, 304-285-6012.

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: February 23, 2006.

**Alvin Hall,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. E6-2837 Filed 2-28-06; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Proposed Collection; Comment Request; Educational Needs Assessment of International Drug Abuse Researchers

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collection of information, the National Institute on Drug Abuse (NIDA), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: The NIDA International Program Research Training Modules for International Application Needs Assessment Survey. Type of Information Collection Request: NEW. Need and Use of Information Collection: This is a request for a one-time clearance to undertake an educational needs assessment survey of NIDA's collaborating international drug abuse researchers. The purpose of this survey is to more precisely define the educational needs of the international drug abuse research community before proceeding with the development of formal distance learning programs. Reviews of distance education programs in the developing world often reveal that, "systematically organized learning

needs assessments are continually absent." (USAID 2001: The Use and Effect of Distance Education in Healthcare: What Do We Know? Operations Research Issue Paper 2) This survey will address that issue.

The survey is based on recommendations received from current international drug abuse researchers and NIDA grantees. It is designed to be brief (2 pages) and succinct, asking respondents to prioritize their educational needs. The questions have been previously tested with persons who speak English as a second language. Total time to complete the

survey is less than five minutes. The survey will cover the following elements: (1) Respondent background, including availability of educational technologies, (2) Educational needs, including a ranking of 10 proposed topics in drug abuse education, and (3) Collaborative needs, including an estimate of the value of online tools for research collaboration. The survey will not collect name, address, or other identifying information. Frequency of Response: This project will be conducted once. Affected Public: International drug abuse researchers who are currently affiliated with or wish

to be affiliated with the U.S. drug abuse research community. Type of Respondents/Drug Abuse Researchers: physicians, scientists, mental health workers, and scientists-in-training. The reporting burden is as follows: Estimated Total Annual Number of Respondents: 250; Estimated Number of Responses per Respondent: 1; Average Burden Hours per Response: 0.09. Estimated Total Annual Burden Hours Requested: 22.5. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report. The estimated annualized burden is summarized below.

Drug abuse researcher respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total burden hours
Physicians .....	100	1	0.09	9.0
PhD Scientists .....	70	1	0.09	6.3
Mental Health/Drug Abuse Professionals .....	40	1	0.09	3.6
Scientists-in-Training .....	40	1	0.09	3.6
<b>Annualized Totals .....</b>	<b>250</b>	<b>1</b>	<b>0.09</b>	<b>22.5</b>

**Request for Comments:** Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plans, contact Dale Weiss, Project Officer, National Institute on Drug Abuse, 6001 Executive Boulevard, Room 5274, Bethesda, MD 20892, or call non-toll-free number 301-402-6683; fax 301-443-9127; or by e-mail to [dweiss@nida.nih.gov](mailto:dweiss@nida.nih.gov).

**Comments Due Date:** Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: February 14, 2006.

**Laura Rosenthal,**

*Associate Director for Management, National Institute on Drug Abuse.*

[FR Doc. E6-2824 Filed 2-28-06; 8:45 am]

**BILLING CODE 4167-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** National Cancer Institute Special Emphasis Panel, SBIR Topic 216 Phase I/II "Fast Track-Development of Inhibitory Reagents for the Study of Protein Function".

**Date:** March 28, 2006.

**Time:** 10:30 a.m. to 1 p.m.

**Agenda:** To review and evaluate contract proposals.

**Place:** National Institutes of Health, Executive Plaza North, 6130 Executive Boulevard, Conference Room J, Rockville, MD 20892, (Telephone Conference Call).

**Contact Person:** Gerald G. Lovinger, PhD., Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8101, Bethesda, MD 20892-8329, (301) 496-7987, [lovingeg@mail.nih.gov](mailto:lovingeg@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 21, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1879 Filed 2-28-06; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, March

9, 2006, 8 a.m. to March 10, 2006, 5 p.m., Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD, 20814 which was published in the **Federal Register** on January 24, 2006, 71FR3861.

The meeting is amended to change the contact person from Timothy C. Meeker, M.D., Scientific Review Administrator (SRA) to Joyce C. Pegues, PhD, SRA, NCI, 6116 Executive Blvd., Rm 7149, Bethesda, MD 20892, (301) 594-1286. The meeting is closed to the public.

Dated: Feb. 21, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1880 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Cancer Institute Director's Consumer Liaison Group.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

*Name of Committee:* National Cancer Institute Director's Consumer Liaison Group.

*Date:* March 29-30, 2006.

*Time:* 12:30 p.m. to 4 p.m.

*Agenda:* 1. Presentations related to NCI's strategic planning. 2. Updates on the 'Listening and Learning Together' Summit and NCI Listens and Learns. 3. Discussion with NCI Leadership. 4. Next steps. 5. Public Comment.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892.

*Contact Person:* Brooke Hamilton, Executive Secretary, Office of Liaison Activities, National Institutes of Health, National Cancer Institute, 6116 Executive Blvd., Suite 220, MSC 8324, Bethesda, MD 20892, (301) 435-3855, hamiltbr@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: [deainfo.nci.nih.gov/advisory/dclg/dclg.htm](http://deainfo.nci.nih.gov/advisory/dclg/dclg.htm),

where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: February 21, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1881 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Board of Scientific Advisors, March 13, 2006, 8 a.m. to March 14, 2006, 6 p.m., National Institutes of Health, Building 31, C Wing, 6 Floor, 9000 Rockville Pike, Conference Room 10, Bethesda, MD 20892, which was published in the **Federal Register** on January 27, 2006, 71FR4596.

The meeting is being amended to change the meeting to a one day meeting. This meeting will be held on March 13, 2006, 8 a.m. to 6 p.m. The meeting is open to the public.

Dated: February 22, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1883 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Subcommittee A—Cancer Centers, April 5, 2006, 1 p.m., to April 5, 2006, 5 p.m., Wyndham City Center Hotel, 1143 New Hampshire Ave., NW., Washington, DC, 20037 which was published in the **Federal Register** on January 24, 2006, 71 FR 3860-3861.

The meeting is amended to change the meeting location from Wyndham City Center Hotel, 1143 New Hampshire Ave., NW., Washington, DC 20037 to Wyndham Hotel, 1400 M St., NW., Washington, DC 20005. The meeting is closed to the public.

Dated: February 22, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1894 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Dental & Craniofacial Research, Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in 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 Dental and Craniofacial Research Special Emphasis Panel, 06-62, Review R21.

*Date:* March 29, 2006.

*Time:* 2 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* H. George Hausch, PhD, Acting Director, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Inst. of Dental & Craniofacial Research, National Institutes of Health, Bethesda, MD 20892, (301) 594-2904, [george\\_hausch@nih.gov](mailto:george_hausch@nih.gov)

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06-58, Review R13.

*Date:* April 3, 2006.

*Time:* 11 a.m. to 12 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mary Kelly, Scientific Review Specialist, National Institutes of Dental & Craniofacial Res. 45 Center Drive,

Natcher Building, Rm. 4AN38J, Bethesda, MD 20892-6402, (301) 594-4809, [mary\\_kelly@nih.gov](mailto:mary_kelly@nih.gov)

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06-42, Review R21 & R03.  
*Date:* April 3, 2006.

*Time:* 3 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* H. George Hausch, PhD, Acting Director, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Inst. of Dental & Craniofacial Research, National Institutes of Health, Bethesda, MD 20892, (301) 594-2904, [george\\_hausch@nih.gov](mailto:george_hausch@nih.gov)

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06-66, Review Extramural Loan Repayment Applications.

*Date:* April 20, 2006.

*Time:* 1 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mary Kelly, Scientific Review Specialist, National Institutes of Dental & Craniofacial Res. 45 Center Drive, Natcher Building, Rm. 4AN38J, Bethesda, MD 20892-6402, (301) 594-4809, [mary\\_kelly@nih.gov](mailto:mary_kelly@nih.gov)

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: February 21, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1878 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Minority Programs Review Committee, MBRS Review Subcommittee B.

*Date:* March 16-17, 2006.

*Time:* 8:30 AM to 1 PM.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

*Contact Person:* Rebecca H. Johnson, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18C, Bethesda, MD 20892, 301-594-2771, [johnsonrh@nigms.nih.gov](mailto:johnsonrh@nigms.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. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 21, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1882 Filed 2-28-06; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Health Behavior Change RFA.

*Date:* March 7, 2006.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Madison Hotel, 15th & M Street, NW., Washington, DC 20005.

*Contact Person:* Marina Broitman, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6153, MSC 9608, Bethesda, MD 20892-9608. (301) 402-8152. [mbroitma@mail.nih.gov](mailto:mbroitma@mail.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Interventions and Practice Research Infrastructure Program.

*Date:* March 15, 2006.

*Time:* 12 p.m. to 3 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:* Marina Broitman, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6153, MSC 9608, Bethesda, MD 20892-9608. (301) 402-8152. [mbroitma@mail.nih.gov](mailto:mbroitma@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: February 22, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1884 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee.

*Date:* February 28–March 1, 2006.

*Time:* 7:30 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Helen Lin, PhD, Scientific Review Administrator, NIH/NIAMS/RB, 6701 Democracy Blvd., Suite 800, Plaza One, Bethesda, MD 20817, 301-594-4952, [linh1@mail.nih.gov](mailto:linh1@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. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

*Dated:* February 22, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1885 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed 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 Child Health and Human Development Special Emphasis Panel; An In Vivo Model to Study Blood-Testes Barrier Dynamics.

*Date:* March 23, 2006.

*Time:* 2 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435-6884, [ranhandj@mail.nih.gov](mailto:ranhandj@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

*Dated:* February 22, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1886 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of General Medical Sciences Special Emphasis Panel, Wound Healing Research.

*Date:* March 20–21, 2006.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Meredith D. Temple-O'Connor, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301-594-2772, [templeocm@mail.nih.gov](mailto:templeocm@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS).

*Dated:* February 22, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1887 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed 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 Child Health and Human Development Special Emphasis Panel, Hepatocyte Growth Factor and Ovarian Granulosa Cell Apoptosis.

*Date:* March 21, 2006.

*Time:* 12 p.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435-6884, [ranhandj@mail.nih.gov](mailto:ranhandj@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)



Dated: February 22, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1888 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel, HIV Vaccine Research and Design Program.

*Date:* March 13-14, 2006.

*Time:* 8 a.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

*Contact Person:* Roberta Binder, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Room 3130, Bethesda, MD 20892-7616, 301-496-7966, [rb169n@nih.gov](mailto:rb169n@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 21, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1889 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel, Development of Serious Games for Neuro-Rehabilitation of Drug-Induced Cognitive Deficiencies.

*Date:* March 7, 2006.

*Time:* 1:30 p.m. to 4 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call).

*Contact Person:* Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892-8401, (301) 435-1438.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel, Development of Science Literacy Materials of Program.

*Date:* March 8, 2006.

*Time:* 9 a.m. to 4 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* Courtyard by Marriott Rockville, 2500 Research Boulevard, Rockville, MD 20850.

*Contact Person:* Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892-8401, (301) 435-1439, [lf33c.nih.gov](mailto:lf33c.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. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist

Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: February 22, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1890 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Drug Abuse; 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 meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel, Epigenetics of Neurobiology and Addiction.

*Date:* May 15-16, 2006.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

*Contact Person:* Rita Liu, PhD, Associate Director, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 212, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892-8401, (301) 435-1388.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: February 22, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1891 Filed 2-28-06; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Specialized Center (P50s).

**Date:** March 13–15, 2006.

**Time:** 7 p.m. to 5 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** Sheraton National Hotel, 900 S. Orme Street, Arlington, VA 22204.

**Contact Person:** Michael L. Bloom, PhD, Scientific Review Administrator, EP Review Branch, NIH—NIAMS Institute, One Democracy Plaza, Room 820, MSC 4872, 6701 Democracy Blvd, Bethesda, MD 20892–487, 301–594–4953, [Michael\\_Bloom@nih.gov](mailto:Michael_Bloom@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS).

**Dated:** February 22, 2006.

#### Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1892 Filed 2–28–06; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material; and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; Cancer and Well Being.

**Date:** March 7, 2006.

**Time:** 10 a.m. to 1 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Anna L. Riley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7759, Bethesda, MD 20892, 301–435–2889, [rileyann@csr.nih.gov](mailto:rileyann@csr.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Cancer Communication and Weight Management.

**Date:** March 9, 2006.

**Time:** 4 p.m. to 6 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Anna L. Riley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7759, Bethesda, MD 20892, 301–435–2889, [rileyann@csr.nih.gov](mailto:rileyann@csr.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; Metal Ion Homeostasis Program Project.

**Date:** March 16, 2006.

**Time:** 11:30 a.m. to 3 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Gerhard Ehrenspeck, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5138, MSC 7840, Bethesda, MD 20892. (301) 435–1022, [ehrenspeg@csr.nih.gov](mailto:ehrenspeg@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Small Business Occupational Health.

**Date:** March 17, 2006.

**Time:** 9 a.m. to 3 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** Residence Inn Marriott, 1456 Duke Street, Alexandria, VA 22314.

**Contact Person:** Charles N. Rafferty, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7816, Bethesda, MD 20892, 301–435–3562, [raffertc@csr.nih.gov](mailto:raffertc@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Chemotaxis in Dictyostelium.

**Date:** March 22, 2006.

**Time:** 2 p.m. to 5 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Gerhard Ehrenspeck, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5138, MSC 7840, Bethesda, MD 20892, 301–435–1022, [ehrenspeg@csr.nih.gov](mailto:ehrenspeg@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Nursing Science.

**Date:** March 22, 2006.

**Time:** 4 p.m. to 6 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Ann Hardy, DRPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0695, [hardyan@csr.nih.gov](mailto:hardyan@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Viral and Eukaryotic Special Emphasis Panel.

**Date:** March 23–24, 2006.

**Time:** 8 a.m. to 4:30 p.m.

**Agenda:** To review and evaluate grant applications and/or proposals.

**Place:** Hotel Helix, 1430 Rhode Island Avenue, NW., Washington, DC 20005.

**Contact Person:** Richard G. Kostriker, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, (301) 402–4454, [kostrikr@csr.nih.gov](mailto:kostrikr@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Drug Development.

**Date:** March 27, 2006.

**Time:** 8 a.m. to 6 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.

**Contact Person:** Mary Custer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, 301–435–1164, [custerm@csr.nih.gov](mailto:custerm@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, ELS Conflict Special Emphasis Panel.

**Date:** March 27, 2006.

**Time:** 11:30 a.m. to 2 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Ken D. Nakamura, PhD, Scientific Review Administrator, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402-0838.

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Imaging and Sequencing Technology.

**Date:** March 27, 2006.

**Time:** 1 p.m. to 3 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Donald L. Schneider, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4172, MSC 7806, Bethesda, MD 20892, (301) 435-1727, [schneidd@csr.nih.gov](mailto:schneidd@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Renal and Urological Sciences Member Conflict.

**Date:** March 27, 2006.

**Time:** 12:15 p.m. to 3 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Jean Dow Sipe, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, (301) 435-1743, [sipej@csr.nih.gov](mailto:sipej@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Member Conflict: Behavioral Pharmacology.

**Date:** March 28, 2006.

**Time:** 1:30 p.m. to 2:30 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Maribeth Champoux, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3146, MSC 7759, Bethesda, MD 20892, (301) 594-3163, [champoum@csr.nih.gov](mailto:champoum@csr.nih.gov).

**Name of Committee:** Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Biomedical Computing and Health Informatics Study Section.

**Date:** March 30, 2006.

**Time:** 8 a.m. to 5 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

**Contact Person:** Bill Bunnag, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892, (301) 435-1177, [bunnagb@csr.nih.gov](mailto:bunnagb@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Computational Biology and Evolution.

**Date:** March 30, 2006.

**Time:** 10 a.m. to 3 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** Tremont Plaza Hotel, 222 St. Paul Place, Baltimore, MD 21202.

**Contact Person:** Barbara J. Thomas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2220, MSC 7890, Bethesda, MD 20892, (301) 435-0603, [bthomas@csr.nih.gov](mailto:bthomas@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Chronic Fatigue Syndrome, Fibromyalgia Syndrome and Temporomandibular Dysfunction.

**Date:** March 31, 2006.

**Time:** 10 a.m. to 4 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** The River Inn, 924 25th Street, NW., Washington, DC 20037.

**Contact Person:** J. Terrell Hoffeld, DDS, PhD, Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, (301) 435-1781, [th88q@nih.gov](mailto:th88q@nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel, Fungal Pathogenesis.

**Date:** March 31, 2006.

**Time:** 2:30 p.m. to 4:30 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

**Contact Person:** Joanna M. Pyper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435-1151, [pyperj@csr.nih.gov](mailto:pyperj@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

**Dated:** February 22, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06-1893 Filed 2-25-06; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2001-9267]

### Workshop: Approval for Experimental Shipboard Installation of Ballast Water Treatment System

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of workshop.

**SUMMARY:** The Coast Guard is announcing a workshop for interested and affected parties regarding changes to the Shipboard Technology Evaluation Program (STEP) for ballast water treatment systems. Our goal in this program is to facilitate the development of effective ballast water treatment (BWT) technologies, through rigorous evaluations of prototype systems under shipboard conditions. This will create more options for vessel owners seeking alternatives to ballast water exchange for use in meeting the ballast water management (BWM) requirements established by the Coast Guard. To aid in the development of applications to STEP, the Coast Guard will hold a workshop to expand public awareness of STEP and present recent changes to the guidance materials on applications. We encourage all interested and/or affected stakeholders to attend the workshop.

**DATES:** The STEP workshop will be on March 21st, 2006, from 8 a.m. to 5 p.m. The workshop may close early if all business is completed. Persons planning to attend are requested to notify Mr. Ronald Jackson by March 13th, 2006, at the address indicated in **FOR FURTHER INFORMATION CONTACT**. Such notice is not a reservation and is not required, but will be used for general planning purposes.

**ADDRESSES:** The STEP workshop will be at the Hotel Washington, 515 15th Street, NW., Washington, DC 20004, (202) 638-5900, <http://www.hotelwashington.com/>. This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For information concerning this notice and the workshop, contact Mr. Ronald Jackson, STEP Applications Manager, Environmental Standards Division, U.S. Coast Guard, by telephone 202-267-2716 or via e-mail at [rjackson@comdt.uscg.mil](mailto:rjackson@comdt.uscg.mil). If you have any questions on viewing material in the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, Department of Transportation, telephone 202-493-0402.

### SUPPLEMENTARY INFORMATION:

#### Availability of STEP Materials

The Coast Guard encourages interested persons to review the STEP program documentation, available for download from the docket (<http://dms.dot.gov>, docket number USCG-2001-9267) or from the Coast Guard's STEP Web page (<http://www.uscg.mil/hq/g-m/mso/step.htm>). Copies may be requested via e-mail at

*environmentalstandards*

@comdt.uscg.mil or by leaving a message on the Coast Guard's Ballast Water Information Line telephone number (202-267-2716). When requesting mailed copies, please provide full name and mailing address, and specify that you are requesting STEP application guidance materials. Questions about the application process may be asked at the workshop, or directed to Mr. Ronald Jackson at the address listed under the section of this announcement titled **FOR FURTHER INFORMATION CONTACT**.

The Hotel Washington is holding a block of rooms for the meeting. In order to receive the group rate of \$180, reservations need to be made directly with the Hotel Washington by February 28, 2006. After this date, rooms will be available at the best available rate. Reservations can be made by calling the Hotel Washington at 1-800-424-9540 or at <http://www.hotelwashington.com> or <http://www.hotelwashington.com/>. Please mention or enter the group booking ID # 31241 to receive the block rate.

**Information on Services for Individuals With Disabilities**

If you plan to attend the workshop and require special assistance, such as sign language interpretation or other reasonable accommodations, please contact us as indicated in **FOR FURTHER INFORMATION CONTACT**.

**Workshop**

The Coast Guard encourages potential applicants to STEP, and interested and affected stakeholders, to attend the workshop and learn about the Program in general, and the specifics of the application process. The workshop is open to the public, but space may be limited. Any updates about the workshop will be posted on the Coast Guard's STEP Web site (<http://www.uscg.mil/hq/g-m/mso/step.htm>).

**Regulatory History**

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as reauthorized and amended by the National Invasive Species Act of 1996, authorized the Coast Guard to develop regulations to prevent the introduction of nonindigenous species (NIS) via ballast water discharges. The Coast Guard most recently promulgated ballast water related regulations in the **Federal Register** on June 14, 2004, entitled, "Penalties for Non-submission of Ballast Water Management Reports" (68 FR 32864) and on July 28, 2004, entitled "Mandatory Ballast Water Management for U.S. Waters" (69 FR

44952). Together, these most recent regulations established penalties for noncompliance with BWM reporting requirements, made the formerly voluntary BWM program a mandatory program, and extended the mandatory BWM program to include all vessels equipped with ballast tanks bound for ports and places in the U.S., and/or entering U.S. waters. The Great Lakes Ballast Water Management Program that became effective on May 10, 1993 (58 FR 18330), has remained unchanged, with the exception that all vessels equipped with ballast water tanks that enter the Great Lakes must now submit their ballast water reporting forms as of August 13, 2004 (68 FR 32864).

**Description of Issue**

The BWM regulations established by the Coast Guard have created a need for BWT systems that can be used in lieu of mid-ocean ballast water exchange to reduce the risk of introducing nonindigenous species to U.S. waters via ballast water discharges. Vessel owners and the BWT technology industry have expressed the need for incentives to encourage the development of prototype BWT systems and shipboard testing methods. Vessel owners have expressed a reluctance to invest the resources to install and operate experimental equipment for fear that this equipment might not meet discharge standards mandated by future regulations. To address this concern, vessels accepted to the STEP may be granted an equivalency to future ballast water discharge regulations—for up to the life of the vessel or the BWT system—while they operate satisfactorily. Collaboration between government agencies, the shipping industry, the scientific community, as well as other stakeholders is essential for the development of effective and practical BWT technology to reduce the threat posed by NIS in discharged ballast water.

The Coast Guard will use this workshop to inform stakeholders of the STEP approval process, as well as recent changes in certain details of the program. Following announcement of STEP in 2004, the Coast Guard and its partners have developed a revised set of application guidelines. The new guidelines are intended to help clarify for potential applicants the specific information required and the format for its presentation in a STEP application.

Dated: February 14, 2006.

**Howard Hime,**

*Acting Director of Standards, Prevention.*

[FR Doc. E6-2826 Filed 2-28-06; 8:45 am]

BILLING CODE 4910-15-P

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard**

[USCG-2006-23962]

**National Offshore Safety Advisory Committee**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of meeting.

**SUMMARY:** The National Offshore Safety Advisory Committee (NOSAC) will meet to discuss various issues relating to offshore safety and security. The meeting will be open to the public.

**DATES:** NOSAC will meet on Thursday, April 6, 2006, from 9 a.m. to 3 p.m. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before March 23, 2006. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before March 23, 2006.

**ADDRESSES:** NOSAC will meet in room 2415 of the Coast Guard Headquarters Bldg., 2100 Second Street, SW., Washington, DC. Send written material and requests to make oral presentations to Commander J.M. Cushing, Commandant (G-PSO-2), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Commander J.M. Cushing, Executive Director of NOSAC, or Mr. Jim Magill, Assistant to the Executive Director, telephone 202-267-1082, fax 202-267-4570.

**SUPPLEMENTARY INFORMATION:** Notice of the meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

**Agenda of Meeting**

*National Offshore Safety Advisory Committee. The agenda includes the following:*

- (1) Report on issues concerning the International Maritime Organization (IMO) and the International Organization for Standardization.
- (2) SOLAS compliance for foreign operation of U.S. flagged Offshore Support Vessels (OSVs) including Liftboats.
- (3) Revision of IMO guidelines for OSVs.
- (4) Revision of IMO MODU Code.
- (5) Towing vessel rulemaking.
- (6) MODU mooring in GOM during hurricane season.

(7) Automatic Identification System (AIS) rulemaking.

(8) Revision of 33 CFR, Subchapter N, Outer Continental Shelf activities.

(9) 33 CFR, Subchapter NN, Temporary Final Rule on Deepwater Ports, and status of license submissions for LNG deepwater ports.

#### Procedural

The meeting is open to the public. Please note that the meeting may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Executive Director no later than March 23, 2006. Written material for distribution at the meeting should reach the Coast Guard no later than March 23, 2006. If you would like a copy of your material distributed to each member of the committee in advance of the meeting, please submit 25 copies to the Executive Director no later than March 23, 2006.

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Executive Director as soon as possible.

Dated: February 22, 2006.

**Howard L. Hime,**

*Acting Director of Standards.*

[FR Doc. E6-2886 Filed 2-28-06; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### Extension of Agency Information Collection Activity Under OMB Review: Security Programs for Indirect Air Carriers

**AGENCY:** Transportation Security Administration (TSA), DHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces that TSA has forwarded the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act. The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of

information on December 16, 2005, 70 FR 74836.

**DATES:** Send your comments by March 31, 2006. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**ADDRESSES:** Comments may be faxed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: DHS-TSA Desk Officer, at (202) 395-5806.

**FOR FURTHER INFORMATION CONTACT:** Katrina Wawer, Attorney-Advisor, Office of Chief Counsel, TSA-02, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202-4220.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless it displays a valid OMB control number. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

#### Information Collection Requirement

*Title:* Security Programs for Indirect Air Carriers.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 1652-0004.

*Form(s):* NA.

*Affected Public:* Indirect air carriers regulated under 49 CFR part 1548.

*Abstract:* Part 1548 of 14 CFR establishes aviation security requirements for each person (including air freight forwarder and any cooperative shippers' association) engaged, or who intends to be engaged, indirectly in the air transportation of package cargo that is intended for carriage aboard a passenger-carrying air carrier aircraft inside the United States. This collection of information allows

TSA to determine compliance with this rule through inspections of each security program and related records to ensure that the contents are current, complete, and correct. This collection directly supports TSA's mission to protect the nation's transportation systems to ensure freedom of movement for people and commerce.

*Number of Respondents:* 3608.

*Estimated Annual Burden Hours:* An estimated 1306 hours annually.

*Estimated Annual Cost Burden:* \$56,158.

**Lisa S. Dean,**

*Privacy Officer.*

[FR Doc. E6-2922 Filed 2-28-06; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5041-N-05]

#### Notice of Proposed Information Collection: Comment Request; Multifamily Project Applications and Construction Prior to Initial Endorsement

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* May 1, 2006.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number (2502-0029) and should be sent to: Lillian Deitzer, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or [Lillian\\_Deitzer@hud.gov](mailto:Lillian_Deitzer@hud.gov).

**FOR FURTHER INFORMATION CONTACT:** Joe E. Malloy, Acting Director, Office of Multifamily Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708-1142 (this is not a toll free number) for copies of the proposed forms and other available information.



**SUPPLEMENTARY INFORMATION:** The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Multifamily Project Applications and Construction Prior to Initial Endorsement.

*OMB Control Number, if applicable:* 2502-0029.

*Description of the need for the information and proposed use:* This information collection is the application for HUD/FHA multifamily mortgage insurance. The information from sponsors and general contractors, submitted by a HUD-approved mortgagee, is needed to determine project feasibility, mortgage/contractor acceptability, and construction costs. In addition, documentation from operators/managers of health care facilities is also required as part of the application for firm commitment for mortgage insurance. HUD analyzes financial data, cost data, drawings, specifications and other documentation to determine whether the proposed project meets program requirements for mortgage insurance. Project owners/sponsors may apply to commence construction prior to HUD's initial endorsement of the loan.

*Agency form numbers, if applicable:* HUD-92013, HUD-92013-SUPP, HUD-92013-NHICF, HUD-92013-E, HUD-92264, HUD-92264-A, HUD-92264-HCF, HUD-92264-T, HUD-92273, HUD-92274, HUD-92326, HUD-92329, HUD-92331, HUD-92485, FM-1006, FHA-2415, and FHA-2447.

*Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* The estimated total

number of burden hours needed to prepare the information collection is 438,307. The number of respondents is 1,284, generating approximately 19,531 annual responses; the frequency of response is on occasion, required with each project application and annually for health care facilities. The estimated time to prepare the responses varies from 30 minutes to 114 hours.

*Status of the proposed information collection:* Revision of a currently approved collection, to incorporate information collected under OMB control number 2502-0331.

*Authority:* The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 23, 2006.

**Frank L. Davis,**

*General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.*

[FR Doc. E6-2807 Filed 2-28-06; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Species Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications.

**SUMMARY:** The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended.

**DATES:** To ensure consideration, written comments must be received on or before March 31, 2006.

**ADDRESSES:** Written comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Ave., SW., Room 4102, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Chief, Endangered Species Division, (505) 248-6920.

#### SUPPLEMENTARY INFORMATION:

##### Permit No. TE-116411

*Applicant:* Pueblo of Isleta, New Mexico.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) and enhance propagation for Rio Grande silvery minnow (*Hypognathus amarus*) within and alongside the Rio Grande River within Pueblo of Isleta boundaries.

##### Permit No. TE-117748

*Applicant:* Dale M. Heindel, Utopia, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for black-capped vireo (*Vireo atricapillus*) within Texas.

##### Permit No. TE-064085

*Applicant:* Iris Rodden, Tucson, Arizona.

Applicant requests an amendment to an existing permit to conduct presence/absence surveys for lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*) within Arizona and New Mexico, northern aplomado falcon (*Falco femoralis septentrionalis*) within New Mexico and Texas, interior least tern (*Sterna antillarum*) within New Mexico and Texas, and Yuma clapper rail (*Rallus longirostris yumanensis*) within Arizona and California.

##### Permit No. TE-118414

*Applicant:* Cherokee Nation, Tahlequah, Oklahoma.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for American burying beetle (*Nicrophorus americanus*) within the Cherokee Nation of Oklahoma.

##### Permit No. TE-009792

*Applicant:* The Arboretum at Flagstaff, Flagstaff, Arizona.

Applicant requests an amendment to an existing permit to conduct presence/absence surveys and to collect seed and/or cuttings for *Coryphantha sneedii* var. *sneedii* (*Sneed pincushion cactus*) within Carlsbad Caverns National Park, New Mexico and *Purshia subintegra* (*Arizona cliffrose*) within Arizona.

**Permit No. TE-116839**

*Applicant:* Texas Department of Transportation, San Angelo, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for golden-cheeked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapillus*) within Texas. Additionally, applicant requests authorization to survey for, collect, and relocate the following endangered plant species within Texas: *Ancistrocactus tobuschii* (Tobush fishhook cactus), *Callirhoe scabriuscula* (Texas poppy mallow), and *Styrax texanus* (Texas snowbells).

**Permit No. TE-798998**

*Applicant:* Horizon Environmental Services, Inc., Austin, Texas.

Applicant requests an amendment to an existing permit to conduct presence/absence surveys for the following species within Texas: jaguarundi (*Herpailurus yagouaroundi cacomitli*), ocelot (*Leopardus pardalis*), fountain darter (*Etheostoma fonticola*), Clear Creek Gambusia (*Gambusia heterochir*), and San Marcos gambusia (*Gambusia georgei*) within Texas.

**Permit No. TE-119951**

*Applicant:* SAGE Landscape Architecture and Environmental, Tempe, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) and Yuma clapper rail (*Rallus longirostris yumanensis*) within Arizona.

**Authority:** 16 U.S.C. 1531, *et seq.*

Dated: February 17, 2006.

**Geoffrey L. Haskett,**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. E6-2840 Filed 2-28-06; 8:45 am]

BILLING CODE 4310-55-P

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[OR-957-00-1420-BJ: GP06-0071]

**Filing of Plats of Survey: Oregon/ Washington**

**AGENCY:** Bureau of Land Management.

**ACTION:** Notice.

**SUMMARY:** The plat of survey of the following described lands was officially filed in the Oregon State office, Portland, Oregon, on August 23, 2005.

**Willamette Meridian***Oregon*

T. 35 S., R. 32 E., accepted August 16, 2005.

The plats of survey of the following described lands were officially filed in the Oregon State Office, Portland, Oregon, on October 18, 2005.

**Willamette Meridian***Oregon*

T. 27 S., R. 12 W., accepted September 2, 2005.

T. 26 S., R. 10 W., accepted September 2, 2005.

T. 9 S., R. 7 W., accepted September 2, 2005.

T. 25 S., R. 13 W., accepted September 2, 2005.

T. 34 S., R. 14 W., accepted September 2, 2005.

**Willamette Meridian***Washington*

T. 29 N., R. 38 E., accepted September 2, 2005.

T. 23 N., R. 10 W., accepted September 2, 2005.

T. 22 N., R. 11 W., accepted September 2, 2005.

The plats of survey of the following described lands were officially filed in the Oregon State Office, Portland, Oregon, on October 21, 2005.

**Willamette Meridian***Oregon*

T. 27 S., R. 9 W., accepted September 27, 2005.

**Willamette Meridian***Washington*

T. 12 N., R. 24 E., accepted September 29, 2005.

T. 10 N., R. 27 E., accepted September 29, 2005.

T. 10 N., R. 26 E., accepted September 29, 2005.

T. 11 N., R. 26 E., accepted September 29, 2005.

T. 11 N., R. 25 E., accepted September 29, 2005.

T. 11 N., R. 24 E., accepted September 29, 2005.

T. 13 N., R. 24 E., accepted September 29, 2005.

The plats of survey of the following described lands were officially filed in the Oregon State Office, Portland, Oregon, on January 13, 2006.

**Willamette Meridian***Oregon*

T. 3 N., R. 3 W., accepted September 30, 2005.

T. 10 S., R. 1 E., accepted September 30, 2005.

T. 7 S., R. 3 E., accepted September 30, 2005.

T. 8 S., R. 7 W., accepted September 30, 2005.

**Willamette Meridian***Washington*

T. 30 N., R. 31 E., accepted October 28, 2005.

T. 30 N., R. 30 E., accepted October 28, 2005.

T. 31 N., R. 30 E., accepted October 28, 2005.

T. 9 N., R. 10 W., accepted November 10, 2005.

A copy of the plats may be obtained from the Public Room at the Oregon State Office, Bureau of Land Management, 333 SW., 1st Avenue, Portland, Oregon 97204, upon required payment. A person or party who wishes to protest against a survey must file a notice that they wish to protest. (at the above address) with the State Director, Bureau of Land Management, Portland, Oregon.

For further information contact: Chief, Branch of Geographic Sciences, Bureau of Land Management, (333 SW., 1st Avenue) P.O. Box 2965, Portland, Oregon 97208.

Dated: February 17, 2006.

**Robert D. DeViney, Jr.,**

*Branch of Lands and Minerals Resources*

[FR Doc. E6-2887 Filed 2-28-06; 8:45 am]

BILLING CODE 4310-33-P

**DEPARTMENT OF THE INTERIOR****National Park Service**

**Environmental Statements; Availability, etc: Fallen Timbers Battlefield and Fort Miamis National Historic Site, OH; General Management Plan**

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of Availability of the Final General Management Plan and Environmental Impact Statement for the Fallen Timbers Battlefield and Fort Miamis National Historic Site, Ohio.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(a)(c), the National Park Service (NPS) announces the availability of the Final General Management Plan and Environmental Impact Statement (GMP/EIS), Fallen Timbers Battlefield and Fort Miamis National Historic Site (the park).

**DATES:** The required no-action period on the Final GMP/EIS will expire 30 days after the Environmental Protection Agency has published a notice of availability in the **Federal Register**.

**ADDRESSES:** Copies of the Final GMP/EIS are available by request by writing to the Fallen Timbers Battlefield and Fort Miamis National Historic Site, c/o Director of Planning, Metropolitan Park District of the Toledo Area, 5100 West

Central Avenue, Toledo, Ohio 43615-2100, by telephoning 419-270-7513 or by e-mail

([james.speck@metroparkstoledo.com](mailto:james.speck@metroparkstoledo.com)).

The document is also available to be picked-up in person at Metropolitan Park District offices, 5100 West Central Avenue, Toledo, Ohio. The document can be found on the Internet in the NPS Planning, Environment, and Public Comment Web site at: (<http://parkplanning.nps.gov/>).

**FOR FURTHER INFORMATION CONTACT:** Mr. James Speck, Director of Planning, Metropolitan Park District of the Toledo Area, 5100 West Central Avenue, Toledo, Ohio, telephone 419-270-7513.

**SUPPLEMENTARY INFORMATION:** The Fallen Timbers Battlefield and Fort Miamis National Historic Site is an affiliated area of the national park system, managed by the Metropolitan Park District of the Toledo Area. The park consists of three units, the Fallen Timbers Battlefield, the Fallen Timbers State Monument, and Fort Miamis. The park commemorates an important period in the development of the United States and the opening of the northwest frontier. It represents the culminating event that demonstrated the tenacity of the American people in their quest for western expansion and the struggle for dominance in the Old Northwest Territory.

The purpose of the general management plan is to set forth the basic management philosophy for the park and to provide strategies for addressing issues and achieving identified management objectives. The GMP/EIS describes and analyzes the environmental impacts of the proposed action and two other action alternatives for the future management direction of the park. A no action alternative is also evaluated.

A notice of availability of the draft document was published in the *Federal Register* on March 31, 2004 (69 FR 16, 948). Public meetings to clarify the document and discuss any concerns were held at the Maumee Branch of the Toledo-Lucas County Public Library on March 10 and April 26, 2004. The local press, including television, radio and newspaper, were sent news releases of all public meetings and each meeting was reported on by these sources. In addition, advertisements of the meetings were placed in local daily and weekly newspapers. Written comments were accepted through May 31, 2004. The NPS considered all written comments in accordance with guidance provided by Director's Order 12 and the regulations of Council on Environmental Quality at 40 CFR part 1503. The local

Congressional delegation was kept informed.

The Final GMP/EIS document responds to agency and public comments received on the draft document.

Dated: January 20, 2006.

**Ernest Quintana,**

*Regional Director, Midwest Region.*

[FR Doc. 06-1897 Filed 2-28-06; 8:45 am]

BILLING CODE 4310-70-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Environmental Statements; Record of Decision: Low Country Gullah Culture, North Carolina and Florida

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of Availability of a Record of Decision for the Low Country Gullah Culture Special Resource Study and Final Environmental Impact Statement.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of a Record of Decision (ROD) for the Final Environmental Impact Statement (EIS) for the Low Country Gullah Culture Special Resource Study (Study). The Study area stretches along the southeastern United States coast roughly from the Cape Fear River in North Carolina to the St. John's River in Florida and approximately 30 miles inland. The Study describes ways that the NPS can assist in preserving Gullah culture (more commonly known as Geechee in Georgia and Florida) by outlining four management alternatives for consideration by Congress, and a no-action alternative. The alternatives provide a range of actions for the future protection, interpretation, and commemoration of Gullah cultural resources. The Final EIS analyzes the potential environmental impacts of those actions.

The ROD describes the background of the Study, other alternatives considered, the basis for the decision, the environmentally preferable alternative, and public involvement in the decision-making process. The ROD was approved by the Southeast Regional Director on November 4, 2005.

**DATES:** The ROD was signed by the Southeast Regional Director on November 4, 2005.

**ADDRESSES:** Copies of the ROD are available by contacting John Barrett, National Park Service, 100 Alabama St., SW., Atlanta, Georgia 30303. An

electronic copy of the ROD is available on the Internet at [http://www.nps.gov/sero/planning/gg\\_srs/gg\\_res.htm](http://www.nps.gov/sero/planning/gg_srs/gg_res.htm).

**FOR FURTHER INFORMATION CONTACT:** John Barrett, 404-562-3124, extension 637.

The responsible official for the ROD and the Final EIS is Patricia A. Hooks, Regional Director, Southeast Region, National Park Service, 100 Alabama Street, SW., 1924 Building, Atlanta, Georgia 30303.

Dated: January 4, 2006.

**Victor Knox,**

*Acting Deputy Regional Director, Southeast Region.*

[FR Doc. 06-1898 Filed 2-28-06; 8:45 am]

BILLING CODE 4310-70-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### California Bay-Delta Public Advisory Committee Public Meetings

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of meetings.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the California Bay-Delta Public Advisory Committee (Committee) will meet on March 15, 2006. The agenda for the Committee meeting will include discussions with State and Federal agency representatives on the status of the revitalization of the CALFED Bay-Delta Program including the 10-Year Action Plan, priority setting, and the changing roles of the CALFED agencies.

**DATES:** The Committee meeting will be held on Wednesday, March 15, 2006. If reasonable accommodation is needed due to a disability, please contact Colleen Kirtlan at (916) 445-5511 or TDD (800) 735-2929 at least one week prior to the meeting.

**ADDRESSES:** These meetings will be held at the John E. Moss Federal Building located at 650 Capitol Mall, 5th Floor, Sacramento, California.

**FOR FURTHER INFORMATION CONTACT:** Jason Phillips, U.S. Bureau of Reclamation, at 916-978-5033, or Yating Campbell, California Bay-Delta Authority, at 916-445-5511.

**SUPPLEMENTARY INFORMATION:** The Committee was established to provide advice and recommendations to the Secretary of the Interior on implementation of the CALFED Bay-Delta Program. The Committee makes recommendations on annual priorities, integration of the eleven Program elements, and overall balancing of the four Program objectives of ecosystem

restoration, water quality, levee system integrity, and water supply reliability. The Program is a consortium of State and Federal agencies with the mission to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the San Francisco/Sacramento and San Joaquin Bay Delta.

Committee agendas and meeting materials will be available prior to all meetings on the California Bay-Delta Authority Web site at <http://calwater.ca.gov> and at the meetings. These meetings are open to the public. Oral comments will be accepted from members of the public at each meeting and will be limited to 3-5 minutes.

**Authority:** The Committee was established pursuant to the Department of the Interior's authority to implement the Water Supply, Reliability, and Environmental Improvement Act, Pub. L. 108-361; the Fish and Wildlife Coordination Act, 16 U.S.C. 661 *et seq.*; the Endangered Species Act, 16 U.S.C. 1531 *et seq.*; and the Reclamation Act of 1902, 43 U.S.C. 391 *et seq.*, and the acts amendatory thereof or supplementary thereto, all collectively referred to as the Federal Reclamation laws, and in particular, the Central Valley Project Improvement Act, 34 U.S.C. 3401.

Dated: February 8, 2006.

Allan Oto,

Special Projects Officer, Mid-Pacific Region,  
U.S. Bureau of Reclamation.

[FR Doc. 06-1904 Filed 2-28-06; 8:45 am]

BILLING CODE 4310-MN-M

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-678, 679, 681,  
and 682 (Second Review)]

### Stainless Steel Bar From Brazil, India, Japan, and Spain

**AGENCY:** United States International  
Trade Commission.

**ACTION:** Institution of five-year reviews  
concerning the antidumping duty orders  
on stainless steel bar from Brazil, India,  
Japan, and Spain.

**SUMMARY:** The Commission hereby gives  
notice that it has instituted reviews  
pursuant to section 751(c) of the Tariff  
Act of 1930 (19 U.S.C. 1675(c)) (the Act)  
to determine whether revocation of the  
antidumping duty orders on stainless  
steel bar from Brazil, India, Japan, and  
Spain would be likely to lead to  
continuation or recurrence of material  
injury. Pursuant to section 751(c)(2) of  
the Act, interested parties are requested  
to respond to this notice by submitting  
the information specified below to the

Commission;<sup>1</sup> to be assured of  
consideration, the deadline for  
responses is April 20, 2006. Comments  
on the adequacy of responses may be  
filed with the Commission by May 15,  
2006. For further information  
concerning the conduct of these reviews  
and rules of general application, consult  
the Commission's Rules of Practice and  
Procedure, part 201, subparts A through  
E (19 CFR part 201), and part 207,  
subparts A, D, E, and F (19 CFR part  
207).

**DATES:** *Effective Date:* March 1, 2006.

**FOR FURTHER INFORMATION CONTACT:**  
Mary Messer (202-205-3193), Office of  
Investigations, U.S. International Trade  
Commission, 500 E Street SW.,  
Washington, DC 20436. Hearing-  
impaired persons can obtain  
information on this matter by contacting  
the Commission's TDD terminal on 202-  
205-1810. Persons with mobility  
impairments who will need special  
assistance in gaining access to the  
Commission should contact the Office  
of the Secretary at 202-205-2000.  
General information concerning the  
Commission may also be obtained by  
accessing its Internet server (<http://www.usitc.gov>). The public record for  
these reviews may be viewed on the  
Commission's electronic docket (EDIS)  
at <http://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.** On February 21, 1995,  
the Department of Commerce issued  
antidumping duty orders on imports of  
stainless steel bar from Brazil, India,  
and Japan (60 FR 9661). On March 2,  
1995, the Department of Commerce  
issued an antidumping duty order on  
imports of stainless steel bar from Spain  
(60 FR 11656). Following five-year  
reviews by Commerce and the  
Commission, effective April 18, 2001,  
Commerce issued a continuation of the  
antidumping duty orders on imports of  
stainless steel bar from Brazil, India,  
Japan, and Spain (66 FR 19919). The  
Commission is now conducting second  
reviews to determine whether  
revocation of the orders would be likely  
to lead to continuation or recurrence of  
material injury to the domestic industry  
within a reasonably foreseeable time. It  
will assess the adequacy of interested  
party responses to this notice of

<sup>1</sup> No response to this request for information is  
required if a currently valid Office of Management  
and Budget (OMB) number is not displayed; the  
OMB number is 3117-0016/USITC No. 06-5-148,  
expiration date June 30, 2008. Public reporting  
burden for the request is estimated to average 10  
hours per response. Please send comments  
regarding the accuracy of this burden estimate to  
the Office of Investigations, U.S. International Trade  
Commission, 500 E Street, SW., Washington, DC  
20436.

institution to determine whether to  
conduct full reviews or expedited  
reviews. The Commission's  
determinations in any expedited  
reviews will be based on the facts  
available, which may include  
information provided in response to this  
notice.

**Definitions.** The following definitions  
apply to these reviews:

(1) Subject Merchandise is the class or  
kind of merchandise that is within the  
scope of the five-year reviews, as  
defined by the Department of  
Commerce.

(2) The Subject Countries in these  
reviews are Brazil, India, Japan, and  
Spain.

(3) The Domestic Like Product is the  
domestically produced product or  
products which are like, or in the  
absence of like, most similar in  
characteristics and uses with, the  
Subject Merchandise. In its original and  
full five-year review determinations, the  
Commission defined the Domestic Like  
Product as all stainless steel bar. One  
Commissioner defined the Domestic  
Like Product differently in the original  
determinations.

(4) The Domestic Industry is the U.S.  
producers as a whole of the Domestic  
Like Product, or those producers whose  
collective output of the Domestic Like  
Product constitutes a major proportion  
of the total domestic production of the  
product. In its original and full five-year  
review determinations, the Commission  
defined the Domestic Industry as  
domestic producers of stainless steel  
bar. One Commissioner defined the  
Domestic Industry differently in the  
original determinations.

(5) An Importer is any person or firm  
engaged, either directly or through a  
parent company or subsidiary, in  
importing the Subject Merchandise into  
the United States from a foreign  
manufacturer or through its selling  
agent.

**Participation in the reviews and  
public service list.** Persons, including  
industrial users of the Subject  
Merchandise and, if the merchandise is  
sold at the retail level, representative  
consumer organizations, wishing to  
participate in the reviews as parties  
must file an entry of appearance with  
the Secretary to the Commission, as  
provided in section 201.11(b)(4) of the  
Commission's rules, no later than 21  
days after publication of this notice in  
the **Federal Register**. The Secretary will  
maintain a public service list containing  
the names and addresses of all persons,  
or their representatives, who are parties  
to the reviews.

Former Commission employees who  
are seeking to appear in Commission

five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission is seeking guidance as to whether a second transition five-year review is the "same particular matter" as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was "personal and substantial." However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202-205-3088.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.** Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Certification.** Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

**Written submissions.** Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information

specified below. The deadline for filing such responses is April 20, 2006. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is May 15, 2006. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

**Inability to provide requested information.** Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

**Information To Be Provided in Response To This Notice of Institution:** If you are a domestic producer, union/worker group, or trade/business association; import/export Subject Merchandise from more than one Subject Country; or produce Subject Merchandise in more than one Subject Country, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent Subject Country. As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in each Subject Country that currently export or have exported Subject Merchandise to the United States or other countries after 1999.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 2005 (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic



Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 2005 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from each Subject Country accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of Subject Merchandise imported from each Subject Country; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from each Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 2005 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in each Subject Country accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from each Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in

each Subject Country after 1999, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in each Subject Country, and such merchandise from other countries.

(11) (Optional) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: February 21, 2006.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 06-1816 Filed 2-28-06; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF LABOR

### Office of the Secretary

#### **Bureau of International Labor Affairs; Request for Information Concerning Labor Rights in the Republic of Korea and Its Laws Governing Exploitative Child Labor**

**AGENCIES:** Office of the Secretary, Labor; Office of the United States Trade Representative and Department of State.

**ACTION:** Request for comments from the public.

**SUMMARY:** This notice is a request for comments from the public to assist the Secretary of Labor, the United States Trade Representative, and the Secretary of State in preparing reports regarding labor rights in the Republic of Korea and describing the extent to which it has in effect laws governing exploitative child labor. The Trade Act of 2002 requires

reports on these issues and others when the President intends to use trade promotion authority procedures in connection with legislation approving and implementing a trade agreement. The President assigned the functions of preparing reports regarding labor rights and the existence of laws governing exploitative child labor to the Secretary of Labor, in consultation with the Secretary of State and the United States Trade Representative. The Secretary of Labor further assigned these functions to the Secretary of State and the United States Trade Representative, to be carried out by the Secretary of Labor, the Secretary of State and the United States Trade Representative.

**DATES:** Public comments must be received no later than 5 p.m. April 17, 2006.

**ADDRESSES:** Persons submitting comments are strongly advised to make such submissions by electronic mail to the following address:

*FRFTAKorea@dol.gov*. Submissions by facsimile may be sent to: Howard R. Dobson, Office of International Economic Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, at (202) 693-4851.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions regarding the submissions, please contact Howard R. Dobson, Office of International Economic Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, at (202) 693-4871, facsimile (202) 693-4851. These are not toll-free numbers. Substantive questions concerning the labor rights report and/or the report on the Republic of Korea's laws governing exploitative child labor should be addressed to Gregory Schoepfle, Acting Director, Office of International Economic Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-4887, facsimile (202) 693-4851.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On February 2, 2006, in accordance with section 2104(a)(1) of the Trade Act of 2002, the United States Trade Representative (USTR) notified the Congress of the President's intent to enter into free trade negotiations with the Republic of Korea. The notification letters to the Senate and the House of Representatives can be found on the USTR Web site at [http://www.ustr.gov/assets/Trade\\_Agreements/Bilateral/Republic\\_of\\_Korea\\_FTA/asset\\_upload\\_file123\\_8900.pdf](http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Republic_of_Korea_FTA/asset_upload_file123_8900.pdf) and <http://www.ustr.gov/assets/>

*Trade Agreements/Bilateral/ Republic\_of\_Korea\_FTA/ asset\_upload\_file253\_8899.pdf*, respectively. In February, USTR announced its intention to hold a public hearing on March 14, 2006, for the interagency Trade Policy Staff Committee (TPSC) to receive written comments and oral testimony from the public to assist USTR in formulating positions and proposals with respect to all aspects of the negotiations (71 FR 6820) (Feb. 9, 2006). USTR intends to launch the negotiations in May 2006.

The Trade Act of 2002 (Pub. L. 107-210) (the Trade Act) sets forth special procedures (Trade Promotion Authority) for approval and implementation of Agreements subject to meeting conditions and requirements in Division B of the Trade Act, "Bipartisan Trade Promotion Authority." Section 2102(a)-(c) of the Trade Act includes negotiating objectives and a listing of priorities for the President to promote in order to "address and maintain United States competitiveness in the global economy" in pursuing future trade agreements. The President assigned several of the functions in section 2102(c) to the Secretary of Labor. (E.O. 13277). These include the functions set forth in section 2102(c)(8), which requires that the President "in connection with any trade negotiations entered into under this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating," and the function in section 2102(c)(9), which requires that the President "with respect to any trade agreement which the President seeks to implement under trade authorities procedures, submit to the Congress a report describing the extent to which the country or countries that are parties to the agreement have in effect laws governing exploitative child labor."

## II. Information Sought

Interested parties are invited to submit written information as specified below to be taken into account in drafting the required reports. Materials submitted are expected to be confined to the specific topics of the reports. In particular, agencies are seeking written submissions on the following topics:

1. Labor laws of the Republic of Korea, including laws governing exploitative child labor, and that country's implementation and enforcement of its labor laws and regulations;

2. The situation in the Republic of Korea with respect to core labor standards;

3. Steps taken by the Republic of Korea to comply with International Labor Organization Convention No. 182 on the worst forms of child labor; and

4. The nature and extent, if any, of exploitative child labor in the Republic of Korea.

Section 2113(6) of the Trade Act defines "core labor standards" as:

(A) The right of association;

(B) The right to organize and bargain collectively;

(C) A prohibition on the use of any form of forced or compulsory labor;

(D) A minimum age for the employment of children; and

(E) Acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

## III. Requirements for Submissions

This document is a request for facts or opinions submitted in response to a general solicitation of comments from the public. To ensure prompt and full consideration of submissions, it is strongly recommended that interested persons submit comments by electronic mail to the following e-mail address: [FRFTAKorea@dol.gov](mailto:FRFTAKorea@dol.gov). Persons making submissions by e-mail are expected to use the following subject line: "The Republic of Korea: Labor Rights and Child Labor Reports." Documents must be submitted in WordPerfect, MSWord, or text (.TXT) format. Supporting documentation submitted as spreadsheets is acceptable in Quattro Pro or Excel format. Persons who make submissions by e-mail need not provide separate cover letters; information that might appear in a cover letter is expected to be included in the submission itself. Similarly, to the extent possible, any attachments to the submission are expected to be included in the same file as the submission itself, and not as separate files. Written comments will be placed in a file open to public inspection at the Department of Labor, Room S-5317, 200 Constitution Avenue, NW., Washington, DC 20210, and in the USTR Reading Room in Room 3 of the annex of the Office of the USTR, 1724 F Street, NW., Washington, DC 20508. An appointment to review the file at the Department of Labor may be made by contacting Howard R. Dobson at (202) 693-4871. An appointment to review the file at USTR may be made by calling (202) 395-6186. The USTR Reading Room is generally open to the public from 10 a.m.-12 noon and 1 p.m.-4 p.m., Monday through Friday. Appointments

must be scheduled at least 48 hours in advance.

Signed at Washington, DC this 23rd of February 2006.

**Martha E. Newton,**

*Acting Deputy Under Secretary for International Affairs.*

[FR Doc. E6-2879 Filed 2-28-06; 8:45 am]

BILLING CODE 4510-28-P

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Proposed Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: Rehabilitation Maintenance Certificate (OWCP-17). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before May 1, 2006.

**ADDRESSES:** Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, e-mail [bell.hazel@dol.gov](mailto:bell.hazel@dol.gov). Please use only one method of transmission for comments (mail, fax, or e-mail).

**SUPPLEMENTARY INFORMATION:** 1. *Background:* The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act (LHWCA) and the Federal Employees' Compensation Act (FECA). These Acts provide vocational rehabilitation services to eligible workers with

disabilities. Section 8111(b) of the FECA and section 908(g) of the LHWCA provide that persons undergoing such vocational rehabilitation may receive maintenance allowances as additional compensation. The OWCP-17 serves as a bill submitted by the program participant to OWCP, requesting reimbursement of incidental expenses incurred due to participation in an approved rehabilitation effort for the preceding four week period or fraction thereof. This information collection is currently approved for use through August 31, 2006.

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. *Current Actions:* The Department of Labor seeks approval for the extension of this information collection in order to carry out its responsibility to provide vocational rehabilitation services to injured workers currently unemployed as a result of their injury, to enhance their employment potential.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Rehabilitation Maintenance Certificate.

*OMB Number:* 1215-0161.

*Agency Number:* OWCP-17.

*Affected Public:* Individual or households; business or other for-profit.

*Total Respondents:* 1,300.

*Total Responses:* 15,600.

*Time per Response:* 10 minutes.

*Frequency:* On occasion.

*Estimated Total Burden Hours:* 2,605.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$0.

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: February 23, 2006.

**Sue Blumenthal,**

*Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

[FR Doc. E6-2858 Filed 2-28-06; 8:45 am]

BILLING CODE 4510-CR-0

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Summary of Decisions Granting in Whole or in Part Petitions for Modification

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

**SUMMARY:** Under section 101 of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor (Secretary) may allow the modification of the application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will result in a diminution of safety to the affected miners.

Final decisions on these petitions are based on the petitioner's statements, comments and information submitted by interested persons, and a field investigation of the conditions at the mine. As designee of the Secretary, we have granted or partially granted the requests for modification listed below. In some instances, the decisions are conditioned upon compliance with stipulations stated in the decision. The term FR Notice appears in the list of affirmative decisions below. The term refers to the **Federal Register** volume and page where we published a notice of the filing of the petition for modification.

#### FOR FURTHER INFORMATION CONTACT:

Petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations, and Variances, MSHA,

1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. For further information contact Barbara Barron at 202-693-9447.

Dated at Arlington, Virginia this 22nd day of February 2006.

**Robert F. Stone,**

*Acting Director, Office of Standards, Regulations, and Variances.*

#### Affirmative Decisions on Petitions for Modification

*Docket No.:* M-2005-004-C.

*FR Notice:* 70 FR 7760.

*Petitioner:* Lone Mountain Processing, Inc.

*Regulation Affected:* 30 CFR 75.901(a).

*Summary of Findings:* Petitioner's proposal is to use a 480-volt, three-phase, 300KW/375kVA diesel-powered generator (DPG) set to supply power to a three-phase wye connected 300 KVA autotransformer and three-phase, 480-volt and 995-volt power circuits. This is considered an acceptable alternative method for the Clover Fork Mine No. 1. The petition for modification is granted for the use of the 300 Kilowatt (kW)/375 Kilovolt Amperes (KVA), 480-volt, diesel-powered generator (DPG) set to supply power to three-phase 480- and 995-volt power circuits to move mobile equipment around the mine at the Clover Fork Mine No. 1 with conditions.

*Docket No.:* M-2005-034-C.

*FR Notice:* 70 FR 32379.

*Petitioner:* Hopkins County Coal, LLC.  
*Regulation Affected:* 30 CFR 75.1103-4(a).

*Summary of Findings:* Petitioner's proposal is to install a low-level carbon monoxide detection system as an early warning fire detection system in all belt entries where a monitoring system identifies a sensor location in lieu of identifying each belt flight. This is considered an acceptable alternative method for the Elk Creek Mine. The petition for modification is granted for the use of a carbon monoxide monitoring system that identifies the location of sensors in lieu of identifying belt flights at the Elk Creek Mine with conditions.

*Docket No.:* M-2005-041-C.

*FR Notice:* 70 FR 35710.

*Petitioner:* McElroy Coal Company.  
*Regulation Affected:* 30 CFR 75.507.

*Summary of Findings:* Petitioner's proposal is to use non-permissible submersible pumps installed in bleeder and return entries and sealed areas of the McElroy Mine. This is considered an acceptable alternative method for the McElroy Mine. The petition for modification is granted for the use of low- and medium-voltage, three phase,

alternating-current submersible pumps(s) installed in return and bleeder entries and sealed areas in the McElroy Mine with conditions.

*Docket No.:* M-2005-042-C.

*FR Notice:* 70 FR 35710.

*Petitioner:* Consolidation Coal Company.

*Regulation Affected:* 30 CFR 75.507.

*Summary of Findings:* Petitioner's proposal is to use non-permissible submersible pumps installed in bleeder and return entries and sealed areas of the Shoemaker Mine. This is considered an acceptable alternative method for the Shoemaker Mine. MSHA is requiring, for this petition only, that the surface pump control and power circuits be examined in accordance with 30 CFR 77.502 requirements, since the control and power circuits that enter the underground portions of the mine cannot be examined in their entirety to satisfy the requirements of 30 CFR 75.512 or the 30 CFR 75.364(b)(7) weekly examination requirement. The petition for modification is granted for the use of low- and medium-voltage, three-phase, alternating-current submersible pump(s) installed in return and bleeder entries and in sealed areas in the Shoemaker Mine with conditions.

*Docket No.:* M-2005-050-C.

*FR Notice:* 70 FR 42102.

*Petitioner:* Andalex Resources, Inc.

*Regulation Affected:* 30 CFR 75.1002.

*Summary of Findings:* Petitioner's proposal is to use low-voltage or battery powered non-permissible, electronic testing, diagnostic equipment or other equipment within 150 feet of pillar workings, under controlled conditions. This is considered an acceptable alternative method for the Aberdeen Mine. The petition for modification is granted for the use of low-voltage or battery-powered non-permissible electronic testing and diagnostic equipment in or inby the last open crosscut or within 150 feet of pillar workings under controlled conditions, for testing and diagnosing the mining equipment for the Aberdeen Mine with conditions.

*Docket No.:* M-2005-051-C.

*FR Notice:* 70 FR 42103.

*Petitioner:* Bear Gap Coal Company.

*Regulation Affected:* 30 CFR 75.1100-2(a)(2).

*Summary of Findings:* Petitioner's proposal is to use portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage equipped with three 10 quart pails is not practical. The petitioner proposes to use two portable fire extinguishers near the slope bottom and an additional portable

fire extinguisher within 500 feet of the working face. This is considered an acceptable alternative method for the Bear Gap Coal Company #6 Slope Mine. The petition for modification is granted for firefighting equipment in the working section for the Bear Gap Coal Company #6 Slope Mine with conditions.

*Docket No.:* M-2005-055-C.

*FR Notice:* 70 FR 48984.

*Petitioner:* Black Stallion Coal Company, LLC.

*Regulation Affected:* 30 CFR 75.503.

*Summary of Findings:* Petitioner's proposal is to use 900 feet of trailing cable on Roof Bolters and Mobile Roof Supports for trailing cables that supply 480-volt, three-phase, alternating current to roof bolters and mobile roof supports. This is considered an acceptable alternative method for the Black Stallion Mine. The petition for modification is granted for trailing cables supplying 480-volt, three-phase alternating current to roof bolters and mobile roof supports and 550-volt, three-phase alternating current to shuttle cars for the Black Stallion Mine with conditions.

*Docket No.:* M-2005-058-C.

*FR Notice:* 70 FR 48984.

*Petitioner:* Dodge Hill Mining Company, LLC.

*Regulation Affected:* 30 CFR 75.1101-1(b).

*Summary of Findings:* Petitioner's proposal is to conduct weekly examinations and functional testing of the deluge fire suppression systems as an alternative method of complying with the standard. This is considered an acceptable alternative method for the Dodge Hill Mine No. 1. The petition for modification is granted for the deluge-type water spray systems installed at belt-conveyor drives in lieu of blow-off dust covers for nozzles for the Dodge Hill Mine No. 1 with conditions.

*Docket No.:* M-2005-059-C.

*FR Notice:* 70 FR 48984.

*Petitioner:* Hopkins County Coal, LLC.

*Regulation Affected:* 30 CFR 75.1700.

*Summary of Findings:* Petitioner's proposal is to plug and mine through oil and gas wells in all mineable coal beds. This is considered an acceptable alternative method for the Elk Creek Mine. The petition for modification is granted for the Elk Creek Mine with conditions.

*Docket No.:* M-2005-060-C.

*FR Notice:* 70 FR 52449.

*Petitioner:* Pacific Minerals.

*Regulation Affected:* 30 CFR 75.1100-2(e)(2).

*Summary of Findings:* Petitioner's proposal is to use two portable fire

extinguishers or one extinguisher having at least twice the minimum capacity in 30 CFR 75.1100-1(e) at each temporary electrical installation at the Bridger Underground Mine. This is considered an acceptable alternative method for the Bridger Underground Mine. The petition for modification is granted for the temporary electrical installations provided the petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100-1(e), or one portable fire extinguisher with twice the minimum capacity specified in 30 CFR 75.1100-2(e) at each of the temporary electrical installations for the Bridger Underground Mine.

*Docket No.:* M-2005-061-C.

*FR Notice:* 70 FR 52449.

*Petitioner:* Andalex Resources, Inc.

*Regulation Affected:* 30 CFR 75.500(d).

*Summary of Findings:* Petitioner's proposal is to use low-voltage or battery-powered non-permissible, electronic testing, diagnostic equipment or other, in or inby the last open crosscut under controlled conditions. This is considered an acceptable alternative method for the Aberdeen Mine. The petition for modification is granted for the use of low-voltage or battery-powered non-permissible electronic testing and diagnostic equipment in or inby the last open crosscut or within 150 feet of pillar workings or longwall face, under controlled conditions, for testing and diagnosing the mining equipment at the Aberdeen Mine with conditions.

[FR Doc. E6-2848 Filed 2-28-06; 8:45 am]

BILLING CODE 4510-43-P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[V-04-1]

#### Commonwealth Dynamics, Inc., Mid-Atlantic Boiler & Chimney, Inc.,<sup>1</sup> and R and P Industrial Chimney Co., Inc.; Grant of a Permanent Variance

**AGENCY:** Occupational Safety and Health Administration (OSHA), Department of Labor.

<sup>1</sup> Designated as Alberici Mid-Atlantic, LLC ("Alberici") on the notice of an application for a permanent variance and interim order published at 69 FR 48754. Mid-Atlantic Boiler & Chimney, Inc. ("MAB&C") has acquired Alberici's chimney-construction assets, including equipment, contracts, and employees. Prior to this acquisition, Alberici

Continued

**ACTION:** Notice of a grant of a permanent variance.

**SUMMARY:** This notice announces the grant of a permanent variance to Commonwealth Dynamics, Inc., Mid-Atlantic Boiler & Chimney, Inc., and R and P Industrial Chimney Co., Inc. ("the employers"). The permanent variance addresses the provision that regulates the tackle used for boatswains' chairs (29 CFR 1926.452 (o)(3)), as well as the provisions specified for personnel hoists by paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552. Instead of complying with these provisions, the employers must comply with a number of alternative conditions listed in this grant; these alternative conditions regulate rope-guided personnel-hoisting systems used during inside or outside chimney construction to raise or lower employees in personnel cages, personnel platforms, and boatswains' chairs between the bottom landing of a chimney and an elevated work location. Accordingly, OSHA finds that these alternative conditions protect employees at least as well as the requirements specified by 29 CFR 1926.452(o)(3) and 1926.552(c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16).

**DATES:** The effective date of the permanent variance is March 1, 2006.

**FOR FURTHER INFORMATION:** For information about this notice contact Ms. MaryAnn S. Garrahan, Director, Office of Technical Programs and Coordination Activities, Room N-3655, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2110; fax (202) 693-1644. You may obtain additional copies of this notice from the Office of Publications, Room N-3101, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1888. For electronic copies of this notice, contact the Agency on its Web page at <http://www.osha.gov>, and select "Federal Register," "Date of Publication," and then "2005."

*Additional information also is available from the following OSHA Regional Offices:*

U.S. Department of Labor, OSHA, JFK Federal Building, Room E340, Boston,

notified employees who were being transferred to MAB&C that it has requested OSHA to transfer its interest in the variance application and interim order to MAB&C. In addition, an authorized representative for MAB&C certified that MAB&C agrees to comply with the grant of an interim order published at 69 FR 48754, and to comply with the conditions of the variance grant resulting from the variance application. (See Ex. 5-19.)

MA 02203, telephone: (617) 565-9860, fax: (617) 565-9827.

U.S. Department of Labor, OSHA, 201 Varick St., Room 670, New York, NY 10014, telephone: (212) 337-2378, fax: (212) 337-2371.

U.S. Department of Labor, OSHA, the Curtis Center, Suite 740 West, 170 South Independence Mall West, Philadelphia, PA 19106-3309, telephone: (215) 861-4900, fax: (215) 861-4904.

U.S. Department of Labor, OSHA, Atlanta Federal Center, 61 Forsyth St., SW., Room 6T50, Atlanta, GA 30303, telephone: (404) 562-2300, fax: (404) 562-2295.

U.S. Department of Labor, OSHA, 230 South Dearborn St., Room 3244, Chicago, IL 60604, telephone: (312) 353-2220, fax: (312) 353-7774.

U.S. Department of Labor, OSHA, City Center Square, 1100 Main St., Suite 800, Kansas City, MO 64105, telephone: (816) 426-5861, fax: (816) 426-2750.

U.S. Department of Labor, OSHA, 525 Griffin St., Room 602, Dallas, TX 75202, telephone: (214) 767-4731/-4736 (ext. 224), fax: (214) 767-4693/-4188.

U.S. Department of Labor, OSHA, 1999 Broadway, Suite 1690, P.O. Box 46550, Denver, CO 80201-6550, telephone: (720) 264-6550, fax: (720) 264-6585.

U.S. Department of Labor, OSHA, 71 Stevenson St., Room 420, San Francisco, CA 94105, telephone: (415) 975-4310, fax: (415) 744-4319.

U.S. Department of Labor, OSHA, 1111 Third Ave., Suite 715, Seattle, WA 98101-3212, telephone: (206) 553-5930, fax: (206) 553-6499.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

In the past 30 years, a number of chimney-construction companies have demonstrated to OSHA that several personnel-hoist requirements (*i.e.*, paragraphs (c)(1), (c)(2), (c)(3), (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552), as well as the tackle requirements for boatswains' chairs (*i.e.*, paragraph (o)(3) of 29 CFR 1926.452), result in access problems that pose a serious danger to their employees.

These companies requested permanent variances from these requirements, and proposed alternative equipment and procedures to protect employees while being transported to and from their elevated worksites during chimney construction and repair. The Agency subsequently granted these companies permanent variances based on the proposed alternatives (see 38 FR 8545 (April 3, 1973), 44 FR 51352 (August 31,

1979), 50 FR 40627 (October 4, 1985), 52 FR 22552 (June 12, 1987), and 68 FR 52961 (September 8, 2003)).<sup>2</sup>

On October 27, 2003, January 20, 2004, and March 16, 2004, Commonwealth Dynamics, Inc., R and P Industrial Chimney Co., Inc., and Mid-Atlantic Boiler & Chimney, Inc., respectively, applied for a permanent variance from the same personnel-hoist and boatswains'-chair requirements as the previous companies, and proposed as an alternative to these requirements the same equipment and procedures approved by OSHA in the earlier variances. The Agency published their variance application in the **Federal Register** on August 10, 2004 (69 FR 48754). OSHA received no hearing requests in response to these **Federal Register** notices. However, a private individual and a number of States and Territories having OSHA-approved safety and health programs ("State-Plan States and Territories") submitted comments on the proposed alternative. In addition, several other State-Plan States and Territories have commented on an earlier variance application involving the same standards submitted by other employers engaged in chimney construction and repair;<sup>3</sup> OSHA is relying on these previous comments to determine the position of these State-Plan States and Territories on the variance application submitted by the present employers. (See sections IV ("Comments on the Proposed Variance") and V ("Multi-State Variance") below for a discussion of these comments.)

Commonwealth Dynamics, Inc., Mid-Atlantic Boiler & Chimney, Inc., and R and P Industrial Chimney Co., Inc. ("the employers") construct, remodel, repair, maintain, inspect, and demolish tall chimneys made of reinforced concrete, brick, and steel. This work, which occurs throughout the United States, requires the employers to transport employees and construction material to and from elevated work platforms and scaffolds located, respectively, inside and outside tapered chimneys. While tapering contributes to the stability of a chimney, it necessitates frequent relocation of, and adjustments to, the

<sup>2</sup> Zurn Industries, Inc. received two permanent variances from OSHA. The first variance, granted on May 14, 1985 (50 FR 20145), addressed the boatswains'-chair provision (then in paragraph (l)(5) of 29 CFR 1926.451), as well as the hoist-platform requirements of paragraphs (c)(1), (c)(2), (c)(3), and (c)(14)(i) of 29 CFR 1926.552. The second variance, granted on June 12, 1987 (52 FR 22552), includes these same paragraphs, as well as paragraphs (c)(4), (c)(8), (c)(13), and (c)(16) of 29 CFR 1926.552.

<sup>3</sup> The previous variance application was from American Boiler and Chimney Co. and Oak Park Chimney Corp. (68 FR 52961, September 8, 2003).



work platforms and scaffolds so that they will fit the decreasing circumference of the chimney as construction progresses upwards.

To transport employees to various heights inside and outside a chimney, the employers proposed in their variance application to use a hoist system that lifts and lowers personnel-transport devices that include personnel cages, personnel platforms, or boatswains' chairs. In this regard, the employers proposed to use personnel cages, personnel platforms, or boatswains' chairs solely to transport employees with the tools and materials necessary to do their work, and not to transport only materials or tools on these devices in the absence of employees. In addition, the employers proposed to attach a hopper or concrete bucket to the hoist system to raise or lower material inside or outside a chimney.

The employers also proposed to use a hoist engine, located and controlled outside the chimney, to power the hoist system. The proposed system consisted of a wire rope that: spools off the winding drum (also known as the hoist drum or rope drum) into the interior of the chimney; passes to a footblock that redirects the rope from the horizontal to the vertical planes; goes from the footblock through the overhead sheaves above the elevated platform; and finally drops to the bottom landing of the chimney where it connects to a personnel- or material-transport device. The cathead, which is a superstructure at the top of a derrick, supports the overhead sheaves. The overhead sheaves (and the vertical span of the hoist system) move upward with the derrick as chimney construction progresses. Two guide cables, suspended from the cathead, eliminate swaying and rotation of the load. If the hoist rope breaks, safety clamps activate and grip the guide cables to prevent the load from falling. The employers proposed to use a headache ball, located on the hoist rope directly above the load, to counterbalance the rope's weight between the cathead sheaves and the footblock.

Additional conditions that the employers proposed to follow to improve employee safety included:

- Attaching the wire rope to the personnel cage using a keyed-screwpin shackle or positive-locking link;
- Adding limit switches to the hoist system to prevent overtravel by the personnel- or material-transport devices;
- Providing the safety factors and other precautions required for personnel hoists specified by the pertinent provisions of 29 CFR 1926.552(c),

including canopies and shields to protect employees located in a personnel cage from material that may fall during hoisting and other overhead activities;

- Providing falling-object protection for scaffold platforms as specified by 29 CFR 1926.451(h)(1);
- Conducting tests and inspections of the hoist system as required by 29 CFR 1926.20(b)(2) and 1926.552(c)(15);
- Establishing an accident-prevention program that conforms to 29 CFR 1926.20(b)(3);
- Ensuring that employees who use a personnel platform or boatswains' chair wear full-body harnesses and lanyards, and that the lanyards are attached to the lifelines during the entire period of vertical transit; and
- Securing the lifelines (used with a personnel platform or boatswains' chair) to the rigging at the top of the chimney and to a weight at the bottom of the chimney to provide maximum stability to the lifelines.

## II. Proposed Variance From 29 CFR 1926.452(o)(3)

The employers noted in their variance request that it is necessary, on occasion, to use a boatswains' chair to transport employees to and from a bracket scaffold on the outside of an existing chimney during flue installation or repair work, or to transport them to and from an elevated scaffold located inside a chimney that has a small or tapering diameter. Paragraph (o)(3) of 29 CFR 1926.452, which regulates the tackle used to rig a boatswains' chair, states that this tackle must "consist of correct size ball bearings or bushed blocks containing safety hooks and properly 'eye-spliced' minimum five-eighths (5/8) inch diameter first-grade manila rope [or equivalent rope]."

The primary purpose of this paragraph is to allow an employee to safely control the ascent, descent, and stopping locations of the boatswains' chair. However, the employers stated in their variance request that, because of space limitations, the required tackle is difficult or impossible to operate on some chimneys that are over 200 feet tall. Therefore, as an alternative to complying with the tackle requirements specified by 29 CFR 1926.452(o)(3), the employers proposed to use the hoisting system described above in section I ("Background") of this notice to raise or lower employees in a personnel cage to work locations both inside and outside a chimney. In addition, the employers proposed to use a personnel cage for this purpose to the extent that adequate space is available, and to use a personnel platform when using a

personnel cage was infeasible because of limited space. When available space makes using a personnel platform infeasible, the employers proposed to use a boatswains' chair to lift employees to work locations. The proposed variance limited use of the boatswains' chair to elevations above the last work location that the personnel platform can reach; under these conditions, the employers proposed to attach the boatswains' chair directly to the hoisting cable only when the structural arrangement precludes the safe use of the block and tackle required by 29 CFR 1926.452(o)(3).

## III. Proposed Variance from 29 CFR 1926.552(c)

Paragraph (c) of 29 CFR 1926.552 specifies the requirements for enclosed hoisting systems used to transport employees from one elevation to another. This paragraph ensures that employers transport employees safely to and from elevated work platforms by mechanical means during the construction, alteration, repair, maintenance, or demolition of structures such as chimneys. However, this standard does not provide specific safety requirements for hoisting employees to and from elevated work platforms and scaffolds in tapered chimneys; the tapered design requires frequent relocation of, and adjustment to, the work platforms and scaffolds. The space in a small-diameter or tapered chimney is not large enough or configured so that it can accommodate an enclosed hoist tower. Moreover, using an enclosed hoist tower for outside operations exposes employees to additional fall hazards because they need to install extra bridging and bracing to support a walkway between the hoist tower and the tapered chimney.

Paragraph (c)(1) of 29 CFR 1926.552 requires the employers to enclose hoist towers located outside a chimney on the side or sides used for entrance to, and exit from, the chimney; these enclosures must extend the full height of the hoist tower. The employers asserted in their proposed variance that it is impractical and hazardous to locate a hoist tower outside tapered chimneys because it becomes increasingly difficult, as a chimney rises, to erect, guy, and brace a hoist tower; under these conditions, access from the hoist tower to the chimney or to the movable scaffolds used in constructing the chimney exposes employees to a serious fall hazard. Additionally, they noted that the requirement to extend the enclosures 10 feet above the outside scaffolds often exposes the employees

involved in building these extensions to dangerous wind conditions.

Paragraph (c)(2) of 29 CFR 1926.552 requires that employers enclose all four sides of a hoist tower even when the tower is located inside a chimney; the enclosure must extend the full height of the tower. In the proposed variance, the employers contended that it is hazardous for employees to erect and brace a hoist tower inside a chimney, especially small-diameter or tapered chimneys or chimneys with sublevels, because these structures have limited space and cannot accommodate hoist towers; space limitations result from chimney design (e.g., tapering), as well as reinforced steel projecting into the chimney from formwork that is near the work location.

As an alternative to complying with the hoist-tower requirements of 29 CFR 1926.552(c)(1) and (c)(2), the employers proposed to use the rope-guided hoist system discussed in section I ("Background") of this notice to transport employees to and from work locations inside and outside chimneys. They claimed that this hoist system would make it unnecessary for them to comply with other provisions of 29 CFR 1926.552(c) that specify requirements for hoist towers, including:

- (c)(3)—Anchoring the hoist tower to a structure;
- (c)(4)—Hoistway doors or gates;
- (c)(8)—Electrically interlocking entrance doors or gates that prevent hoist movement when the doors or gates are open;
- (c)(13)—Emergency stop switch located in the car;
- (c)(14)(i)—Using a minimum of two wire ropes for drum-type hoisting; and
- (c)(16)—Construction specifications for personnel hoists, including materials, assembly, structural integrity, and safety devices.

The employers asserted that the proposed hoisting system protected employees at least as effectively as the personnel-hoist requirements of 29 CFR 1926.552(c). The following section of this preamble reviews the comments received on the employers' proposed variance.

#### IV. Comments on the Proposed Variance

The only comment from the private sector regarding the proposed variance was submitted by Mr. Bradley Glosson of MACB Technical Services (Ex. 4-1). Mr. Glosson recommended adopting American National Safety Standard ASME B30.23 ("Personnel Lifting Systems"), stating:

Any variance approved should be based upon a uniform, nationally endorsed and

professionally established set of criteria for the safe design and operational issues. Review and consideration of the B30.3 Standard, and the President's Order to use existing National Standards wherever feasible, should be undertaken prior to issuance of this variance.

In response to this comment, the Agency notes that the employer seeking a permanent variance proposes the alternative conditions in the variance request. The Agency's responsibility under section 6(d) of the Occupational Safety and Health Act of 1970 is to determine "by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used \* \* \* will provide employment and places of employment to [their] employees which are as safe and healthful as those which would prevail if [they] complied with the standard." (See 29 U.S.C. 655.) Therefore, employers, not the Agency, determine what will be proposed as an alternative to an OSHA standard.

The "Presidential Order" to which Mr. Glosson refers is most likely Office of Management and Budget (OMB) Circular A-119 ("Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities"), the most recent edition of which was published by OMB on August 19, 2002. The Circular does not refer to variances. Variances are applied narrowly (only to the employers that request them) and typically involve only a few provisions of a standard. As explained above, OSHA's obligation to issue variances is set forth in Section 6(d) of the OSH Act; the granting of these permanent variances is in accord with OSHA's statutory responsibilities.

OSHA also received comments from 17 of the 26 States and Territories that operate occupational safety and health State plans approved under section 18 of the Occupational Safety and Health Act of 1970 (i.e., "State-Plan States"; 29 U.S.C. 667). The Agency received these 17 comments after it sent each of these 26 States and Territories a copy of the application and requested that they provide information on whether their standards (the ones that would be affected by the proposed variance) were identical to the corresponding Federal OSHA standards, and, if so, did they agree to accept the alternative conditions proposed by the employers.

None of the 17 State-Plan States and Territories that submitted comments provided substantive remarks regarding the conditions proposed in the variance application. Ten of these 17 State-Plan States and Territories reported that they

have standards that are identical to the Federal OSHA standards, and that they agreed to accept the proposed alternative. These 10 State-Plan States and one Territory are: Arizona, Indiana, Maryland, Minnesota, North Carolina, Oregon, Puerto Rico, Tennessee, Virginia, and Wyoming (Exs. 5-1, 5-3-1, 5-16, 5-14, , 5-11, 5-10, 5-9, 5-7, 5-6, and 5-5, respectively). Three of the State-Plan States (Kentucky, Michigan, and South Carolina) agreed with the proposed alternative, but did so conditionally. Kentucky (Ex. 5-4) noted that, while it agreed with the terms of the variance, Kentucky statutory law requires affected employers to apply to the State for a State variance. Michigan (Ex. 5-15) agreed to the alternative conditions, but noted that its standards are not identical to the OSHA standards covered by the variance application. Therefore, Michigan cautioned that employers electing to use the variance in that State must comply with several provisions in the Michigan standards that are not addressed in the OSHA standard. South Carolina (Ex. 5-8) indicated that it would accept the alternative conditions, but noted that, for the grant of such a variance to be accepted by the South Carolina Commissioner of Labor, the employers must file the grant at the Commissioner's office in Columbia, South Carolina.

Three State-Plan States (Connecticut (Ex. 5-2), New Jersey (Ex. 5-13), and New York (Ex. 5-12)) have OSHA-approved safety and health programs that cover only public-sector (i.e., State and local government) employment. While OSHA received no comment from the Virgin Islands, its State-Plan program also covers only public-sector employment. Therefore, in these State-Plan States and one Territory, the authority to cover private-sector employers under the variance continues to reside with Federal OSHA.

Washington State (Ex. 5-17) could not agree to the alternative conditions because its applicable standards were not identical to the OSHA standards. Therefore, the employers must apply separately for a permanent variance from Washington State.

In response to a previous application by chimney-construction companies for an identical variance (see footnote 3), four State-Plan States (Alaska, Nevada, New Mexico, and Vermont) indicated that their standards were the same as the Federal OSHA standards, and agreed to the terms of the variance. Utah agreed to accept the Federal variance, but requires the employers to contact the Occupational Safety and Health Division, Labor Commission of Utah,

regarding a procedural formality that must be completed before implementing the variance in that State. California, Iowa, and Hawaii have standards that either differ from the Federal standards or did not agree to the alternative conditions proposed in the variance application, and would not permit the employers to implement in their States any variance resulting from the application without further application to the State.

#### V. Multi-State Variance

The variance application stated that the employers perform chimney work in a number of geographic locations in the United States, some of which could include locations in one or more of the States and Territories that operate OSHA-approved safety and health programs under section 18 of the Occupational Safety and Health Act of 1970 ("State-Plan States and Territories"; see 29 U.S.C. 651 *et seq.*). State-Plan States and Territories have primary enforcement responsibility over the work performed in those States and Territories. Under the provisions of 29 CFR 1952.9 ("Variances affecting multi-state employers") and 29 CFR 1905.14(b)(3) ("Actions on applications"), a permanent variance granted by the Agency becomes effective in State-Plan States and Territories as an authoritative interpretation of the applicants' compliance obligation when: (1) The relevant standards are the same as the Federal OSHA standards from which the applicants are seeking the permanent variance; and (2) the State-Plan State or Territory does not object to the terms of variance application.

OSHA requested comments on this application from each of the State-Plan States and Territories. The Agency noted in its request that, absent any comment, it would assume that the State or Territory's position regarding this variance application was the same as the position it took on a previous variance application (see footnote 3). As noted under the previous section, several State-Plan States and Territories did not submit comments on this variance application, indicating that they continue to maintain their previous positions regarding the alternative conditions proposed under this variance application. The following paragraph provides a summary of the positions taken by the State-Plan States and Territories on the proposed alternative conditions.

The following thirteen State-Plan States and one Territory have identical standards and agreed to accept the alternative conditions: Alaska, Arizona, Indiana, Maryland, Minnesota, Nevada,

New Mexico, North Carolina, Oregon, Puerto Rico, Tennessee, Vermont, Virginia, and Wyoming. Of the remaining 12 States and Territories with OSHA-approved State plans, three of the States and one Territory (Connecticut, New Jersey, New York, and the Virgin Islands) cover only public-sector employees and have no authority over the private-sector employees addressed in the variance application (*i.e.*, that authority continues to reside with Federal OSHA). Additionally, four States (Kentucky, Michigan, South Carolina, and Utah) accepted the proposed alternative when specific additional requirements are fulfilled, while three States and one Territory (California, Hawaii, Iowa, and Washington) either had different requirements in their standards or declined to accept the terms of the variance.

Based on the responses received from State-Plan States and Territories, the permanent Federal OSHA variance will be effective in the following State-Plan States and one Territory: Alaska, Arizona, Indiana, Maryland, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, Tennessee, Virginia, Vermont, and Wyoming; and in Kentucky, Michigan, South Carolina, and Utah when the employers meet specific additional requirements. However, this permanent variance does not apply in Washington, California, Hawaii, or Iowa. As stated earlier, in the three States and one Territory (Connecticut, New Jersey, New York, and the Virgin Islands) that have State-Plan programs that cover only public-sector employees, authority over the employers under the permanent variance continues to reside with Federal OSHA.

#### VI. Decision

Commonwealth Dynamics, Inc., Mid-Atlantic Boiler & Chimney, Inc., and R and P Industrial Chimney Co., Inc. seek a permanent variance from the provision that regulates the tackle used for boatswains' chairs (29 CFR 1926.452 (o)(3)), as well as the provisions specified for personnel hoists by paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552. Paragraph (o)(3) of 29 CFR 1926.452 states that the tackle used for boatswains' chairs must "consist of correct size ball bearings or bushed blocks containing safety hooks and properly 'eye-spliced' minimum five-eighth (5/8) inch diameter first-grade manila rope [or equivalent rope]." The primary purpose of this provision is to allow an employee to safely control the ascent, descent, and stopping locations

of the boatswains' chair. The proposed alternative to these requirements allows the employer to use a boatswains' chair to lift employees to work locations inside and outside a chimney when both a personnel cage and a personnel platform are infeasible. The employers proposed to attach the boatswains' chair to the hoisting system described as an alternative for paragraph (c) of 29 CFR 1926.552.

Paragraph (c) of 29 CFR 1926.552 specifies the requirements for enclosed hoisting systems used to transport personnel from one elevation to another. This paragraph ensures that employers transport employees safely to and from elevated work platforms by mechanical means during construction work involving structures such as chimneys. In this regard, paragraph (c)(1) of 29 CFR 1926.552 requires employers to enclose hoist towers located outside a chimney on the side or sides used for entrance to, and exit from, the structure; these enclosures must extend the full height of the hoist tower. Under the requirements of paragraph (c)(2) of 29 CFR 1926.552, employers must enclose all four sides of a hoist tower located inside a chimney; these enclosures also must extend the full height of the tower.

As an alternative to complying with the hoist-tower requirements of 29 CFR 1926.552(c)(1) and (c)(2), the employers proposed to use a rope-guided hoist system to transport employees to and from elevated work locations inside and outside chimneys. The proposed hoist system includes a hoist machine, cage, safety cables, and safety measures such as limit switches to prevent overrun of the cage at the top and bottom landings, and safety clamps that grip the safety cables if the main hoist line fails. To transport employees to and from elevated work locations, the employers proposed to attach a personnel cage to the hoist system. However, when they can demonstrate that adequate space is not available for the cage, they may use a personnel platform above the last worksite that the cage can reach. Further, when the employers show that space limitations make it infeasible to use a work platform for transporting employees, they have proposed to use a boatswains' chair above the last worksite serviced by the personnel platform. Using the proposed hoist system as an alternative to the hoist-tower requirements of 29 CFR 1926.552(c)(1) and (c)(2) eliminates the need to comply with the other provisions of 29 CFR 1926.552(c) that specify requirements for hoist towers.

Accordingly, the employers have requested a permanent variance from these and related provisions (*i.e.*,

paragraphs (c)(3), (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16)).

After reviewing the variance application, as well as the comments made to the record regarding the application, OSHA has made only minor editorial amendments and technical corrections to the proposed variance.<sup>4</sup> Therefore, under section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), and based on the record discussed above, the Agency finds that when the employers comply with the conditions of the following order, their employees will be exposed to working conditions that are at least as safe and healthful as they would be if the employers complied with paragraph (o)(3) of 29 CFR 1926.452, and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552.

#### VII. Order

OSHA issues this order authorizing Commonwealth Dynamics, Inc., Mid-Atlantic Boiler & Chimney, Inc., and R and P Industrial Chimney Co., Inc. ("the employers") to comply with the following conditions instead of complying with paragraph (o)(3) of 29 CFR 1926.452 and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552:

##### 1. Scope of the Permanent Variance

(a) This permanent variance applies only when the employers use a rope-guided hoist system during inside or outside chimney construction to raise or lower their employees between the bottom landing of a chimney and an elevated work location on the inside or outside surface of the chimney.

(b) When using a rope-guided hoist system as specified in this permanent variance, the employers must:

(i) Use the personnel cages, personnel platforms, or boatswains' chairs raised and lowered by the rope-guided hoist system solely to transport employees

<sup>4</sup> Among the technical corrections, OSHA added two conditions to the permanent variance. The first condition is a new paragraph 1(b) that requires the employers to use personnel cages, personnel platforms, or boatswains' chairs only to transport employees with the tools and materials necessary to do their work, and to attach a hopper or concrete bucket to the hoist system for transporting other materials and tools inside or outside a chimney. The second condition revises paragraph 2(b) in the variance application by adding a requirement that employers attach a boatswains' chair to the hoisting cable only when they can demonstrate that the structural arrangement of the chimney precludes the safe use of the block and tackle required by 29 CFR 1926.452(o)(3). Both of these technical corrections are consistent with language proposed by the employers and described in section III (SUPPLEMENTARY INFORMATION) of their variance application (see 69 FR 48755 and 48756).

with the tools and materials necessary to do their work; and

(ii) Attach a hopper or concrete bucket to the rope-guided hoist system to raise and lower all other materials and tools inside or outside a chimney.

(c) Except for the requirements specified by 29 CFR 1926.452(o)(3) and 1926.552(c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16), the employers must comply fully with all other applicable provisions of 29 CFR parts 1910 and 1926.

##### 2. Replacing a Personnel Cage With a Personnel Platform or a Boatswains' Chair

(a) *Personnel platform.* When the employers demonstrate that available space makes a personnel cage for transporting employees infeasible, they may replace the personnel cage with a personnel platform when they limit use of the personnel platform to elevations above the last work location that the personnel cage can reach.

(b) *Boatswains' chair.* Employers must:

(i) Before using a boatswains' chair, demonstrate that available space makes it infeasible to use a personnel platform for transporting employees;

(ii) Limit use of a boatswains' chair to elevations above the last work location that the personnel platform can reach; and

(iii) Use a boatswains' chair in accordance with block-and-tackle requirements specified by 29 CFR 1926.452(o)(3), unless they can demonstrate that the structural arrangement of the chimney precludes such use.

##### 3. Qualified Competent Person

(a) The employers must:

(i) Provide a qualified competent person, as specified in paragraphs (f) and (m) of 29 CFR 1926.32, who is responsible for ensuring that the design, maintenance, and inspection of the hoist system comply with the conditions of this grant and with the appropriate requirements of 29 CFR part 1926 ("Safety and Health Regulations for Construction"); and

(ii) Ensure that the qualified competent person is present at ground level to assist in an emergency whenever the hoist system is raising or lowering employees.

(b) The employers must use a qualified competent person to design and maintain the cathead described under Condition 8 ("Cathead and Sheave") below.

##### 4. Hoist Machine

(a) *Type of hoist.* The employers must designate the hoist machine as a portable personnel hoist.

(b) *Raising or lowering a transport.*

The employers must ensure that:

(i) The hoist machine includes a base-mounted drum hoist designed to control line speed; and

(ii) Whenever they raise or lower a personnel or material hoist (e.g., a personnel cage, personnel platform, boatswains' chair, hopper, concrete bucket) using the hoist system:

(A) The drive components are engaged continuously when an empty or occupied transport is being lowered (i.e., no "freewheeling");

(B) The drive system is interconnected, on a continuous basis, through a torque converter, mechanical coupling, or an equivalent coupling (e.g., electronic controller, fluid clutches, hydraulic drives).

(C) The braking mechanism is applied automatically when the transmission is in the neutral position and a forward-reverse coupling or shifting transmission is being used; and

(D) No belts are used between the power source and the winding drum.

(c) *Power source.* The employers must power the hoist machine by an air, electric, hydraulic, or internal-combustion drive mechanism.

(d) *Constant-pressure control switch.* The employers must:

(i) Equip the hoist machine with a hand- or foot-operated constant-pressure control switch (i.e., a "deadman control switch") that stops the hoist immediately upon release; and

(ii) Protect the control switch to prevent it from activating if the hoist machine is struck by a falling or moving object.

(e) *Line-speed indicator.* The employers must:

(i) Equip the hoist machine with an operating line-speed indicator maintained in good working order; and

(ii) Ensure that the line-speed indicator is in clear view of the hoist operator during hoisting operations.

(f) *Braking systems.* The employers must equip the hoist machine with two (2) independent braking systems (i.e., one automatic and one manual) located on the winding side of the clutch or couplings, with each braking system being capable of stopping and holding 150 percent of the maximum rated load.

(g) *Slack-rope switch.* The employers must equip the hoist machine with a slack-rope switch to prevent rotation of the winding drum under slack-rope conditions.

(h) *Frame.* The employers must ensure that the frame of the hoist



machine is a self-supporting, rigid, welded-steel structure, and that holding brackets for anchor lines and legs for anchor bolts are integral components of the frame.

(i) *Stability.* The employers must secure hoist machines in position to prevent movement, shifting, or dislodgement.

(j) *Location.* The employers must:

(i) Locate the hoist machine far enough from the footblock to obtain the correct fleet angle for proper spooling of the cable on the drum; and

(ii) Ensure that the fleet angle remains between one-half degree ( $1/2^\circ$ ) and one and one-half degrees ( $1\frac{1}{2}^\circ$ ) for smooth drums, and between one-half degree ( $1/2^\circ$ ) and two degrees ( $2^\circ$ ) for grooved drums, with the lead sheave centered on the drum.<sup>1</sup>

(k) *Drum and flange diameter.* The employers must:

(i) Provide a winding drum for the hoist that is at least 30 times the diameter of the rope used for hoisting; and

(ii) Ensure that the winding drum has a flange diameter that is at least one and one-half ( $1\frac{1}{2}$ ) times the winding-drum diameter.

(l) *Spooling of the rope.* The employers must never spool the rope closer than two (2) inches (5.1 cm) from the outer edge of the winding-drum flange.

(m) *Electrical system.* The employers must ensure that all electrical equipment is weatherproof.

(n) *Limit switches.* The employers must equip the hoist system with limit switches and related equipment that automatically prevent overtravel of a personnel cage, personnel platform, boatswains' chair, or material-transport device at the top of the supporting structure and at the bottom of the hoistway or lowest landing level.

#### 5. Methods of Operation

(a) *Employee qualifications and training.* The employers must:

(i) Ensure that only trained and experienced employees, who are knowledgeable of hoist-system operations, control the hoist machine; and

(ii) Provide instruction, periodically and as necessary, on how to operate the hoist system, to each employee who uses a personnel cage for transportation.

(b) *Speed limitations.* The employers must not operate the hoist at a speed in excess of:

(i) Two hundred and fifty (250) feet (76.9 m) per minute when a personnel cage is being used to transport employees;

(ii) One hundred (100) feet (30.5 m) per minute when a personnel platform or boatswains' chair is being used to transport employees; or

(iii) A line speed that is consistent with the design limitations of the system when only material is being hoisted.

(c) *Communication.* The employers must:

(i) Use a voice-mediated intercommunication system to maintain communication between the hoist operator and the employees located in or on a moving personnel cage, personnel platform, or boatswains' chair;

(ii) Stop hoisting if, for any reason, the communication system fails to operate effectively; and

(iii) Resume hoisting only when the site superintendent determines that it is safe to do so.

#### 6. Hoist Rope

(a) *Grade.* The employers must use a wire rope for the hoist system (i.e., "hoist rope") that consists of extra-improved plow steel, an equivalent grade of non-rotating rope, or a regular lay rope with a suitable swivel mechanism.

(b) *Safety factor.* The employers must maintain a safety factor of at least eight (8) times the safe workload throughout the entire length of hoist rope.

(c) *Size.* The employers must use a hoist rope that is at least one-half ( $1/2$ ) inch (1.3 cm) in diameter.

(d) *Inspection, removal, and replacement.* The employers must:

(i) Thoroughly inspect the hoist rope before the start of each job and on completing a new setup;

(ii) Maintain the proper diameter-to-diameter ratios between the hoist rope and the footblock and the sheave by inspecting the wire rope regularly (see Conditions 7(c) and 8(d) below); and

(iii) Remove and replace the wire rope with new wire rope when any of the conditions specified by 29 CFR 1926.552(a)(3) occurs.

(e) *Attachments.* The employers must attach the rope to a personnel cage, personnel platform, or boatswains' chair with a keyed-screwpin shackle or positive-locking link.

(f) *Wire-rope fastenings.* When the employers use clip fastenings (e.g., U-bolt wire-rope clips) with wire ropes, they must:

(i) Use Table H-20 of 29 CFR 1926.251 to determine the number and spacing of clips;

(ii) Use at least three (3) drop-forged clips at each fastening;

(iii) Install the clips with the "U" of the clips on the dead end of the rope; and

(iv) Space the clips so that the distance between them is six (6) times the diameter of the rope.

#### 7. Footblock

(a) *Type of block.* The employers must use a footblock:

(i) Consisting of construction-type blocks of solid single-piece bail with a safety factor that is at least four (4) times the safe workload, or an equivalent block with roller bearings;

(ii) Designed for the applied loading, size, and type of wire rope used for hoisting;

(iii) Designed with a guard that contains the wire rope within the sheave groove;

(iv) Bolted rigidly to the base; and

(v) Designed and installed so that it turns the moving wire rope to and from the horizontal or vertical direction as required by the direction of rope travel.

(b) *Directional change.* The employers must ensure that the angle of change in the hoist rope from the horizontal to the vertical direction at the footblock is approximately  $90^\circ$ .

(c) *Diameter.* The employers must ensure that the line diameter of the footblock is at least 24 times the diameter of the hoist rope.

#### 8. Cathead and Sheave

(a) *Support.* The employers must use a cathead (i.e., "overhead support") that consists of a wide-flange beam, or two (2) steel-channel sections securely bolted back-to-back to prevent spreading.

(b) *Installation.* The employers must ensure that:

(i) All sheaves revolve on shafts that rotate on bearings; and

(ii) The bearings are mounted securely to maintain the proper bearing position at all times.

(c) *Rope guides.* The employers must provide each sheave with appropriate rope guides to prevent the hoist rope from leaving the sheave grooves when the rope vibrates or swings abnormally.

(d) *Diameter.* The employers must use a sheave with a diameter that is at least 24 times the diameter of the hoist rope.

#### 9. Guide Ropes

(a) *Number and construction.* The employers must affix two (2) guide ropes by swivels to the cathead. The guide ropes must:

<sup>1</sup> This variance adopts the definition of, and specifications for, fleet angle from *Cranes and Derricks*, H. I. Shapiro, et al. (eds.); New York: McGraw-Hill; 3rd ed., 1999, page 592. Accordingly, the fleet angle is "[t]he angle the rope leading onto a [winding] drum makes with the line perpendicular to the drum rotating axis when the lead rope is making a wrap against the flange."



(i) Consist of steel safety cables not less than one-half (1/2) inch (1.3 cm) in diameter; and

(ii) Be free of damage or defect at all times.

(b) *Guide rope fastening and alignment tension.* The employers must fasten one end of each guide rope securely to the overhead support, with appropriate tension applied at the foundation.

(c) *Height.* The employers must rig the guide ropes along the entire height of the hoist-machine structure.

#### 10. Personnel Cage

(a) *Construction.* A personnel cage must be of steel-frame construction and capable of supporting a load that is four (4) times its maximum rated load capacity. The employers also must ensure that the personnel cage has:

(i) A top and sides that are permanently enclosed (except for the entrance and exit);

(ii) A floor securely fastened in place;

(iii) Walls that consist of 14-gauge, one-half (1/2) inch (1.3 cm) expanded metal mesh, or an equivalent material;

(iv) Walls that cover the full height of the personnel cage between the floor and the overhead covering;

(v) A sloped roof constructed of one-eighth (1/8) inch (0.3 cm) aluminum, or an equivalent material; and

(vi) Safe handholds (e.g., rope grips—but not rails or hard protrusions<sup>2</sup>) that accommodate each occupant.

(b) *Overhead weight.* A personnel cage must have an overhead weight (e.g., a headache ball of appropriate weight) to compensate for the weight of the hoist rope between the cathead and footblock. In addition, the employers must:

(i) Ensure that the overhead weight is capable of preventing line run; and

(ii) Use a means to restrain the movement of the overhead weight so that the weight does not interfere with safe personnel hoisting.

(c) *Gate.* The personnel cage must have a gate that:

(i) Guards the full height of the entrance opening; and

(ii) Has a functioning mechanical lock that prevents accidental opening.

(d) *Operating procedures.* The employers must post the procedures for operating the personnel cage conspicuously at the hoist operator's station.

(e) *Capacity.* The employers must:

(i) Hoist no more than four (4) occupants in the cage at any one time; and

(ii) Ensure that the rated load capacity of the cage is at least 250 pounds (113.4 kg) for each occupant so hoisted.

(f) *Employee notification.* The employers must post a sign in each personnel cage notifying employees of the following conditions:

(i) The standard rated load, as determined by the initial static drop test specified by Condition 10(g) ("Static drop tests") below; and

(ii) The reduced rated load for the specific job.

(g) *Static drop tests.* The employers must:

(i) Conduct static drop tests of each personnel cage that comply with the definition of "static drop test" specified by section 3 ("Definitions") and the static drop-test procedures provided in section 13 ("Inspections and Tests") of American National Standards Institute (ANSI) standard A10.22-1990 (R1998) ("American National Standard for Rope-Guided and Nonguided Worker's Hoists—Safety Requirements");

(ii) Perform the initial static drop test at 125 percent of the maximum rated load of the personnel cage, and subsequent drop tests at no less than 100 percent of its maximum rated load; and

(iii) Use a personnel cage for raising or lowering employees only when no damage occurred to the components of the cage as a result of the static drop tests.

#### 11. Safety Clamps

(a) *Fit to the guide ropes.* The employers must:

(i) Fit appropriately designed and constructed safety clamps to the guide ropes; and

(ii) Ensure that the safety clamps do not damage the guide ropes when in use.

(b) *Attach to the personnel cage.* The employers must attach safety clamps to each personnel cage for gripping the guide ropes.

(c) *Operation.* The safety clamps attached to the personnel cage must:

(i) Operate on the "broken rope principle" defined in section 3 ("Definitions") of ANSI standard A10.22-1990 (R1998);

(ii) Be capable of stopping and holding a personnel cage that is carrying 100 percent of its maximum rated load and traveling at its maximum allowable speed if the hoist rope breaks at the footblock; and

(iii) Use a pre-determined and pre-set clamping force (i.e., the "spring compression force") for each hoist system.

(d) *Maintenance.* The employers must keep the safety-clamp assemblies clean and functional at all times.

#### 12. Overhead Protection

(a) The employers must install a canopy or shield over the top of the personnel cage that is made of steel plate at least three-sixteenth (3/16) of an inch (4.763 mm) thick, or material of equivalent strength and impact resistance, to protect employees (i.e., both inside and outside the chimney) from material and debris that may fall from above.

(b) The employers must ensure that the canopy or shield slopes to the outside of the personnel cage.<sup>3</sup>

#### 13. Emergency-Escape Device

(a) *Location.* The employers must provide an emergency-escape device in at least one of the following locations:

(i) In the personnel cage, provided that the device is long enough to reach the bottom landing from the highest possible escape point; or

(ii) At the bottom landing, provided that a means is available in the personnel cage for the occupants to raise the device to the highest possible escape point.

(b) *Operating instructions.* The employers must ensure that written instructions for operating the emergency-escape device are attached to the device.

(c) *Training.* The employers must instruct each employee who uses a personnel cage for transportation on how to operate the emergency-escape device:

(i) Before the employee uses a personnel cage for transportation; and

(ii) Periodically, and as necessary, thereafter.

#### 14. Personnel Platforms and Fall-Protection Equipment

(a) *Personnel platforms.* When the employers elect to replace the personnel cage with a personnel platform in accordance with Condition 2(a) of this variance, they must:

(i) Ensure that an enclosure surrounds the platform, and that this enclosure is at least 42 inches (106.7 cm) above the platform's floor;

(ii) Provide overhead protection when an overhead hazard is, or could be, present; and

(iii) Comply with the applicable scaffolding strength requirements specified by 29 CFR 1926.451(a)(1).

(b) *Fall-protection equipment.* Before employees use work platforms or boatswains' chairs, the employers must equip the employees with, and ensure that they use, full body harnesses.

<sup>2</sup> To reduce impact hazards should employees lose their balance because of cage movement.

<sup>3</sup> Paragraphs (a) and (b) were adapted from OSHA's Underground Construction Standard (29 CFR 1926.800(t)(4)(iv)).

lanyards and lifelines as specified by 29 CFR 1926.104 and the applicable requirements of 29 CFR 1926.502(d). This requirement includes securing the lifelines to the top of the chimney and to a weight at the bottom of the chimney, and ensuring the employees' lanyards are attached to the lifeline during the entire period of vertical transit.

#### 15. Inspections, Tests, and Accident Prevention

- (a) The employers must:
- (i) Conduct inspections of the hoist system as required by 29 CFR 1926.20(b)(2);
  - (ii) Ensure that a competent person conducts daily visual inspections of the hoist system; and
  - (iii) Inspect and test the hoist system as specified by 29 CFR 1926.552(c)(15).
- (b) The employers must comply with the accident-prevention requirements of 29 CFR 1926.20(b)(3).

#### 16. Welding

(a) The employers must use only qualified welders to weld components of the hoisting system.

(b) The employers must ensure that the qualified welders:

- (i) Are familiar with the weld grades, types, and materials specified in the design of the system; and
- (ii) Perform the welding tasks in accordance with 29 CFR part 1926, subpart J ("Welding and Cutting").

#### VII. Authority and Signature

Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC directed the preparation of this notice. This notice is issued under the authority specified by section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 5-2002 (67 FR 65008), and 29 CFR part 1905.

Signed at Washington, DC on January 30, 2005.

Jonathan L. Snare,

Acting Assistant Secretary of Labor.

[FR Doc. E6-2959 Filed 2-28-06; 8:45 am]

BILLING CODE 4510-26-P

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted to OMB at the address below on or before March 31, 2006 to be assured of consideration.

**ADDRESSES:** Send comments to Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5167.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301-837-1694 or fax number 301-837-3213.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on December 7, 2005 (70 FR 72860 and 72861). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (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 the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collection:

**Title:** Online Reproduction Orders for National Archives Records.  
**OMB number:** 3095-NEW.  
**Agency form number:** N/A.  
**Type of review:** Regular.  
**Affected public:** Individuals or households.

**Estimated number of respondents:** 13,270.

**Estimated time per response:** 10 minutes.

**Frequency of response:** On occasion.

**Estimated total annual burden hours:** 2,680 hours.

**Abstract:** In December, 2003, NARA launched Order Online!, its online ordering mechanism. With the availability of an Internet-based ordering system (Order Online!), NARA has made accessible online certain reproduction order forms (replicas of the NATF Series 80 Forms and the NATF 36). In the near future, NARA plans to make available custom orders for the remaining types of reproduction services, to allow researchers to submit reproduction orders and remit payment electronically.

The information that NARA proposes to collect for quoted reproduction orders includes the descriptive information (information necessary to search for the records), payment information (e.g., credit card type, credit card number, and expiration date), customer name, shipping and billing address, and phone number. NARA also proposes to offer customers the option of submitting their e-mail address as a means of facilitating communication such as order confirmation, status updates, and issue handling.

Dated: February 22, 2006.

Martha Morphy,

Acting Assistant Archivist for Information Services.

[FR Doc. E6-2835 Filed 2-28-06; 8:45 am]

BILLING CODE 7515-01-P

## NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

### Notice of Meetings

**AGENCY:** U.S. National Commission on Libraries and Information Science.

**ACTION:** Notice of meetings.

**SUMMARY:** The U.S. National Commission on Libraries and Information Science is holding an open business meeting to discuss Commission programs and administrative matters. Commissioners will review programs related to the Commission's strategic initiatives. Each of the Commission's task forces will share progress reports and the Commission will discuss future directions and activities. Topics will include (1) debrief on the symposium at the University of Michigan on Mass Digitization Impacts; (2) debrief on World Summit on the Information Society in Tunis; (3) the 2006 Health Information Awards; (4) the White House Conference on Aging; (5) the Commission's involvement in American Corners; (6) new measures of library performance and impact; (7)

relationship between school libraries and educational achievement.

**DATE AND TIME:** NCLIS Business Meeting—March 11, 2006, 2 p.m.–3 p.m.; March 12, 2006, 9 a.m.–4 p.m.

**ADDRESSES:** Four Points by Sheraton Ann Arbor, 3200 Boardwalk, Ann Arbor, MI 48108.

*Status:* Open meeting.

**SUPPLEMENTARY INFORMATION:** The business meeting is open to the public, subject to space availability. To make special arrangements for physically challenged persons, contact Madeleine McCain, Director of Operations, 1800 M Street, NW., Suite 350 North Tower, Washington, DC 20036, e-mail [mmccain@nclis.gov](mailto:mmccain@nclis.gov), fax 202-606-9203 or telephone 202-606-9200.

*Summary:* The U.S. National Commission on Libraries and Information Science is also holding a closed meeting to review budget matters and future directions. Closing this meeting is in accordance with the exemption provided under Title 45, CFR 1703.202(a)(9).

*Date and Time:* NCLIS Closed Meeting—March 11, 3–6 p.m.

*Addresses:* Four Points by Sheraton Ann Arbor, 3200 Boardwalk, Ann Arbor, MI 48108.

*Status:* Closed meeting.

**FOR FURTHER INFORMATION CONTACT:** Madeleine McCain, Director of Operations, U.S. National Commission on Libraries and Information Science, 1800 M Street, NW., Suite 350 North Tower, Washington, DC 20036, e-mail [mmccain@nclis.gov](mailto:mmccain@nclis.gov), fax 202-606-9203 or telephone 202-606-9200.

Dated: February 21, 2006.

**Trudi Bellardo Hahn,**

*NCLIS Executive Director.*

[FR Doc. E6-2831 Filed 2-28-06; 8:45 am]

BILLING CODE 7528-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-389]

### Florida Power and Light Company, et al.; Notice of Consideration of Issuance of Amendment to Facility Renewed Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering issuance of an amendment to Facility Renewed Operating License No. NPF-16, issued to Florida Power and Light Company, et al. (the licensee), for operation of the St. Lucie Nuclear

Plant, Unit No. 2, located in St. Lucie County, Florida.

The proposed amendment would revise the Technical Specifications (TSs) for the Containment Ventilation System to allow additional corrective actions for inoperable containment purge supply and exhaust valves.

On February 14, 2006, the licensee determined, during a routine surveillance that measures leakage in lines penetrating containment, that a containment purge supply valve at St. Lucie Unit 2 was inoperable. The current TSs require the plant to be shut down if the valve cannot be restored to operable status within 24 hours. Due to the nature of the failure and the uniqueness of the valve, the licensee was unable to repair or replace the valve within the required time frame. Instead, a blank flange was installed in place of the inoperable valve and the leak integrity of the penetration was verified. This alternate corrective action is consistent with the standard TSs for Combustion Engineering plants. Following discussions with the licensee, the NRC staff determined that the alternate corrective action provided adequate safety and a Notice of Enforcement Discretion (NOED) was approved on February 15, 2006, to allow continued operation of St. Lucie Unit 2 with the blank flange in place until the TSs were revised or until March 24, 2006, whichever occurs first. The reason for the exigency is to complete the processing of the proposed amendment within the time frame of the NOED.

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 10 CFR 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 amendments 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) Operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the St. Lucie Unit 2 Technical Specifications will allow isolation of the affected penetration using a closed and de-activated automatic valve with resilient seals or a blind flange in the event that one or more containment purge valves are not within valve leakage limits. This action is consistent with the applicable required actions for Condition E of Specification 3.6.3 of NUREG-1432, "Standard Technical Specifications Combustion Engineering Plants." The containment purge valves are part of the containment purge and/or the continuous purge/hydrogen purge systems. The containment purge valves are not accident initiators. In addition, neither the containment purge nor the continuous purge/hydrogen purge systems are required for safe shutdown of the reactor or to mitigate the consequences of a design basis accident. The containment purge system is designed to reduce the level of radioactive contamination in the containment atmosphere below the limits of 10 CFR 20 so as to permit personnel access to the containment during shutdown and refueling. The continuous purge/hydrogen purge system is used as a not-nuclear-safety backup to the redundant safety-related hydrogen recombiners which maintain containment hydrogen concentration below 4% after a postulated accident.

Use of a closed and de-activated automatic valve with resilient seals or a blind flange to isolate a failed penetration provides a barrier to the release of radioactivity for those accidents previously evaluated. Therefore, operation of the facility in accordance with the proposed amendments does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) 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.

The containment purge valves are not accident initiators. Use of a closed and de-activated automatic valve with resilient seals or a blind flange to isolate a failed penetration does not introduce any new failure modes. Therefore, operation of the facility in accordance with the proposed amendments does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

Use of a closed and de-activated automatic valve with resilient seals or a blind flange to isolate a failed penetration will ensure that the penetration's pressure retention containment isolation safety function continues to be satisfied. There will be no decrease in the ability of the containment purge or the continuous purge/hydrogen purge systems to perform their containment

isolation safety function as assumed in the accident analyses. In addition, use of a closed and de-activated automatic valve with resilient seals or a blind flange to isolate a failed containment purge penetration is consistent with the provisions of Condition E of Specification 3.6.3 of NUREC-1432. Therefore, operation of the facility in accordance with the proposed amendments will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

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, Rules and Directives 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 and Issuance of Orders" 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 petitioner 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(c)(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](mailto: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](mailto: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 February 21, 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.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 [pdrc@nrc.gov](mailto:pdrc@nrc.gov).

Dated at Rockville, Maryland, this 23rd day of February 2006.

For the Nuclear Regulatory Commission.

**Brendan T. Moroney,**

*Project Manager, Plant Licensing Branch II-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E6-2856 Filed 2-28-06; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Abnormal Occurrence Reports: Implementation of Section 208 of the Energy Reorganization Act of 1974; Revised Policy Statement

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Issuance of Revised Policy Statement on Abnormal Occurrence Criteria and Solicitation of Comments.

**SUMMARY:** This policy statement presents the revised abnormal occurrence (AO) criteria the Commission uses for selecting AO's for the annual report to Congress as required by section 208 of the Energy Reorganization Act of 1974 (Pub. L. 93-438). Section 208 of the act defines an AO as an unscheduled incident or event which the U.S. Nuclear Regulatory Commission (NRC) determines to be significant from the standpoint of public health or safety. The AO criteria have been amended to ensure that the criteria are consistent with the NRC's Strategic Plan for Fiscal Year (FY) 2004-2009 and the NRC rulemaking on Title 10, part 35, of the Code of Federal Regulations (10 CFR part 35), "Medical Use of Byproduct Material." Additionally, risk-informed criteria based on the NRC Accident Sequence Precursor (ASP) Program and Reactor Oversight Process (ROP) have been added for selecting abnormal occurrences at commercial nuclear power plants for the report to Congress. The ASP program assesses the risk significance of issues and events. The ROP is a risk-informed, tiered approach to ensuring the safety of nuclear power plants. The ROP is a process for collecting information about licensee performance, assessing the safety significance of the information, taking appropriate actions, and ensuring that licensees correct deficiencies. Some sections of the AO criteria have been restructured. The restructuring accommodates the changes in the criteria and minimizes duplication. Any interested party may submit comments on the criteria for the NRC staff's consideration. The comments should include supporting information.

**DATES:** Submit comments by May 30, 2006. Comments received after this date will be considered if it is practicable to do so, but cannot be assured consideration.

**ADDRESSES:** You may submit comments by any one of the following methods. Comments submitted in writing or electronic form will be made available for public inspection. Mail comments to Secretary, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff. E-mail comments to [SECY@nrc.gov](mailto:SECY@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, call us at (301) 415-1966. Hand-deliver comments to 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays (telephone (301) 415-1966). Fax comments to Secretary, U.S. Nuclear Regulatory Commission, at (301) 415-1101.

Publicly available documents may be viewed electronically on the public computers at the NRC's Public Document Room (PDR), One White Flint North, 11555 Rockville Pike, Room O1-F21, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. The public can access the NRC's Agencywide Documents Access and Management System (ADAMS) through the agency's public Web site at <http://www.nrc.gov>. This Web site provides text and image files of the NRC's public documents. If you do not have access to ADAMS or have problems in accessing the documents in ADAMS, contact the NRC PDR reference staff at 1-800-397-4209 or 301-415-4737 or by e-mail to [pdrc@nrc.gov](mailto:pdrc@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Sheryl Burrows, telephone: (301) 415-6086; e-mail: [SAB2@nrc.gov](mailto:SAB2@nrc.gov); USNRC, Office of Nuclear Regulatory Research, Mail Stop T9-F31, Washington, DC 20555-0001.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, Maryland.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 208 of the Energy Reorganization Act of 1974 (Pub. L. 93-438) defines an abnormal occurrence (AO) as an unscheduled incident or event which the U.S. Nuclear Regulatory Commission (NRC) determines to be significant from the standpoint of public health or safety. The Federal Reports Elimination and Sunset Act of 1995 (Pub. L. 104-66) requires that AOs be reported to Congress annually. Section 208 requires that the discussion of each event include the date and place, the nature and probable consequences, the cause or causes, and the action taken to prevent recurrence. The Commission must also widely disseminate the AO report to the



public within 15 days of sending it to Congress.

#### *Abnormal Occurrence Reporting*

The AO policy statement has been developed to comply with Section 208 of the Energy Reorganization Act of 1974, as amended. The intent of the act is to keep Congress and the public informed of unscheduled incidents or events which the Commission considers significant from the standpoint of public health and safety. The policy reflects a range of health and safety concerns and applies to incidents and events involving a single individual, as well as those having overall impact on the general public. The AO criteria uses a high reporting threshold to report to Congress only those events considered significant from the standpoint of public health and safety.

#### *Licensee Reports*

This general policy statement will not change the reporting requirements for NRC licensees in Commission regulations, license conditions, or technical specifications (TS). NRC licensees will continue to submit required reports on a wide range of events, including instrument malfunctions and deviations from normal operating procedures that are not significant from the standpoint of the public health and safety but provide data useful to the Commission in monitoring operating trends at licensed facilities and in comparing the actual performance of the facilities with their design and/or licensing basis.

#### *Applicability*

Implementation of section 208 of the Energy Reorganization Act of 1974, as amended, "Abnormal Occurrence Reports", involves the conduct of Commission business and does not impose requirements on licensees or certified facilities. The reports cover certain unscheduled incidents or events related to the manufacture, construction, or operation of a facility or conduct of an activity subject to the requirements of parts 20, 30 through 36, 39, 40, 50, 61, 70, 71, 72 or 76 of Chapter I of Title 10 of the Code of Federal Regulations (10 CFR).

Agreement States provide information to the NRC on incidents and events involving applicable nuclear materials in their States. Events reported by Agreement States that reach the threshold for reporting as AOs are also published in the "Report to Congress on Abnormal Occurrences."

#### *Abnormal Occurrence General Statement of Policy*

The Commission will apply the following policy in determining whether an incident or event at a facility or involving an activity that is licensed or otherwise regulated by the Commission is an AO.

An incident or event is considered an AO if it involves a major reduction in the protection of public health or safety. The incident or event has a moderate or severe impact on public health or safety and could include, but need not be limited to, the following:

- (1) Moderate exposure to, or release of, radioactive material licensed or otherwise regulated by the Commission,
- (2) Major degradation of essential safety-related equipment, or
- (3) Major deficiencies in the design, construction, or use of management controls for facilities or radioactive material.

The criteria for determining whether to consider an incident or event for reporting as an AO are set forth in Appendix A of this policy statement.

#### *Commission Dissemination of AO Information*

The Commission widely disseminates the AO reports to the public. The Commission submits an annual report to Congress on AOs at or associated with any facility or activity which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended. This report gives the date, place, nature, and probable consequences of each AO, the cause or causes of each AO, and any actions taken to prevent recurrence.

#### **Appendix A: Abnormal Occurrence Criteria**

The following criteria are used to determine whether to consider events for reporting as AOs:

##### **I. For All Licensees**

##### **A. Human Exposure to Radiation from Licensed Material.**

1. Any unintended radiation exposure to an adult (any individual 18 years of age or older) resulting in an annual total effective dose equivalent (TEDE) of 250 mSv (25 rem) or more; or an annual sum of the deep dose equivalent (external dose) and committed dose equivalent (intake of radioactive material) to any individual organ<sup>1</sup> other than the lens of the eye, the bone marrow, and the gonads of 2,500 mSv (250 rem) or more; or an annual dose equivalent to the lens of the eye of 1 Sv (100 rem) or more; or an annual sum of the deep dose equivalent and committed dose equivalent to the bone marrow of 1 Sv (100 rem) or more; or a committed dose equivalent to the gonads of 2,500 mSv (250 rem) or more; or an annual

shallow-dose equivalent to the skin or extremities of 2,500 mSv (250 rem) or more.

2. Any unintended radiation exposure to any minor (an individual less than 18 years of age) resulting in an annual TEDE of 50 mSv (5 rem) or more, or to an embryo/fetus resulting in a dose equivalent of 50 mSv (5 rem) or more.

3. Any radiation exposure that has resulted in unintended permanent functional damage to an organ or a physiological system as determined by a physician.

**B. Discharge or dispersal of radioactive material from its intended place of confinement which results in the release of radioactive material to an unrestricted area in concentrations which, if averaged over a period of 24 hours, exceeds 5,000 times the values specified in Table 2 of Appendix B to 10 CFR part 20, unless the licensee has demonstrated compliance with § 20.1301 using § 20.1302(b)(1) or § 20.1302(b)(2)(ii). This criterion does not apply to transportation events.**

##### **C. Theft, Diversion, or Loss of Licensed Material, or Sabotage or Security Breach.<sup>1</sup>**

1. Any unrecovered lost, stolen, or abandoned sources that exceed the values listed in Appendix P to Part 110, "High Risk Radioactive Material, Category 2." Excluded from reporting under this criterion are those events involving sources that are lost, stolen, or abandoned under the following conditions: Sources abandoned in accordance with the requirements of 10 CFR 39.77(c); sealed sources contained in labeled, rugged-source housings; recovered sources with sufficient indication that doses in excess of the reporting thresholds specified in AO criteria I.A.1 and I.A.2 did not occur while the source was missing; and unrecoverable sources (sources that have been lost and for which a reasonable attempt at recovery has been made without success) lost under such conditions that doses in excess of the reporting thresholds specified in AO criteria I.A.1 and I.A.2 are not known to have occurred and the agency has determined that the risk of theft or diversion is acceptably low.

2. A substantiated case of actual or attempted theft or diversion of licensed material or sabotage of a facility.

3. Any substantiated loss of special nuclear material or any substantiated inventory discrepancy that is judged to be significant relative to normally expected performance and that is judged to be caused by theft or diversion or by a substantial breakdown of the accountability system.

4. Any substantial breakdown of physical security or material control (i.e., access control containment or accountability systems) that significantly weakened the

<sup>1</sup> Information pertaining to certain incidents may be either classified or under consideration for classification because of national security implications. Classified information will be withheld when formally reporting these incidents in accordance with section 208 of the ERA of 1974, as amended. Any classified details regarding these incidents would be available to the Congress, upon request, under appropriate security arrangements.

protection against theft, diversion, or sabotage.<sup>2</sup>

5. Any significant unauthorized disclosures (loss, theft, and/or deliberate) of classified and/or safeguards information that harm national security.

D. Initiation of High-Level NRC Team Inspections.<sup>3</sup>

## II. For Commercial Nuclear Power Plant Licensees

A. Malfunction of Facility, Structures, or Equipment.

1. Exceeding a safety limit of license technical specification (TS) [10 CFR 50.36(c)].

2. Serious degradation of fuel integrity, primary coolant pressure boundary, or primary containment boundary.

3. Loss of plant capability to perform essential safety functions so that a release of radioactive materials which could result in exceeding the dose limits of 10 CFR part 100 or 5 times the dose limits of 10 CFR part 50, Appendix A, General Design Criterion (GDC) 19, could occur from a postulated transient or accident (e.g., loss of emergency core cooling system, loss of control rod system).

B. Design or Safety Analysis Deficiency, Personnel Error, or Procedural or Administrative Inadequacy.

1. Discovery of a major condition not specifically considered in the safety analysis report (SAR) or TS that requires immediate remedial action.

2. Personnel error or procedural deficiencies that result in loss of plant capability to perform essential safety functions so that a release of radioactive materials which could result in exceeding the dose limits of 10 CFR part 100 or 5 times the dose limits of 10 CFR part 50, Appendix A, GDC 19, could occur from a postulated transient or accident (e.g., loss of emergency core cooling system, loss of control rod drive mechanism).

C. Any reactor events or conditions that are determined to be of high safety significance.<sup>4</sup>

D. Any operating reactor plants that are determined to have overall unacceptable performance or that are in a shutdown

<sup>2</sup> Due to increased terrorist activities worldwide, the AO report would not disclose specific classified information and sensitive information, the details of which are considered useful to a potential terrorist. Classified information is defined as information that would harm national security if disclosed in an unauthorized manner.

<sup>3</sup> Initiation of any Incident Investigation Teams, as described in NRC Management Directive (MD) 8.3, "NRC Incident Investigation Program," or initiation of any Accident Review Groups, as described in MD 8.9, "Accident Investigation."

<sup>4</sup> The NRC ROP uses four colors to describe the safety significance of licensee performance. As defined in NRC Management Directive 8.13, "Reactor Oversight Process," green is used for very low safety significance, white is used for low to moderate safety significance, yellow is used for substantial safety significance, and red is used for high safety significance. Reactor conditions or performance indicators evaluated to be red are considered Abnormal Occurrences. Additionally, Criterion II.C also includes any events or conditions evaluated by the NRC ASP program to have a conditional core damage probability (CCDP) or change in core damage probability (ACDP) of greater than  $1 \times 10^{-3}$ .

condition as a result of significant performance problems and/or operational event(s).<sup>5</sup>

## III. Events at Facilities Other Than Nuclear Power Plants and All Transportation Events

A. Events Involving Design, Analysis, Construction, Testing, Operation, Transport, Use, or Disposal of Licensed Facilities or Regulated Materials

1. An accidental criticality [10 CFR 70.52(a)].

2. A major deficiency in design, construction, control, or operation having significant safety implications that require immediate remedial action.

3. A serious safety-significant deficiency in management or procedural controls.

4. A series of events (in which the individual events are not of major importance), recurring incidents, or incidents with implications for similar facilities (generic incidents) that raise a major safety concern.

### B. For Fuel Cycle Facilities

1. Absence or failure of all safety-related or security-related controls (engineered and human) for an NRC-regulated lethal hazard (radiological or chemical) while the lethal hazard is present.

2. An NRC-ordered safety-related or security-related immediate remedial action.

### C. For Medical Licensees

A medical event that:

1. Results in a dose that is:

- Equal to or greater than 1Gy (100 rad) to a major portion of the bone marrow or to the lens of the eye; or equal or greater than 2.5 Gy (250 rad) to the gonads; or
- Equal to or greater than 10 Gy (1,000 rad) to any other organ or tissue; and

2. Represents either:

- A dose or dosage that is at least 50 percent greater than that prescribed; or
- A prescribed dose or dosage that:
  - Is the wrong radiopharmaceutical or unsealed byproduct material; or
  - Is delivered by the wrong route of administration; or
  - Is delivered to the wrong treatment site; or
  - Is delivered by the wrong treatment mode; or
  - Is from a leaking source or sources; or
  - Is delivered to the wrong individual or human research subject.

## IV. Other Events of Interest

The Commission may determine that events other than AOs may be of interest to Congress and the public and should be included in an appendix to the AO report as "Other Events of Interest." Such events include, but are not necessarily limited to, events that do not meet the AO criteria but that have been perceived by Congress or the public to be of high health and safety

<sup>5</sup> Any plants assessed by the ROP to be in the unacceptable performance column, as described in NRC Inspection Manual Chapter 0305, "Operating Reactor Assessment Program." This assessment of safety performance is based on the number and significance of NRC inspection findings and licensee performance indicators.

significance, have received significant media coverage, or have caused the NRC to increase its attention to or oversight of a program area, or a group of similar events as a result of which licensed materials entered the public domain in an uncontrolled manner. [5 U.S.C. 552(a)].

Dated at Rockville, Maryland, this 23rd day of February, 2006.

For the U.S. Nuclear Regulatory Commission.

Annette L. Vietti-Cook.

Secretary of the Commission.

[FR Doc. E6-2857 Filed 2-28-06; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

Upon written request, copy available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form N-54C; SEC File No. 270-184; OMB Control No. 3235-0236.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*] (the "Act"), the Securities and Exchange Commission (the "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.

Form N-54C under the Investment Company Act of 1940 [17 CFR 274.54] is a notification to the Commission that a company withdraws its election to be regulated as a business development company. Such a company only has to file a Form N-54C once.

It is estimated that approximately 18 respondents per year file with the Commission a Form N-54C. Form N-54C requires approximately 1 burden hour per response resulting from creating and filing the information required by the Form. The total burden hours for Form N-54C would be 18 hours per year in the aggregate. The estimated annual burden of 18 hours represents an increase of 10 hours over the prior estimate of 8 hours. The increase in burden hours is attributable to an increase in the number of respondents from 8 to 18.

The estimate of average burden hours for Form N54-C is made solely for the purposes of the Act and is not derived from a comprehensive or even

representative survey or study of the costs of Commission rules and forms.

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 will 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 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, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

Dated: February 22, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6-2850 Filed 2-28-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53349; File No. SR-Amex-2006-07]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Extension of a Pilot Program That Increases Position and Exercise Limits for Equity Options and Options on the Nasdaq-100 Tracking Stock

February 22, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 31, 2006, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Amex. The Exchange has filed the proposal as a "non-controversial" rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders it 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 seeks a six-month extension of its pilot program increasing the standard position and exercise limits for options on the QQQQ and equity option classes traded on the Exchange ("Pilot Program"). The text of the proposed rule change is available on the Amex's Web site ([http://](http://www.amex.com)

[www.amex.com](http://www.amex.com)), at the Amex's principal office, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange is requesting to extend its current Pilot Program increasing the standard position and exercise limits for options on the QQQQ and equity option classes traded on the Exchange for a time period of slightly over six months from February 23, 2006, through and including September 1, 2006.

The Exchange previously filed a proposed rule change, which was effective upon filing with the Commission, that increased standard position and exercise limits for options on the QQQQ and for equity option classes traded on the Exchange on a pilot basis for a six-month period.<sup>5</sup> Under the Pilot Program, position and exercise limits for options on the QQQQ and equity options classes traded on the Exchange were increased to the following levels:

Current equity option contract Limit <sup>6</sup>	Pilot program equity option contract limit
13,500	25,000
22,500	50,000
31,500	75,000
60,000	200,000
75,000	250,000
Current QQQQ option contract limit	Pilot Program QQQQ option contract limit
300,000	900,000

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> The Pilot Program, which commenced on March 3, 2005, is set to expire on February 23, 2006. See Securities Exchange Act Release No. 51316 (March 3, 2005), 70 FR 12251 (March 11, 2005) (notice of filing and immediate effectiveness of File No. SR-Amex-2005-029). See also Securities Exchange Act

Release No. 52260 (August 15, 2005), 70 FR 48991 (August 22, 2005) (notice of filing and immediate effectiveness of File No. SR-Amex-2005-082, which extended the Pilot Program).

<sup>6</sup> Except when the Pilot Program is in effect.

The standard position limits were last increased on December 31, 1998.<sup>7</sup> Since that time there has been a steady increase in the number of accounts that: (a) Approach the position limit; (b) exceed the position limit; and (c) are granted an exemption to the standard limit. Several member firms have petitioned the options exchanges to either eliminate position limits, or in lieu of total elimination, increase the current levels and expand the available hedge exemptions. A review of available data indicates that the majority of accounts that maintain sizable positions are in those option classes subject to the 60,000 and 75,000 tier limits. There also has been an increase in the number of accounts that maintain sizable positions in the lower three tiers. In addition, overall volume in the options market has continually increased over the past five years. The Exchange believes that the increase in options volume and lack of evidence of market manipulation occurrences over the past twenty years justifies the proposed increases in the position and exercise limits.

The Exchange has not encountered any problems or difficulties relating to the Pilot Program since its inception. The instant proposed rule change makes no substantive change to the Pilot Program other than to extend it for a time period slightly over six months through September 1, 2006.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act<sup>8</sup> in general and furthers the objective of Section 6(b)(5) of the Act<sup>9</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change would impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

<sup>7</sup> See Securities Exchange Act Release No. 40875 (December 31, 1998), 64 FR 1842 (January 12, 1999) (SR-Amex-98-22) (approval of increase in position limits and exercise limits).

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

### 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 by the Exchange on this proposal.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the forgoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>10</sup> and Rule 19b-4(f)(6) thereunder.<sup>11</sup>

A proposed rule change filed under 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing.<sup>12</sup> However, Rule 19b-4(f)(6)(iii)<sup>13</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange provided the Commission with written notice of its intent to file this proposed rule change at least five business days prior to the date of filing the proposed rule change. In addition, the Exchange has requested that the Commission waive the 30-day pre-operative delay. The Commission believes that waiving the 30-day pre-operative delay is consistent with the protection of investors and in the public interest because it will allow the Pilot Program to continue uninterrupted.<sup>14</sup>

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 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.

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

<sup>12</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>13</sup> *Id.*

<sup>14</sup> For the purposes only of waiving the pre-operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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](mailto:rule-comments@sec.gov). Please include File No. SR-Amex-2006-07 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 No. SR-Amex-2006-07. 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, 100 F Street, NE., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-Amex-2006-07 and should be submitted on or before March 22, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

**Nancy M. Morris,**  
Secretary.

[FR Doc. E6-2814 Filed 2-28-06; 8:45 am]

BILLING CODE 8010-01-P

<sup>15</sup> 17 CFR 200.30-3(a)(12).

**SECURITIES AND EXCHANGE  
COMMISSION**

[Release No. 34-53347; File No. SR-BSE-2006-07]

**Self-Regulatory Organizations; Boston  
Stock Exchange, Inc.; Notice of Filing  
and Immediate Effectiveness of  
Proposed Rule Change Relating to Its  
Boston Options Exchange Trading  
Rules Regarding the Extension of a  
Pilot Program That Increases the  
Standard Position and Exercise Limits  
for Certain Options Traded**

February 22, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 15, 2006, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the BSE. The Exchange has filed the proposal as a "non-controversial" rule change pursuant to section 19(b)(3)(A) of the

Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders it 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 BSE proposes to amend the rules of the Boston Options Exchange ("BOX"), an options trading facility of the BSE, to extend its current pilot program to increase the standard position and exercise limits for equity option contracts and options on the Nasdaq-100 Index Tracking Stock ("QQQQ") ("Pilot Program"). The text of the proposed rule change is available on the BSE's Web site (<http://www.bostonstock.com>), at the BSE's principal office, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's  
Statement of the Purpose of, and  
Statutory Basis for, the Proposed Rule  
Change**

In its filing with the Commission, the BSE included statements concerning the

purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

**A. Self-Regulatory Organization's  
Statement of the Purpose of, and  
Statutory Basis for, the Proposed Rule  
Change**
**1. Purpose**

The Pilot Program provides for an increase to the standard position and exercise limits for equity option contracts and for options on QQQQs for a six-month period.<sup>5</sup> Specifically, the Pilot Program increased the applicable position and exercise limits for equity options and options on the QQQQ to the following levels:

Current equity option contract limit <sup>6</sup>	Pilot program equity option contract limit
13,500	25,000
22,500	50,000
31,500	75,000
160,000	200,000
75,000	250,000
Current QQQQ option contract limit	Pilot Program QQQQ option contract limit
300,000	900,000

The Exchange believes that extending the Pilot Program for six months is warranted due to positive feedback from members and for the reasons cited in the original rule filing that proposed the adoption of the Pilot Program.<sup>7</sup> In addition, BOX has not encountered any problems or difficulties relating to the Pilot Program since its inception. For these reasons, the BSE requests that the Commission extend the Pilot Program for an additional period of approximately six months, through and including September 1, 2006.

**2. Statutory Basis**

The Exchange believes that its proposal is consistent with section 6(b)

of the Act,<sup>8</sup> in general, and furthers the objective of section 6(b)(5) of the Act,<sup>9</sup> in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

**B. Self-Regulatory Organization's  
Statement on Burden on Competition**

The Exchange does not believe that the proposed rule change will impose any burden on competition.

**C. Self-Regulatory Organization's  
Statement on Comments on the  
Proposed Rule Change Received From  
Members, Participants, or Others**

The Exchange has neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the  
Proposed Rule Change and Timing for  
Commission Action**

Because the forgoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> The Pilot Program, which commenced on March 3, 2005, is set to expire on March 3, 2006. See

Securities Exchange Act Release Nos. 51317 (March 3, 2005), 70 FR 12254 (March 11, 2005) (notice of filing and immediate effectiveness of File No. SR-BSE-2005-10) ("Pilot Program Notice"). See also Securities Exchange Act Release No. 52264 (August 15, 2005), 70 FR 48992 (August 22, 2005) (notice of filing and immediate effectiveness of File No.

SR-BSE-2005-37, which extended the Pilot Program).

<sup>6</sup> Except when the Pilot Program is in effect.

<sup>7</sup> See Pilot Program Notice, *supra* note 5.

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).



Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act<sup>10</sup> and Rule 19b-4(f)(6) thereunder.<sup>11</sup>

A proposed rule change filed under 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing.<sup>12</sup> However, Rule 19b-4(f)(6)(iii)<sup>13</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange provided the Commission with written notice of its intent to file this proposed rule change at least five business days prior to the date of filing the proposed rule change. In addition, the Exchange has requested that the Commission waive the 30-day pre-operative delay. The Commission believes that waiving the 30-day pre-operative delay is consistent with the protection of investors and in the public interest because it will allow the Pilot Program to continue uninterrupted.<sup>14</sup>

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 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](mailto:rule-comments@sec.gov). Please include File No. SR-BSE-2006-07 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 No. SR-BSE-2006-07. This file number should be included on the subject line

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

<sup>12</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>13</sup> *Id.*

<sup>14</sup> For the purposes only of waiving the pre-operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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, 100 F Street, NE., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-BSE-2006-07 and should be submitted on or before March 22, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

Nancy M. Morris,  
Secretary.

[FR Doc. E6-2817 Filed 2-28-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53348; File No. SR-CBOE-2006-11]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Extension of a Pilot Program That Increases the Standard Position and Exercise Limits for Certain Options Traded on the Exchange

February 22, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 31, 2006, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities

and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the CBOE. The Exchange has filed the proposal as a "non-controversial" rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders it 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 CBOE proposes to extend an existing pilot program that increases the standard position and exercise limits for certain options traded on the Exchange ("Pilot Program"). The text of the proposed rule change is available on the CBOE's Web site (<http://www.cboe.com>), at the CBOE's principal office, and at the Commission's Public Reference Room.

#### Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Pilot Program, as previously approved by the Commission, provides for an increase to the standard position and exercise limits for equity option contracts and for options on QQQs for a six-month period.<sup>5</sup> Specifically, the

<sup>1</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>2</sup> 17 CFR 240.19b-4(f)(6).

<sup>3</sup> The proposed extension is actually for six months and ten days. The Pilot Program, which the Commission approved for February 23, 2005, and extended for an additional six months, is set to expire on February 23, 2006. See Securities Exchange Act Release No. 51244 (February 23, 2005) 70 FR 10010 (March 1, 2005) (order approving SR-CBOE-2003-30, as amended) ("Pilot Program Order"). See also Securities Exchange Act Release No. 52262 (August 15, 2005), 70 FR 48995 (August 22, 2005) (order approving SR-CBOE-2005-61).

<sup>15</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

Pilot Program increased the applicable position and exercise limits for equity options on the QQQQ in accordance with the following levels:

Current equity option contract limit <sup>6</sup>	Pilot program equity option contract limit
13,500	25,000
22,500	50,000
31,500	75,000
60,000	200,000
75,000	250,000
Current QQQQ option contract limit	Pilot program QQQQ option contract limit
300,000	900,000

The purpose of the proposed rule change is to extend the Pilot Program for an additional period of slightly over six months, through September 1, 2006. The Exchange believes that extending the Pilot Program for six months is warranted due to the positive feedback from members and for the reasons cited in the original rule filing that proposed the adoption of the Pilot Program.<sup>7</sup> Also, the Exchange has not encountered any problems or difficulties relating to the Pilot Program since its inception. For these reasons, the Exchange requests that the Commission extend the Pilot Program for the aforementioned additional period.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements provided under Section 6(b)(5) of the Act that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change does not: (1) significantly affect the protection of investors or the public interest; (2) impose any significant

burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>8</sup> and Rule 19b-4(f)(6) thereunder.<sup>9</sup>

A proposed rule change filed under 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing.<sup>10</sup> However, Rule 19b-4(f)(6)(iii)<sup>11</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day pre-operative delay. The Commission believes that waiving the 30-day pre-operative delay is consistent with the protection of investors and in the public interest because it will allow the Pilot Program to continue uninterrupted.<sup>12</sup>

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 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:

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f)(6).

<sup>10</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>11</sup> *Id.*

<sup>12</sup> For the purposes only of waiving the pre-operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f). The Commission is also exercising its authority to waive the five-day pre-filing requirement.

### Electronic Comments

- Use the Commission's Internet comment from (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-CBOE-2006-11 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 No. SR-CBOE-2006-11. 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, 100 F Street, NE., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-CBOE-2006-11 and should be submitted on or before March 22, 2006.

<sup>6</sup> Except when the Pilot Program is in effect.

<sup>7</sup> See Pilot Program Order, *supra* note 5.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

Nancy M. Morris,  
Secretary.

[FR Doc. 06-1907 Filed 2-28-06; 8:45 am]  
BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53343; File No. SR-CBOE-2006-13]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereo To Amend CBOE Rule 8.3 Relating to Market-Maker Appointments

February 22, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 2, 2006, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> On February 17, 2006, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>5</sup> The Commission is publishing this notice, as amended, 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 CBOE proposes to amend CBOE Rule 8.3 relating to Market-Maker appointments. The text of the proposed rule change is available on the CBOE's Web site (<http://www.cboe.com>), at the CBOE's Office of the Secretary, and at the Commission.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of this rule change is to amend CBOE Rule 8.3 relating to Market-Maker appointments, other than appointments for Remote Market-Makers. Currently, CBOE Rule 8.3(c) provides that a Market-Maker can quote (i) electronically in all classes traded on the Hybrid Trading System that are located in one designated trading station ("appointed trading station") provided, however, that with respect to Hybrid 2.0 Classes, a Market-Maker may submit electronic quotations in up to 40 classes for each Exchange membership it owns or up to 30 classes for each Exchange membership it leases; and (ii) in open outcry all classes traded on the Exchange.

CBOE proposes to allow a Market-Maker that is submitting electronic quotations in his or her appointed Hybrid and Hybrid 2.0 Classes to quote electronically in either two additional Hybrid 2.0 Classes in Tier A or Tier B that are not located in the Market-Maker's appointed trading station, or five additional Hybrid 2.0 Classes in Tiers C, D, or E that are not located in the Market-Maker's appointed trading station.<sup>6</sup>

CBOE Rule 8.3 also would provide that the Market-Maker cannot be affiliated with an e-DPM or RMM that holds an appointment in one of these additional Hybrid 2.0 Classes, which is consistent with the current restriction in CBOE Rule 8.3 on Market-Makers streaming electronic quotations from

outside of their appointed trading stations in classes in which an affiliated e-DPM or RMM submits electronic quotations.<sup>7</sup> Moreover, pursuant to a Pilot Program that expires on September 14, 2006, a Market-Maker could be affiliated with another Market-Maker ("Affiliated Market-Maker") who holds an appointment in one of these additional Hybrid 2.0 Classes, provided that the Market-Maker could not submit electronic quotations in these additional Hybrid 2.0 Classes if the Affiliated Market-Maker is submitting electronic quotations from outside its appointed trading station. Pursuant to a separate Pilot Program that expires on March 14, 2006 (see CBOE Rule 8.4(c)(ii)), if both Market-Makers operate as multiple aggregation units under the criteria set forth in CBOE Rule 8.4(c)(ii), the preceding restriction would not apply.

With respect to the additional Hybrid 2.0 Classes, the provisions of CBOE Rule 8.3A would continue to apply, and a Market-Maker would be able to quote electronically in the options classes provided the Class Quoting Limit ("CQL") for the option class has not been met (unless the CQL has been otherwise increased under the provisions of CBOE Rule 8.3A).

CBOE believes it would be appropriate and beneficial to permit Market-Makers to quote electronically in an additional number of Hybrid 2.0 Classes which are not located in the Market-Maker's appointed trading station. The Exchange believes that allowing Market-Makers the opportunity to quote electronically in up to either two additional Hybrid 2.0 Classes in Tier A or Tier B that are not located in the Market-Maker's appointed trading station, or five additional Hybrid 2.0 Classes in Tiers C, D, or E that are not located in the Market-Maker's appointed trading station would increase competition and liquidity in the classes, while providing Market-Makers with additional trading opportunities outside of their appointed trading stations.

CBOE also proposes to eliminate the 40/30 restriction on quoting Hybrid 2.0 Classes electronically depending on whether the Market-Maker owns or leases a membership. Instead, the CBOE proposes to allow a Market-Maker to submit electronic quotations in all Hybrid and Hybrid 2.0 Classes located in his/her appointed trading station. CBOE does not believe that the limitation on only quoting electronically

<sup>13</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> Amendment No. 1 is incorporated in this notice. Amendment No. 1 clarifies that for purposes of the proposed amendment to CBOE Rule 8.3, the Exchange is using the specific Tiers set forth in CBOE Rule 8.4(d) that have been structured for purposes of Remote Market-Maker appointments.

<sup>6</sup> For purposes of Remote Market-Maker appointments, CBOE has assigned approximately 604 Hybrid 2.0 Classes to five separate tiers structured according to trading volume statistics and an "A+" Tier which consists of five option classes listed in CBOE Rule 8.4(d). Tiers A through E each consist of approximately 120 Hybrid 2.0 Classes.

<sup>7</sup> CBOE Rule 8.3(c) states that: "Any Market-Maker affiliated with an e-DPM or RMM shall be ineligible to submit electronic quotations from outside of its appointed trading station pursuant to this rule in any class in which the affiliated e-DPM or RMM has an appointment."

in either 40 Hybrid 2.0 Classes (if a market-Maker owns a membership) or 30 Hybrid 2.0 Classes (if the market-Maker leases a membership) is necessary since the average number of Hybrid 2.0 Classes in a trading crowd is 14.9, and the highest number of Hybrid 2.0 Classes in one trading crowd is 28.

## 2. Statutory Basis

The Exchange believes the proposed rule change, as amended, is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>8</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) Act<sup>9</sup> requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

### B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change, as amended, will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>10</sup> and Rule 19b-4(f)(6) thereunder.<sup>11</sup>

At any time within 60 days of the filing of such 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.<sup>12</sup>

Under Rule 19b-4(f)(6)(iii) of the Act,<sup>13</sup> the proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission accelerate the 30-day operative date. The Commission, consistent with the protection of investors and the public interest, has determined to accelerate the 30-day operative date because the proposal does not raise any unique regulatory issues.<sup>14</sup>

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-CBOE-2006-13 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-CBOE-2006-13. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements

<sup>12</sup> For purposes of calculating the 60-day abrogation date, the Commission considers the 60-day period to have commenced on February 17, 2006, the date CBOE filed Amendment No. 1.

<sup>13</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>14</sup> For purposes only of accelerating the 30-day operative period for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CBOE-2006-13 and should be submitted on or before March 22, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

Nancy M. Morris,

Secretary.

[FR Doc. E6-2847 Filed 2-28-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53351; File No. SR-CHX-2006-06]

### Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto To Incorporate Certain Examination Fees

February 22, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 8, 2006, the Chicago Stock Exchange, Inc. ("CHX" 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 CHX. On February 17, 2006, the CHX filed Amendment No. 1 to the proposed rule change.<sup>3</sup> The CHX filed the proposal pursuant to Section 19(b)(3)(A)(ii) of the

<sup>15</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> In Amendment No. 1, the Exchange clarified the scope of the Series 7A Examination fee in the proposed rule text and made minor technical changes with respect to the purpose of the proposal.

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

Act<sup>4</sup> and Rule 19b-4(f)(2) thereunder,<sup>5</sup> which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CHX proposes to amend its Participant Fees and Credits schedule (the "Fee Schedule") to incorporate the fees charged by the National Association of Securities Dealers, Inc. ("NASD") for examinations that certain CHX participants must successfully complete. Below is the text of the proposed rule change. Proposed new language is in *italics*.

#### PARTICIPANT FEES AND CREDITS

\* \* \* \* \*

#### K. Market Regulation and Market Surveillance Fees

\* \* \* \* \*

#### FEES FOR NASD-PROVIDED SERVICES [Paid directly to NASD]

Continuing Education Regulatory Element (Effective January 1, 2006) .....	\$75.00
Series 7 Examination .....	250.00
Series 7A Examination (includes NYSE development fee) .....	250.00
Series 27 Examination .....	95.00

\* \* \* \* \*

The text of the proposed rule change, as amended, is also available on the Exchange's Internet Web site ([http://www.chx.com/rules/proposed\\_rules.htm](http://www.chx.com/rules/proposed_rules.htm)), at the principal office of the Exchange, 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 CHX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CHX 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

Under the Exchange's rules, certain CHX Participants<sup>6</sup> must successfully complete the Series 7, 7A, or 27 examinations, which are administered by the NASD. Specifically, a Participant, or a person associated with a Participant, must successfully complete the Series 7 examination if he or she (1) accepts orders on the Exchange's trading floor from a non-broker-dealer customer; or (2) engages in proprietary or agency trading of equities, preferred securities, or convertible debt securities, in a location away from the Exchange's trading floor on behalf of a firm for which the Exchange is the Designated Examining Authority.<sup>7</sup> Similarly, a Participant must complete the Series 7A examination if he or she accepts orders directly from a professional customer for execution on the Exchange's trading floor.<sup>8</sup> Finally, a person who is associated with a Participant Firm that is a "Joint Back Office Participant"<sup>9</sup> and who is designated as a financial and operations principal for that firm must complete the Series 27 examination.<sup>10</sup> Through this filing, the Exchange proposes to incorporate into the Exchange's Fee Schedule the fees that Exchange Participants must pay the NASD for these examinations.

##### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b) of the Act,<sup>11</sup> in general, and furthers the

<sup>6</sup> "Participant" means any holder of a Trading Permit. A Participant shall be considered a "member" of the Exchange for purposes of the Act. If a Participant is not a natural person, the Participant may also be referred to as a "Participant Firm," but unless the context requires otherwise, the term Participant shall refer to an individual Participant and/or a Participant Firm. See CHX Article I, Rule 1(l).

<sup>7</sup> See CHX Article VI, Rule 3, Interpretation and Policy .01(d) and .02.

<sup>8</sup> See CHX Article VI, Rule 3, Interpretation and Policy .01(d). For purposes of this requirement, a "professional customer" includes a bank, trust company, insurance company, investment trust, a state or political subdivision thereof, a charitable or nonprofit educational institution regulated under the laws of the United States or any state, a pension or profit sharing plan subject to ERISA or of any agency of the United States or of a state or political subdivision thereof, or any person (other than a natural person) who has, or who has under management, net tangible assets of at least sixteen million dollars. *Id.*

<sup>9</sup> See CHX Article XI, Rule 3A(a) (defining requirements for Joint Back Office Participants).

<sup>10</sup> See CHX Article VI, Rule 3, Interpretation and Policy .01(e).

<sup>11</sup> 15 U.S.C. 78f(b).

objectives of Section 6(b)(4) of the Act,<sup>12</sup> in particular, because it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among members of the Exchange. The proposal confirms that Exchange Participants must pay the NASD for examinations that such Participants must successfully complete under the Exchange rules.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The CHX has neither solicited nor received written comments on the proposed rule change.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>13</sup> and Rule 19b-4(f)(2)<sup>14</sup> thereunder. Accordingly, the proposed rule change is effective upon filing with the Commission. 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.<sup>15</sup>

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

<sup>12</sup> 15 U.S.C. 78f(b)(4).

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>14</sup> 17 CFR 19b-4(f)(2).

<sup>15</sup> The effective date of the original proposed rule change is February 8, 2006, and the effective date of Amendment No. 1 is February 17, 2006. For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers such period to commence on February 17, 2006, the date on which the Exchange filed Amendment No. 1. See 15 U.S.C. 78s(b)(3)(C).

<sup>4</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>5</sup> 17 CFR 240.19b-4(f)(2).



**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](mailto:rule-comments@sec.gov). Please include File No. SR-CHX-2006-06 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 No. SR-CHX-2006-06. 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 will also be available for inspection and copying at the principal office of the Exchange. 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 No.

SR-CHX-2006-06 and should be submitted on or before March 22, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>16</sup>

Nancy M. Morris,

Secretary.

[FR Doc. E6-2846 Filed 2-28-06; 8:45 am]

BILLING CODE 8010-01-P

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-53345; File No. SR-ISE-2006-10]

**Self-Regulatory Organizations; International Securities Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Extension of a Pilot Period To Increase Position Limits and Exercise Limits for Equity Options and Options on the Nasdaq-100 Tracking Stock**

February 22, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 7, 2006, the International Securities Exchange, Inc. ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the ISE. The Exchange has filed the proposal as a "non-controversial" rule change pursuant to section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders it 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 ISE proposes to extend the time period for the ISE Rule 412 and ISE Rule 414 position and exercise limits pilot program for equity option contracts and options on the Nasdaq-100 Index Tracking Stock ("QQQQ") ("Pilot Program"). The text of the proposed rule change is available on the ISE's Web site (<http://www.iseoptions.com>), at the ISE's principal office, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the ISE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

**1. Purpose**

The Pilot Program provides for an increase to the standard position and exercise limits for equity option contracts and for options on QQQQs.<sup>5</sup> The Pilot Program, after being extended on a prior occasion, is set to expire on February 23, 2006.<sup>6</sup> Specifically, the Pilot Program increased the applicable position and exercise limits for equity options and options on the QQQQ to the following levels:

Current equity option contract limit <sup>7</sup>	Pilot program equity option contract limit
13,500	25,000
22,500	50,000
31,500	75,000
60,000	200,000
75,000	250,000
Current QQQQ option contract limit	Pilot program QQQQ option contract limit
300,000	900,000

<sup>16</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> See Securities Exchange Act Release No. 51295 (March 2, 2005), 70 FR 11292 (March 8, 2005) (notice of filing and immediate effectiveness of SR-ISE-2005-14) ("Pilot Program Notice").

<sup>6</sup> See Securities Exchange Act Release No. 52265 (August 15, 2005), 70 FR 48996 (August 22, 2005) (notice of filing and immediate effectiveness of SR-ISE-2005-39).

The purpose of the proposed rule change is to extend the Pilot Program for an additional six-month period, until September 1, 2006.<sup>8</sup> The Exchange believes that extending the Pilot Program for six months is warranted due to the positive feedback from members and for the reasons cited in the original rule filing that proposed the adoption of the Pilot Program.<sup>9</sup> Additionally, the Exchange represents that it has not experienced any problems or difficulties relating to the Pilot Program since its inception. For these reasons, the Exchange requests that the Commission extend the Pilot Program until September 1, 2006.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act<sup>10</sup> in general, and furthers the objective of section 6(b)(5) of the Act<sup>11</sup> in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The proposed rule change does not impose any burden on competition.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the forgoing rule change does not: (1) significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act<sup>12</sup> and Rule 19b-4(f)(6) thereunder.<sup>13</sup>

A proposed rule change filed under 19b-4(f)(6) normally may not become operative prior to 30 days after the date

of filing.<sup>14</sup> However, Rule 19b-4(f)(6)(iii)<sup>15</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange provided the Commission with written notice of its intent to file this proposed rule change at least five business days prior to the date of filing the proposed rule change. In addition, the Exchange has requested that the Commission waive the 30-day pre-operative delay. The Commission believes that waiving the 30-day pre-operative delay is consistent with the protection of investors and in the public interest because it will allow the Pilot Program to continue uninterrupted.<sup>16</sup>

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 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](mailto:rule-comments@sec.gov). Please include File No. SR-ISE-2006-10 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 No. SR-ISE-2006-10. 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, 100 F Street, NE., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-ISE-2006-10 and should be submitted on or before March 22, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>17</sup>

Nancy M. Morris,  
Secretary.

[FR Doc. E6-2816 Filed 2-28-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53346; File No. SR-NASD-2006-025]

### Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend a Pilot Program That Increases Position and Exercise Limits for Certain Equity Options

February 22, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 16, 2006, the National Association of Securities Dealers, Inc. ("NASD") 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 NASD. NASD has filed the proposal as a "non-controversial" rule change pursuant to

<sup>7</sup> Except when the Pilot Program is in effect.

<sup>8</sup> The proposed extension is actually for six months and ten days.

<sup>9</sup> See Pilot Program Notice, *supra* note 5.

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>13</sup> 17 CFR 240.19b-4(f)(6).

<sup>14</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>15</sup> *Id.*

<sup>16</sup> For the purposes only of waiving the pre-operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>17</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders it 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

NASD proposes to amend NASD Rule 2860 to extend a pilot program increasing certain options position and exercise limits. The text of the proposed rule change is available on NASD's Web site (<http://www.nasd.com>), at NASD'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, NASD 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. NASD 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

NASD is proposing to amend NASD Rule 2860 to extend a pilot program until September 1, 2006 (unless extended) increasing position and exercise limits for both standardized and conventional options ("Pilot Program").<sup>5</sup> Unless extended, the Pilot Program will expire on March 3, 2006.<sup>6</sup> NASD believes that the Pilot Program should be extended so that it may continue without interruption for the same reasons that are discussed in the Pilot Program Notice.

###### 2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions

of section 15A(b)(6) of the Act,<sup>7</sup> which requires, among other things, that NASD's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The proposed rule change is being made so that the Pilot Program, which achieves these goals as discussed in the Pilot Program Notice, may continue without interruption.

##### B. Self-Regulatory Organization's Statement on Burden on Competition

NASD 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.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the forgoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act<sup>8</sup> and Rule 19b-4(f)(6) thereunder.<sup>9</sup>

A proposed rule change filed under 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing.<sup>10</sup> However, Rule 19b-4(f)(6)(iii)<sup>11</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. NASD provided the Commission with written notice of its intent to file this proposed rule change at least five business days prior to the date of filing the proposed rule change. In addition, NASD has requested that the Commission waive the 30-day pre-operative delay. The Commission believes that waiving the 30-day pre-operative delay is consistent with the protection of investors and in the public interest because it will allow

the Pilot Program to continue uninterrupted.<sup>12</sup>

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 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](mailto:rule-comments@sec.gov). Please include File No. SR-NASD-2006-025 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 No. SR-NASD-2006-025. 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, 100 F Street, NE., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NASD. All comments received will be posted without change; the Commission does

<sup>12</sup> For the purposes only of waiving the pre-operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> See Securities Exchange Act Release No. 51520 (April 11, 2005), 70 FR 19977 (April 15, 2005) (notice of filing and immediate effectiveness of SR-NASD-2005-040) ("Pilot Program Notice").

<sup>6</sup> See Securities Exchange Act Release No. 52271 (August 16, 2005), 70 FR 49344 (August 23, 2005) (notice of filing and immediate effectiveness of SR-NASD-2005-097).

<sup>7</sup> 15 U.S.C. 78o-3(b)(6).

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f)(6).

<sup>10</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>11</sup> *Id.*

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 No. SR-NASD-2006-025 and should be submitted on or before March 22, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

Nancy M. Morris,  
Secretary.

[FR Doc. E6-2820 Filed 2-28-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53350; File No. SR-PCX-2006-08]

### Self-Regulatory Organizations; Pacific Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Exchange's Standard Position and Exercise Limit Pilot Program

February 22, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February

14, 2006, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the PCX. The Exchange has filed the proposal as a "non-controversial" rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders it 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 PCX proposes to amend its rules to extend the time period in PCX Rule 6.8(a), which covers the position limit and exercise limits pilot program for equity option contracts and options on the Nasdaq-100 Tracking Stock ("QQQQ") ("Pilot Program"). The text of the proposed rule change is available on the PCX's Web site (<http://www.pacificex.com>), at the PCX's principal office, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of this proposal is to extend the period for the Exchange's Pilot Program relating to standard position and exercise limits for equity option contracts and for options on QQQQs until September 1, 2006.<sup>5</sup> Specifically, the Pilot Program increased the applicable position and exercise limits for equity options and options on the QQQQ in accordance with the following levels:

Current equity option contract limit <sup>6</sup>	Pilot program equity option contract limit
13,500	25,000
22,500	50,000
31,500	75,000
60,000	200,000
75,000	250,000
Current QQQQ option contract limit	Pilot program QQQQ option contract limit
300,000	900,000

The Exchange believes that extending the Pilot Program until September 1, 2006 is warranted due to the positive feedback from OTP Holders and for the reasons cited in the original rule filing that proposed the Pilot Program.<sup>7</sup> While previously the Pilot Program was extended for a "six-month period" this proposal actually calls for an extension of six months and four days. This slight change to the time period, which makes no material change to the Pilot Program itself, is being proposed in order to coordinate the expiration of the Pilot Program with the end of the calendar

month. The Exchange has not encountered any problems or difficulties relating to the Pilot Program since its inception. For these reasons, the Exchange requests that the Commission extend the Pilot Program until September 1, 2006.

###### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder and, in particular, the requirements of section 6(b) of the Act.<sup>8</sup> Specifically, the Exchange believes the

proposed rule change is consistent with Section 6(b)(5) of the Act<sup>9</sup> that requires that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

<sup>13</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> The Pilot Program, which was effective upon filing on February 25, 2005 and subsequently

extended, is set to expire on February 26, 2006. See Securities Exchange Act Release No. 51286 (March 1, 2005), 70 FR 11297 (March 8, 2005) (notice of filing and immediate effectiveness of File No. SR-PCX-2003-55, as amended) ("Pilot Program Notice"). See also Securities Exchange Act Release No. 52263 (August 15, 2005), 70 FR 49003 (August

22, 2005) (notice of filing and immediate effectiveness of File No. SR-PCX-2005-95).

<sup>6</sup> Except when the Pilot Program is in effect.

<sup>7</sup> See Pilot Program Notice, *supra* note 5.

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

### 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

Because the forgoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>10</sup> and Rule 19b-4(f)(6) thereunder.<sup>11</sup>

A proposed rule change filed under 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing.<sup>12</sup> However, Rule 19b-4(f)(6)(iii)<sup>13</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange provided the Commission with written notice of its intent to file this proposed rule change at least five business days prior to the date of filing the proposed rule change. In addition, the Exchange has requested that the Commission waive the 30-day pre-operative delay. The Commission believes that waiving the 30-day pre-operative delay is consistent with the protection of investors and in the public interest because it will allow the Pilot Program to continue uninterrupted.<sup>14</sup>

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 Act.

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

<sup>12</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>13</sup> *Id.*

<sup>14</sup> For the purposes only of waiving the pre-operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

### 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](mailto:rule-comments@sec.gov). Please include File No. SR-PCX-2006-08 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 No. SR-PCX-2006-08. 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, 100 F Street, NE., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. 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 No. SR-PCX-2006-08 and should be submitted on or before March 22, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

Nancy M. Morris,  
Secretary.

[FR Doc. E6-2845 Filed 2-28-06; 8:45 am]

BILLING CODE 8010-01-P

### SOCIAL SECURITY ADMINISTRATION

#### Privacy Act of 1974 as Amended; Computer Matching Program (SSA/Railroad Retirement Board (RRB))—Match Number 1006

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice of the renewal of an existing computer matching program, which is scheduled to expire on March 7, 2006.

**SUMMARY:** In accordance with the provisions of the Privacy Act, as amended, this notice announces the renewal of an existing computer matching program that SSA is currently conducting with the RRB.

**DATES:** SSA will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Government Reform of the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The renewal of the matching program will be effective as indicated below.

**ADDRESSES:** Interested parties may comment on this notice by either telefax to (410) 965-8582 or writing to the Associate Commissioner, Office of Income Security Programs, 252 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401. All comments received will be available for public inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** The Associate Commissioner for Income Security Programs as shown above.

#### SUPPLEMENTARY INFORMATION:

##### A. General

The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended

<sup>15</sup> 17 CFR 200.30-3(a)(12).



the Privacy Act regarding protections for such individuals.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the Data Integrity Boards' approval of the match agreements;

(3) Publish notice of the computer matching in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

#### **B. SSA Computer Matches Subject to the Privacy Act**

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: February 17, 2006.

**Martin H. Gerry,**

*Deputy Commissioner for Disability and Income Security Programs.*

#### **Notice of Computer Matching Program, Social Security Administration (SSA) With the Railroad Retirement Board (RRB)**

##### *A. Participating Agencies*

SSA and RRB.

##### *B. Purpose of the Matching Program*

The purpose of this agreement is to establish the conditions under which RRB agrees to disclose RRB annuity payment data to the SSA through a computer matching program. This disclosure will provide SSA with information necessary to verify Supplemental Security Income (SSI) program, and Special Veterans Benefits (SVB) program, eligibility and benefit payment amounts. It will also help to ensure that railroad annuity amounts paid by RRB to SSI and SVB recipients are correctly recorded on SSA's Supplemental Security Income Record and Special Veterans Benefit Record (SSR).

##### *C. Authority for Conducting the Matching Program*

The legal authority for the SSI portion of this matching program is contained in

sections 1631(e)(1)(A) and (B) and 1631(f) of the Social Security Act (the Act), (42 U.S.C. 1383(e)(1)(A) and (B) and 1383(f)). The legal authority for the SVB portion of this matching program is contained in section 806(b) of the Act, (42 U.S.C. 1006 (b)).

##### *D. Categories of Records and Individuals Covered by the Matching Program*

On the basis of certain identifying information provided by SSA, RRB will provide SSA with electronic files containing annuity payment data from RRB's system of records (*i.e.*, RRB-22 Railroad Retirement, Survivor, and Pensioner Benefits System; Check Writing Integrated Computer Operation (CHICO) Benefit Payment Master System). SSA will then match the RRB data with data maintained in the SSR, SSA/ODSSIS, 60-0103 system of records.

##### *E. Inclusive Dates of the Matching Program*

The matching program shall become effective no sooner than 40 days after notice for the program is sent to Congress and OMB, or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. E6-2853 Filed 2-28-06; 8:45 am]

BILLING CODE 4191-02-P

#### **SOCIAL SECURITY ADMINISTRATION**

##### **Rescission of Social Security Acquiescence Ruling 00-2(7)**

**AGENCY:** Social Security Administration.

**ACTION:** Notice of Rescission of Social Security Acquiescence Ruling (AR) 00-2(7)—Hickman v. Apfel, 187 F.3d 683 (7th Cir. 1999).

**SUMMARY:** In accordance with 20 CFR 402.35(b)(2), 404.985(e), and 416.1485(e), the Commissioner of Social Security gives notice of the rescission of Social Security AR 00-2(7).

**DATES:** *Effective Date:* The rescission of this AR will be effective on March 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** Gary Sargent, Office of the General Counsel, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-1695 or TTY (410) 966-5609.

**SUPPLEMENTARY INFORMATION:** An AR explains how we will apply a holding in a decision of a United States Court of

Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act (the Act) or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(4) and 416.1485(e)(4), we may rescind an AR as obsolete if we subsequently clarify, modify, or revoke the regulation or ruling that was the subject of the circuit court holding for which the Acquiescence Ruling was issued.

On May 3, 2000, we published AR 00-2(7) (65 FR 25783) to reflect the holding in *Hickman v. Apfel*, 187 F.3d 683 (7th Cir. 1999). In *Hickman*, the United States Court of Appeals for the Seventh Circuit held that, when deciding whether an individual's impairment(s) is medically equal to a listed impairment, the decision must be made based on medical evidence alone. Additionally, the court limited the definition of medical evidence to evidence from medical sources. The court interpreted 20 CFR 416.926(b) more narrowly than we intended.

In this issue of the **Federal Register**, we are publishing final rules that, among other things, amend Social Security Regulations No. 4 and 16 (20 CFR 404.1526 and 416.926) to clarify our longstanding policy that, when deciding whether your impairment(s) is medically equal to a listed impairment, the phrase "medical evidence" includes not just findings reported by medical sources but other information about your medical condition(s) and its effects, including your own description of your impairment(s).

Because the changes in the regulations clarify our policy that was the subject of the *Hickman* AR, we are rescinding AR 00-2(7) concurrently with the effective date of the final rules. The final rules and this notice of rescission restore uniformity to our nationwide system of rules, in accordance with our commitment to the goal of administering our programs through uniform national standards.

We will continue to apply this AR to your claim if it is readjudicated under our acquiescence rules (see 20 CFR 404.985(b)(2) and 416.1485(b)(2)).

(Catalog of Federal Domestic Assistance, Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.006—Supplemental Security Income.)

Dated: December 12, 2005.

**Jo Anne B. Barnhart,**

*Commissioner of Social Security.*

[FR Doc. 06-1873 Filed 2-28-06; 8:45 am]

BILLING CODE 4191-02-P

## DEPARTMENT OF STATE

[Public Notice 5332]

**Culturally Significant Objects Imported for Exhibition Determinations: "Cradle of Christianity: Treasures From the Holy Land"**

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition "Cradle of Christianity: Treasures from the Holy Land," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Maltz Museum of Jewish Heritage, Beachwood, OH, beginning on or about March 28, 2006 until on or about October 22, 2006, The Museum of Art, Fort Lauderdale, FL, beginning on or about December 7, 2006, until on or about April 15, 2007, and at the Michael C. Carlos Museum, Emory University, Atlanta, GA, beginning on or about May 3, 2007, until on or about October 30, 2007, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Paul Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8052). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: February 21, 2006.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E6-2884 Filed 2-28-06; 8:45 am]

BILLING CODE 4710-05-P

## DEPARTMENT OF STATE

[Public Notice 5333]

**Comprehensive Environmental Evaluation for Antarctic Activities****ACTION:** Notice.

**SUMMARY:** The Department of State gives notice of the availability of a draft Comprehensive Environmental Evaluation (CEE) for activities proposed to be undertaken in Antarctica. Interested members of the public are invited to submit comments relative to this CEE.

**DATES:** Comments must be submitted on or before May 31, 2006.

**ADDRESSES:** Send comments to OES/OA, Room 5805; Department of State; Washington, DC 20520, or to [SaturniFM@state.gov](mailto:SaturniFM@state.gov).

**FOR FURTHER INFORMATION CONTACT:** Fabio M. Saturni, Office of Oceans Affairs, (202) 647-0237.

**SUPPLEMENTARY INFORMATION:** Article 3 of Annex I to the Protocol on Environmental Protection to the Antarctic Treaty requires the preparation of a CEE for any proposed Antarctic activity likely to have more than a minor or transitory impact. Draft CEEs are to be made publicly available with a 90-day period for receipt of comments. This notice is published pursuant to 16 U.S.C. 2403a(h).

The Department of State has received a draft CEE submitted by Belgium entitled "Construction and operation of the new Belgian Research Station, Dronning Maud Land, Antarctica." The document is available on the Internet at the following website: [http://www.belspo.be/belspo/BePoles/doc/draft\\_CEE.pdf](http://www.belspo.be/belspo/BePoles/doc/draft_CEE.pdf).

The Department of State invites interested members of the public to provide written comments on this draft CEE.

Dated: February 23, 2006.

Raymond Arnaudo,

Deputy Director, Office of Oceans Affairs, Department of State.

[FR Doc. E6-2885 Filed 2-28-06; 8:45 am]

BILLING CODE 4710-09-P

## DEPARTMENT OF STATE

[Public Notice 5321]

**Defense Trade Advisory Group; Notice of Open Meeting****AGENCY:** Department of State.**ACTION:** Notice.

**SUMMARY:** The Defense Trade Advisory Group (DTAG) will meet in open

session from 9 a.m. to 12 noon on Friday, April 21, 2006, in Room 1912 at the U.S. Department of State, Harry S. Truman Building, Washington, DC. Entry and registration will begin at 8:15. Please use the building entrance located at 23rd Street, NW., Washington, DC, between C & D streets. The membership of this advisory committee consists of private sector defense trade specialists, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The purpose of the meeting will be to discuss current defense trade issues and topics for further study.

Although public seating will be limited due to the size of the conference room, members of the public may attend this open session as seating capacity allows, and will be permitted to participate in the discussion in accordance with the Chairman's instructions. Members of the public may, if they wish, submit a brief statement to the committee in writing.

As access to the Department of State facilities is controlled, persons wishing to attend the meeting must notify the DTAG Executive Secretariat by COB Thursday, April 13, 2006. If notified after this date, the DTAG Secretariat cannot guarantee that State's Bureau of Diplomatic Security can complete the necessary processing required to attend the April 21 plenary.

Each non-member observer or DTAG member needing building access that wishes to attend this plenary session should provide his/her name; company or organizational affiliation; phone number; date of birth; and identifying data such as driver's license number, U.S. Government ID, or U.S. Military ID, to the DTAG Secretariat contact person, Mary Sweeney, via e-mail at [SweeneyMF@state.gov](mailto:SweeneyMF@state.gov). DTAG members planning to attend the plenary session should notify the DTAG Secretariat contact person, Mary Sweeney, at the e-mail provided above. A RSVP list will be provided to Diplomatic Security and the Reception Desk at the 23rd Street entrance. Attendees must present a driver's license with photo, a passport, a U.S. Government ID, or other valid photo ID for entry.

**FOR FURTHER INFORMATION CONTACT:** Mary F. Sweeney, DTAG Secretariat, U.S. Department of State, Office of Defense Trade Controls Management (PM/DTCM), Room 1200, SA-1, Washington, DC 20522-0112; telephone (202) 663-2865; FAX (202) 663-261-8199; or e-mail [SweeneyMF@state.gov](mailto:SweeneyMF@state.gov).

Dated: February 23, 2006.

Michael T. Dixon,

Executive Secretary, Defense Trade Advisory Group, Department of State.

[FR Doc. E6-2883 Filed 2-28-06; 8:45 am]

BILLING CODE 4710-25-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2006-23612]

#### Surface Transportation Environment and Planning Cooperative Research Program (STEP)

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice; request for comments.

**SUMMARY:** Section 5207 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established the Surface Transportation Environment and Planning Cooperative Research Program (STEP). The general objective of the STEP is to improve understanding of the complex relationship between surface transportation, planning and the environment. SAFETEA-LU provides \$16.875 million per year for fiscal years (FY) 2006-2009 to implement this new cooperative research program. Due to obligation limitations, rescissions, and congressional designation of Title V Research in SAFETEA-LU, it is anticipated that approximately \$11.9 million of the \$16.875 million authorized will be available each fiscal year. The purpose of this notice is to: (1) Announce the creation of an FHWA Web site to provide information regarding the STEP; and (2) to solicit public input on the implementation strategy for this program.

**DATES:** Comments must be received on or before April 17, 2006.

**FOR FURTHER INFORMATION CONTACT:** Felicia Young, Office of Interstate and Border Planning, (202) 366-1263, [Felicia.young@hwa.dot.gov](mailto:Felicia.young@hwa.dot.gov); or Grace Reidy, Office of the Chief Counsel, (202) 366-6226; Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

You may submit or retrieve comments online through the Document Management System (DMS) at: [\[dms.dot.gov/submit\]\(http://dms.dot.gov/submit\). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site.](http://</a></p>
</div>
<div data-bbox=)

An electronic copy of this notice may be downloaded from the Office of the Federal Register's home page at <http://www.archives.gov> and the Government Printing Office's Web site at <http://www.access.gpo.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in a **Federal Register** published on April 11, 2000 (70FR 19477), or you may visit <http://dms.dot.gov>.

#### Background

Section 5207 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, Aug. 10 2005), established the Surface Transportation Environment and Planning Cooperative Research Program (STEP), and provided \$16.875 million per year for FY2006-FY2009 to implement this new program. The general objective of the STEP is to improve understanding of the complex relationship between surface transportation, planning and the environment.

The FHWA anticipates that approximately \$11.9 million of the \$16.875 million authorized will be available each year. STEP will also be the sole source of funds available to conduct all FHWA research on planning and environmental issues. In addition, Congress mandated several special studies (*i.e.* Report on Non Motorized Transportation Pilot Program (Section 1807 of SAFETEA-LU); and the Annual Report for the Surface Transportation Project Delivery Pilot Program (Section 6005(h) of SAFETEA-LU)). STEP will be the funding source for those projects as well.

Section 5207 of SAFETEA-LU identifies certain characteristics of STEP regarding program contents and administration. Regarding the program content, STEP may include research to:

- Develop more accurate models for evaluating transportation control measures and system designs for use by State and local governments to meet environmental requirements;

- Improve understanding of transportation demand factors;

- Develop indicators of economic, social, and environmental performance of transportation systems to facilitate alternatives analysis;

- Meet additional priorities determined through the transportation research and development strategic planning process identified in section 5208 of SAFETEA-LU;

- Refine the scope and research emphases through outreach and in consultation with stakeholders.

In administering the program, the USDOT and FHWA will ensure, to the maximum extent practicable, that:

- The best projects and researchers are selected based on merit, open solicitations, and selection by a panel of appropriate experts;

- Qualified, permanent core staff with ability to manage a large multiyear budget is used;

- Stakeholders are involved in governance of program;

- There is no duplication with the Future Strategic Highway Research Program (Section 5210 of SAFETEA-LU), which will be administered by the National Research Council of the National Academy of Sciences.

The FHWA has had some initial meetings with major stakeholder groups and Federal agency partners to begin receiving input on the governance and strategic direction of STEP, and will continue these discussions in the future.

The FHWA is issuing this notice to: (1) Announce the creation of an FHWA Web site to provide information regarding the STEP; and (2) to solicit public input on the implementation strategy for this program. The Web site URL for the STEP is <http://www.fhwa.dot.gov/hep/step/index.htm>. The FHWA will use this Web site as a major mechanism for informing the public regarding the status of the STEP.

We invite the public to visit this Web site to obtain additional information regarding the STEP as well as information regarding the process for forwarding comments to FHWA regarding the STEP implementation strategy.

**Authority:** Section 5207 of Pub. L. 109-59.

Issued on: February 6, 2006.

**J. Richard Capka,**

Acting Federal Highway Administrator.

[FR Doc. E6-2829 Filed 2-28-06; 8:45 am]

BILLING CODE 4910-22-P

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration****Qualification of Drivers; Exemption Applications; Vision**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its denial of 113 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the vision standard if the exemptions granted will not compromise safety. The agency has concluded that granting exemptions for the 113 applicants would not likely provide a level of safety equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, Physical Qualifications Division (MC-PSP) 202-366-4001, Department of Transportation, FMCSA, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are 8 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:****Background**

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the Federal vision standard for a renewable two-year period if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption. (49 CFR 381.305(a)).

Accordingly, FMCSA evaluated 113 individual exemption requests on their merits and made a determination that these applicants do not satisfy the eligibility criteria for the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final agency action. The list published today summarizes the agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denials.

The following 18 applicants lacked sufficient driving experience during the

three-year period prior to the date of their application:

Ahne, Stanley W.  
Beasley, Mark H.  
Black, Edward  
Cinko, John R.  
Collins, Kevin E.  
DeCaro, Albert P.  
Faw, Louis D.  
Gomez, Jr., Galdino L.  
Klein, William C.  
McCluer, Jerry D.  
Merrill, Roy A.  
Moreland, Richard  
Robertson, Leland F.  
Sinclair, John F.  
Thomas, Terry B.  
Thompson, Kevin S.  
Warfield, Richard D.  
Zepernick, Sr., Edward A.

The following 16 applicants do not have any experience operating a CMV.

Benton, Joseph F.  
Berry, Sr., Michael S.  
Brobbe, Simon J.  
Cherry, Charlie L.  
Chess, James J.  
Dawes, Calvin L.  
Dennison, Robert J.  
Gulley, Thomas R.  
Hayos, Anastacio D.  
Jones, Frederick L.  
King, Douglas  
Manion, Corey P.  
Perea, Jose F.  
Stoddard, Edgar P.  
Weinman, Bruce L.  
Young, Kurtis, T.

The following 16 applicants do not have 3 years of experience driving a CMV on public highways with the vision deficiency.

Beckworth III, Jimmy D.  
Duval, Ronald  
Hobbs, Carl D.  
House, Carlton E.  
Howard, Mark P.  
Hummel, Timothy B.  
Jarvis, Larry L.  
Neefe, Steven J.  
Reid, Paul R.  
Scheve, Jarod S.  
Thulin, Bruce E.  
Vigil, Francisco C.  
Wainwright, James C.  
Weigel, Eugene M.  
Williams, Carl A.  
Wood, John E.

The following 12 applicants did not operate a commercial vehicle during the 3 years prior to the date they applied for the exemption and therefore do not have 3 years of recent experience driving a CMV with the vision deficiency.

Bon, Edward L.  
Gaillard, Henry A.  
Gamez, Exiquio

Green, Lefonne C.  
Hill, Danny J.  
Leonard, Gary W.  
Martin, Jesse L.  
Maxwell, Brian A.  
Newman, Gordon S.  
Taves, Michael A.  
Vanatta, Dennis M.  
Wells, David L.

The following 25 applicants did not operate a commercial vehicle during part of the 3 years prior to the date they applied for the exemption and therefore lack sufficient driving experience over the past 3 years under normal highway operating conditions.

Brunson, Johnny L.  
Cashman, Dean T.  
Chaplin, Mryl S.  
Cornell, Chaney T.  
Downer, Scott W.  
Fitzgerald, David P.  
Gregory, Jimmy D.  
Gysberg, Rocky D.  
Holt, Lee P.  
Kennedy, Millard S.  
Kenney III, Peter M.  
Lawrence, Clifford L.  
Mayson, Tyrone O.  
Moctar, Bouha O.  
Moreno, Rick P.  
McKnight, Tommy L.  
Natola, Eric J.  
Paraf, Corey  
Plumley, James C.  
Schmidt, Brendon K.  
Shoemaker, David C.  
Smith, Clay L.  
Tade, Jerry W.  
Thompson, Arnold L.  
Virgen-Meza, Francisco

Three applicants, Charles W. Jones, Mark L. McWhorter, and Keith L. Wraight, were charged with a moving violation in conjunction with a CMV crash, which makes them ineligible.

Two applicants, Cleaven E. Barrett and Darrell B. Dean, do not have sufficient peripheral vision in the better eye to qualify for an exemption.

Four applicants had commercial driver's licenses suspensions during the three-year review period in relation to a moving violation. Applicants are ineligible for an exemption if their license is suspended during the three-year period prior to the date they applied for the exemption.

Glenn, Curtis J.  
Gwyn, Terry W.  
Roberson, Terry L.  
Selleck, David A.

One applicant, David M. Field, had 2 serious CMV violations within a three-year period. Each applicant is allowed a total of 2 moving violations, one of which can be serious. Three applicants, Wilfred J. Gagnon, James R. King, and

Kenneth G. Mallette, contributed to a crash while operating a CMV. Applicants do not qualify for an exemption if they have contributed to a crash during the three-year review period.

Two applicants, Rayfus J. Hewitt and Limmie J.T. Sweet, did not hold a license that allowed operation of vehicles over 26,000 pounds, for all or part of the three-year review period.

The following four applicants meet the vision standard and do not need a vision exemption.

Adkison, Gary L.  
Albrecht, Thomas K.  
Fry, Donald L.  
Maust, Larry A.

One applicant, Lyndon P. Walker, was disqualified for multiple reasons.

One applicant, Merrill C. Vogelzang, provided inconsistent information that could not be verified during the application process.

Three applicants, Levern F. Brantner, Jr., Troy Harrison, and James E. Kilby, III, were disqualified because their vision was not stable for the entire three-year review period.

One applicant, Raymond P. Gonzales, did not submit all of the required documentation and therefore presented no verifiable evidence that he met the terms and conditions of the Federal vision exemption program.

Finally, one applicant, Alphonso L. Mitchell, does not meet the vision standard in his better eye.

Issued on: February 22, 2006.

**Pamela M. Pelcovits,**

*Director for Policy Plan's and Regulations.*  
[FR Doc. E6-2828 Filed 2-28-06; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their expected burdens. The **Federal Register**

notice with a 60-day comment period soliciting comments on the following collections of information was published on December 20, 2005 (70 FR 75533).

**DATES:** Comments must be submitted on or before March 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292), or Mr. Victor Angelo, Office of Support Systems, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6470). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On December 20, 2005, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 70 FR 75533. FRA received no comments in response to this notice. Accordingly, DOT announces that these information collection activities have been reevaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); see also 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection

requirements (ICRs) and the expected burden. The updated requirements are being submitted for clearance by OMB as required by the PRA.

**Title:** Identification of Cars Moved in Accordance with Order 13528.

**OMB Control Number:** 2130-0506.

**Type of Request:** Extension of a currently approved collection.

**Affected Public:** Railroads.

**Form(s):** None.

**Abstract:** This collection of information identifies a freight car being moved within the scope of Order 13528 (now codified under 49 CFR 232.3). Otherwise, an exception will be taken, and the car will be set out of the train and not delivered. The information that must be recorded is specified at 49 CFR 232.3(d)(3), which requires that a car be properly identified by a card attached to each side of the car and signed stating that such movement is being made under the authority of the order. Section 232.3(d)(3) does not require retaining cards or tags. When a car bearing a tag for movement under this provision arrives at its destination, the tags are simply removed.

**Annual Estimated Burden Hours:** 67 hours.

**Title:** U.S. DOT Crossing Inventory Form.

**OMB Control Number:** 2130-0017.

**Type of Request:** Extension of a currently approved collection.

**Affected Public:** Railroads and States.

**Form(s):** FRA F 6180.17.

**Abstract:** Form FRA F 6180.17 is a voluntary form, and is used by States and railroads to periodically update certain site specific highway-rail crossing information which is then transmitted to FRA for input into the National Inventory File. This information has been collected on the U.S. DOT-AAR Crossing Inventory Form (previous designation of this form) since 1974 and maintained in the National Inventory File database since 1975. The primary purpose of the National Inventory File is to provide for the existence of a uniform database which can be merged with accidents data and used to analyze information for planning and implementation of crossing safety programs by public, private, and governmental agencies responsible for highway-rail crossing safety. Following the official establishment of the National Inventory in 1975, the Federal Railroad Administration (FRA) assumed the principal responsibility as custodian for the maintenance and continued development of the U.S. DOT/AAR National Highway-Rail Crossing Inventory Program. The major goal of the Program is to provide Federal, State,



and local governments, as well as the railroad industry, information for the improvement of safety at highway-rail crossings. Good management practices necessitate maintaining the database with current information. The data will continue to be useful only if maintained and updated as inventory changes occur. FRA previously cleared the reporting and recordkeeping burden for this form under Office of Management and Budget (OMB) Clearance Number 2130-0017. OMB approved the burden for this form through July 31, 2006. FRA is requesting a new 3-year approval from OMB for this information collection.

*Annual Estimated Burden Hours:* 1,487 hours.

*Addressee:* Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC, 20503, Attention: FRA Desk Officer.

*Comments are invited on the following:* Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the *Federal Register*.

*Authority:* 44 U.S.C. 3501-3520.

Issued in Washington, DC, on February 22, 2006.

**Brenda Horn,**

*Acting Director, Office of Budget, Federal Railroad Administration.*

[FR Doc. E6-2825 Filed 2-28-06; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Notice of Limitation on Claims on Proposed Public Transportation Projects

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of Limitation on Claims.

**SUMMARY:** This notice announces actions taken by FTA as final for purposes of the limitation on claims. The FTA actions described in this notice consist of various environmental approvals for proposed public transportation projects in the following urbanized areas: New York (lower Manhattan), Seattle, Buffalo, New York (remainder), Providence, Hartford, Boston, Brattleboro (Vermont), and Bridgeport.

**DATES:** By this notice, FTA is advising the public of final agency actions subject to 23 U.S.C. 139(l). A claim seeking judicial review of the Federal agency actions on any of the listed public transportation projects will be barred unless the claim is filed on or before August 28, 2006. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Joseph Ossi, Office of Planning and Environment, 202-366-1613, or Christopher Van Wyk, Office of Chief Counsel, 202-366-1733. FTA is located at 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FTA has taken final agency actions by issuing approval for the public transportation projects listed below. The actions on these projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA), and in other documents in the FTA administrative record for the project. The final agency environmental decision documents—Records of Decision (RODs) and Findings of No Significant Impact (FONSIs)—for the listed projects can be obtained by contacting the FTA Regional Office for the urbanized area where the project is located. The decision documents for the first three projects listed can be obtained by contacting the Lower Manhattan Recovery Office (LMRO) (contact information for the Regional Offices and for LMRO can be found at [http://www.fta.dot.gov/about/offices/4978\\_ENG\\_HTML.htm](http://www.fta.dot.gov/about/offices/4978_ENG_HTML.htm)).

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, the National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4375], section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], section 106

of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401-7671q].

The projects subject to this notice are:

1. *Project name and location:* Fulton Street Transit Center, New York, NY. *Project sponsor:* Metropolitan Transportation Authority Capital Construction. *Project description:* This project is a transit center that will make connections between a number of transit facilities in Lower Manhattan. *Final agency actions:* ROD issued November 22, 2004; Section 4(f) Finding; and Section 106 Programmatic Agreement. *Supporting documentation:* Final Environmental Impact Statement issued October 8, 2004.

2. *Project name and location:* South Ferry Terminal Station, New York, NY. *Project sponsor:* Metropolitan Transportation Authority Capital Construction. *Project description:* This project will replace the existing station with a new terminal that addresses the functional and operational deficiencies of the existing station. *Final agency actions:* FONSI issued August 30, 2004; Section 4(f) Finding; and Section 106 Programmatic Agreement. *Supporting documentation:* Environmental Assessment issued May 3, 2004.

3. *Project name and location:* Permanent World Trade Center (WTC) PATH Terminal, New York, NY. *Project sponsor:* Port Authority of New York and New Jersey. *Project description:* The project will result in a new permanent Port Authority Trans-Hudson (PATH) Terminal on the WTC site that combines an above-grade terminal building and sub-level pedestrian concourses on the eastern portion of the WTC site with additional pedestrian concourses, tracks, platforms, and a mezzanine on the western portion of the site. *Final agency actions:* ROD issued June 28, 2005; Section 4(f) Finding; and Section 106 Memorandum of Agreement. *Supporting documentation:* Final Environmental Impact Statement issued May 13, 2005.

4. *Project name and location:* Downtown Bremerton Pedestrian/Bremerton Transportation Center Access Improvements Project, Bremerton, WA. *Project sponsors:* Washington State Department of Transportation and Kitsap Transit. *Project description:* Project involves construction of a new access route to and from the Bremerton Transportation Center, as well as construction of a new passenger-only ferry facility, a new intermodal terminal and transit deck, and improved vehicle ferry waiting area and parking structure. *Final agency actions:* FONSI issued August 11, 2005; Section 4(f) Finding;

and Section 106 Finding of No Adverse Effect. *Supporting documentation:* Environmental Assessment issued April 4, 2005.

5. *Project name and location:* Lakewood-to-Tacoma Sounder Commuter Rail, Tacoma, WA. *Project sponsor:* Sound Transit. *Project description:* Commuter rail facilities along an approximately 12-mile rail corridor between the City of Lakewood and the City of Tacoma. *Final agency actions:* ROD issued December 30, 2003; Section 4(f) Finding; and Section 106 Finding of No Adverse Effect. *Supporting documentation:* Final Environmental Impact Statement issued July 5, 2002.

6. *Project name and location:* Erie Canal Harbor Project, Buffalo, NY. *Project sponsors:* Niagara Frontier Transportation Authority and Empire State Development Corporation. *Project description:* Reconfiguration of a portion of the Buffalo River bulkhead and redevelopment of a site within the City's Waterfront Development Project Urban Renewal Area into a new harbor with series of landside improvements to facilitate and enhance public access to the waterfront, connect pedestrian and bicycle paths, and provide opportunities for private development. *Final agency actions:* Revised ROD issued March 2, 2005; Section 4(f) Finding; and Section 106 Programmatic Agreement. *Supporting documentation:* Supplemental Final Environmental Impact Statement issued December 7, 2004.

7. *Project name and location:* Second Avenue Subway, New York, NY. *Project sponsors:* Metropolitan Transportation Authority and New York City Transit. *Project description:* A new subway line extending the length of Manhattan's East Side from 125th Street in East Harlem to Hanover Square in the Financial District. *Final agency actions:* ROD issued July 8, 2004; Section 4(f) Finding; and Section 106 Programmatic Agreement. *Supporting documentation:* Final Environmental Impact Statement issued April 8, 2004.

8. *Project name and location:* East Side Access Project, New York, NY. *Project sponsors:* Metropolitan Transportation Authority and the Long Island Railroad. *Project description:* Construction of new tunnels in Queens and Manhattan that will bring Long Island Railroad trains into a new terminal beneath Grand Central Terminal on the east side of Manhattan. *Final agency actions:* ROD issued May 21, 2001; Section 4(f) Finding; and Section 106 Programmatic Agreement. *Supporting documentation:* Final

Environmental Impact Statement issued March 6, 2001.

9. *Project name and location:* South County Commuter Rail, Providence, RI. *Project sponsor:* Rhode Island Department of Transportation. *Project description:* 20-mile commuter rail extension along Amtrak's Northeast Corridor from Providence to North Kingston. *Final agency actions:* FONSI issued on February 6, 2003; Section 4(f) Finding; and Section 106 Programmatic Agreement. *Supporting documentation:* Environmental Assessment issued on August 3, 2002.

10. *Project name and location:* New Britain-Hartford Busway, Hartford, CT. *Project sponsor:* Connecticut Department of Transportation. *Project description:* 12-station, 9.4 mile exclusive bus rapid transit system operating primarily in an existing and abandoned railroad right-of-way on a new roadway between downtown New Britain and downtown Hartford. *Final agency actions:* ROD issued on March 13, 2002; Section 4(f) Finding; and Section 106 Finding of No Effect. *Supporting documentation:* Final Environmental Impact Statement issued on December 21, 2001.

11. *Project name and location:* Copley Station Accessibility Improvements, Boston, MA. *Project sponsor:* Massachusetts Bay Transportation Authority (MBTA). *Project description:* Reconstruction of Copley Station on MBTA's Green Line to make it compliant with the Americans with Disabilities Act. *Final agency actions:* FONSI issued on December 30, 2004; Section 4(f) Finding; and Section 106 Finding of No Adverse Effect. *Supporting documentation:* Environmental Assessment issued on June 28, 2004.

12. *Project name and location:* Arlington Street Station Accessibility Improvements, Boston, MA. *Project sponsor:* Massachusetts Bay Transportation Authority (MBTA). *Project description:* Reconstruction of Arlington Street Station on MBTA's Green Line to make it compliant with the Americans with Disabilities Act. *Final agency actions:* FONSI issued on May 14, 2004; Section 4(f) Finding; and Section 106 Finding of No Adverse Effect. *Supporting documentation:* Environmental Assessment issued on July 21, 2003.

13. *Project name and location:* Government Station Accessibility Improvements, Boston, MA. *Project sponsor:* Massachusetts Bay Transportation Authority (MBTA). *Project description:* Reconstruction of Government Station on MBTA's Blue and Green Lines to make it compliant

with the Americans with Disabilities Act. *Final agency actions:* FONSI issued on November 29, 2004; Section 4(f) Finding; and Section 106 Finding of No Adverse Effect. *Supporting documentation:* Environmental Assessment issued in July 2002.

14. *Project name and location:* Brattleboro Multimodal Transit Facility, Brattleboro, VT. *Project sponsor:* Town of Brattleboro. *Project description:* Construction of two transportation facilities, the Brattleboro Transportation Center and the Brattleboro Union Station. *Final agency actions:* FONSI issued on September 14, 2001; Section 4(f) Finding; and Section 106 Finding of No Adverse Effect. *Supporting documentation:* Environmental Assessment issued on June 22, 2001.

15. *Project name and location:* Bridgeport Intermodal Transportation Center, Bridgeport, CT. *Project sponsor:* City of Bridgeport. *Project description:* Construction of a new multimodal transportation center in the downtown. *Final agency actions:* FONSI issued on August 19, 2003; Section 4(f) Finding; and Section 106 Memorandum of Agreement. *Supporting documentation:* Environmental Assessment issued on June 17, 2003.

Issued on: February 24, 2006.

**David J. Vozzolo,**  
Acting Associate Administrator for Planning  
and Environment, Washington, DC.  
[FR Doc. E6-2924 Filed 2-28-06; 8:45 am]  
BILLING CODE 4910-57-P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Relocation and Decommissioning of NS Savannah

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The Maritime Administration (MARAD) is considering transferring the Nuclear Ship NS Savannah from its present location in the James River Reserve Fleet in Virginia to either Charleston, South Carolina; Wilmington, North Carolina; Hampton Roads, Virginia; or Baltimore, Maryland, to complete decommissioning of the ship's nuclear reactor. Prior to making this decision, MARAD requests public comments and may hold several informational public meetings and/or teleconferences on the proposal.

**DATES:** Comments are due by March 31, 2006.

**ADDRESSES:** You may submit comments by mail to: Maritime Administration, Office of Congressional and Public Affairs, 400 Seventh Street, SW., Washington, DC 20590; or by e-mail to: [pao.marad@dot.gov](mailto:pao.marad@dot.gov).

**FOR FURTHER INFORMATION CONTACT:** Erhard Koehler, Manager, NS *Savannah* Programs, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590; phone: (202) 366-2631; fax: (202) 366-3954; or e-mail [Erhard.Koehler@dot.gov](mailto:Erhard.Koehler@dot.gov). Information regarding the NS *Savannah* is also available on MARAD's Web site at <http://www.marad.dot.gov>.

**SUPPLEMENTARY INFORMATION:** The NS *Savannah*, the world's first nuclear-powered commercial vessel, was originally launched on July 21, 1959, and served as a demonstration of the peaceful and productive use of atomic power. It was part of the Patriots Point Naval and Maritime Museum in Mount Pleasant, SC from 1981 to 1994, and has spent the last 11 years moored at MARAD's James River Reserve Fleet in Virginia.

MARAD is considering transferring the *Savannah* from its present location to either Charleston, South Carolina; Wilmington, North Carolina; Hampton Roads, Virginia; or Baltimore, Maryland, to complete the decommissioning of its nuclear reactor. No nuclear fuel remains on the *Savannah* (as all of the fuel was removed more than 30 years ago). MARAD has a five-year plan to remove the rest of the irradiated components from the ship—the reactor pressure vessel, steam generators, pumps and piping systems. These components have been tested and found to be Class A or lower, which means they have the lowest radiation levels they can have and still be considered nuclear waste. The waste would be disposed of in a licensed facility. This collective process is defined as “decommissioning.”

The *Savannah* is licensed and regulated by the U.S. Nuclear Regulatory Commission (NRC)—just like any other commercial utility that operates a nuclear power station. Under NRC regulations, MARAD must move the *Savannah* from its present location in the James River Reserve Fleet to an East Coast port / industrial complex where the decommissioning work can be accomplished. NRC will then consider an amendment to MARAD's *Savannah* license to authorize the decommissioning work. This review is expected to take two years (2006–2008), and it will include a series of formal hearings chaired by the NRC in the decommissioning port.

MARAD is requesting public comments on its proposal to relocate the *Savannah* for decommissioning. After reviewing comments, MARAD may hold several informational public meetings (and/or teleconferences) addressing this proposal in Charleston, South Carolina; Wilmington, North Carolina; Hampton Roads, Virginia (to include Norfolk, Portsmouth, Newport News); and Baltimore, Maryland. If such meetings are determined to be necessary, specific dates and times for the meetings will be announced in the **Federal Register**.

(Authority 49 CFR 1.66)

Dated: February 24, 2006.

By order of the Maritime Administrator.

**Joel C. Richard,**  
Secretary, Maritime Administration  
[FR Doc. E6-2923 Filed 2-28-06; 8:45 am]  
BILLING CODE 4910-81-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2005-22654; Notice 2]

#### Final Decision To Partially Rescind Decision That Nonconforming 1990–1999 Nissan GTS and GTR Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.  
**ACTION:** Final decision to partially rescind decision that nonconforming 1990–1999 Nissan GTS and GTR passenger cars are eligible for importation.

**SUMMARY:** This document announces a final decision by NHTSA to partially rescind a prior decision by the agency that 1990–1999 Nissan GTS and GTR passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States. As a result of this decision, only Nissan R33 model GTS and GTR passenger cars manufactured between January 1996 and June 1998 are eligible for importation. All other model and model year vehicles admissible under the prior decision are no longer eligible for importation. As a consequence, the agency is rescinding vehicle eligibility number VCP-17, which covered vehicles admissible under the prior decision, and issuing vehicle eligibility number VCP-32 to cover only those model and model year Nissan GTS and GTR passenger cars that remain eligible for importation. The rescission will only bar the future importation of the model

and model year Nissan GTS and GTR passenger cars that are no longer eligible for importation, and will not affect the status of vehicles that have already been lawfully imported under vehicle eligibility number VCP-17.

**DATES:** The decision is effective on March 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-366-5291).

#### SUPPLEMENTARY INFORMATION:

##### A. Statutory and Regulatory Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards (FMVSS) shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on crash test data or other evidence (such as an engineering analysis) that NHTSA decides is adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. Because NHTSA has little or no direct knowledge of many vehicles for which import eligibility is sought, the agency must rely on the petition and any comments that are submitted in making this decision. The agency then publishes its decision in the **Federal Register**. If NHTSA decides that the vehicle is eligible for importation, it will assign a vehicle eligibility number. The eligibility

number is entered on the importation declaration to inform Customs that the vehicle can be lawfully imported (by a registered importer or by a person who has a contract with a registered importer to modify the vehicle) even though the vehicle was not originally manufactured to comply with all applicable FMVSS or was not so certified by its original manufacturer for importation into, and sale in, the United States.

#### **B. Import Eligibility Petition and Decision**

NHTSA was petitioned by a registered importer to decide whether 1990–1999 Nissan GTS and GTR Passenger cars are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of this petition under Docket Number NHTSA–99–5507 on April 16, 1999 (64 FR 18963). As stated in the notice, the petitioner claimed that 1990–1999 Nissan GTS and GTR passenger cars have safety features that comply with many standards that apply to passenger cars of the model years in question, and are capable of being altered to comply with other applicable standards. With respect to FMVSS No. 208 Occupant Crash Protection, the petitioner stated that the driver's air bags on 1990–1993 models, and the driver's and passenger's air bags on 1994–1999 models, would need to be replaced with components manufactured to the petitioner's specifications based on the results of dynamic crash tests conducted by MGA Research Corporation. As indicated by the petitioner, these tests were conducted after it had made certain structural modifications to the vehicles.

No comments were received in response to the notice of petition. Based on its review of the information submitted by the petitioner, NHTSA granted the petition on November 15, 1999, and assigned Vehicle Eligibility Number VCP–17 to vehicles admissible under that decision. The agency published notice of the decision on January 19, 2000 (65 FR 3002).

#### **C. Information Undermining Eligibility Decision**

After the notice of decision granting the petition was published, the agency obtained additional information regarding 1990–1999 Nissan GTS and GTR passenger cars from Nissan North America, Inc., the U.S. representative of Nissan Motor Company, LTD (Nissan) of Tokyo, Japan, the vehicles' manufacturer. Nissan informed the agency that it manufactured three distinct GTS and GTR models from 1990 to 1999, designated as the R32, the R33,

and the R34 models, respectively. Nissan stated that the R32, the R33, and the R34 models differ in terms of their "structural design and restraint performance," and that each of the models, which followed a chronological sequence, was "newly designed and different from the type preceding it." Nissan confirmed that the company received official type approval from the Japanese government for each model separately, and stated that it was "highly likely that each model type would perform differently in the crash tests required by the FMVSS."

Nissan also provided a chart showing production "start" and "end" dates for the R32, the R33, and the R34 models. The R32 models were manufactured from May 1989 through November 1994; the R33 models were manufactured from August 1993 through June 1998; and the R34 models were manufactured from November 1997 through August 2002. Included in the chart is information identifying the production "start" dates when air bags were offered as an option and as standard equipment at both the driver's and the front passenger's seating positions on the R32, the R33, and the R34 model vehicles.

The agency did not have this information at the time of its original decision to grant import eligibility to 1990–1999 Nissan GTS and GTR passenger cars. Instead, the agency heavily relied on the results of static and dynamic tests on two modified 1996 R33 model vehicles, which the original petition suggested were representative of the entire model year range covered by the petition. As indicated in the original petition, the petitioner had made structural modifications to these two vehicles and replaced the air bags at the driver's and front passenger's seating positions with components manufactured to its own specifications. With the benefit of the information provided by Nissan, it is now apparent that the petitioner did not demonstrate full compliance with the performance requirements of FMVSS 208 and other crashworthiness standards (e.g., FMVSS Nos. 210 Seat Belt Assembly Anchorages, 212 Windshield Mounting, and 301 Fuel System Integrity) for R32 and R34 models because petitioner did not identify these separate models or provide crash performance test data on them.

The agency's decision to grant import eligibility to 1990–1999 Nissan GTS and GTR passenger cars also relied on the petitioner's assertion that the original equipment driver's air bag on 1990–1993 models, and the driver's and

passenger's air bags on 1994–1999 models would be replaced with components manufactured to the petitioner's specifications.

However, the air bag production chart provided by Nissan shows that no driver's air bags were available in the R32 GTS model until August 1991. For the R32 GTR model, no driver's air bag was offered until February 1994, and it was then offered only as optional equipment. Nissan did not offer passenger's air bags in the R32 model. Nissan began production of the R33 model in August 1993, offering both driver's and passenger's air bags as optional equipment on the GTS model. It was not until January 1995 that a driver's air bag was offered on the GTR model. As of January 1995, the driver's air bag became standard on both GTS and GTR models. One year later, in January 1996, the passenger's air bag became standard on both GTS and GTR models.

Nissan has informed the agency that it does not possess records that would allow it to determine whether any individual vehicle had air bags installed as optional equipment. Based on the information furnished by Nissan, the agency can only be assured that R33 model vehicles, produced by Nissan beginning in January 1996, had both driver's and passenger's air bags installed as original equipment.

#### **D. Tentative Decision To Partially Rescind Import Eligibility**

On the basis of the foregoing, NHTSA tentatively concluded that the original grant of eligibility to the 1990–1999 Nissan GTS and GTR passenger cars, comprising R32, R33, and R34 model vehicles, was overly broad. As a consequence, the agency tentatively decided to rescind that decision in part, so that only Nissan R33 model GTS and GTR passenger cars manufactured between January 1996 and June 1998 would be eligible for importation if the tentative decision was made final. The agency published a notice of the tentative decision on November 28, 2005, 70 FR 71375. The notice solicited public comments on the tentative decision.

#### **E. Comments on Tentative Decision**

The agency received 35 comments in response to the notice of tentative decision. Nine of these were duplicates. Eliminating the duplicates, a total of 26 comments were received. Those comments are summarized below.

##### *a. General Issues*

Ten commenters opposed any change in the existing decision that 1990–1999



Nissan GTS and GTR "Skyline" passenger cars are eligible for importation. Two commenters expressed the opinion that Skylines are not unsafe vehicles. Three commenters observed that there are so few Skyline vehicles in the United States that their impact on motor vehicle safety is negligible. Three commenters observed that NHTSA should not rescind import eligibility for Nissan Skylines, thereby denying enthusiasts the opportunity to own these vehicles, on account of a single registered importer's fraudulent practices in certifying the compliance of these vehicles to all applicable standards. In contrast to these comments, three commenters were of the opinion that NHTSA should rescind import eligibility for all Nissan Skyline vehicles. Of these, one commenter believed the market for the Nissan Skyline was too limited for businesses to spend the capital necessary to re-engineer components required to fully comply with the FMVSS.

*Agency Response:* Because they were not originally manufactured to comply with all applicable FMVSS, Nissan Skyline vehicles could not be lawfully imported into the United States unless they were determined eligible for importation, based on their capability of being modified to conform to those standards. That is the case regardless of how safe the commenters may believe the vehicles to be, and regardless of how many Skyline vehicles may actually be operated on U.S. roads.

Although the agency's original import eligibility decision was overly broad because it was based on the premise that all vehicles within the 1990-1999 model years were built on the same platform and were all equipped with air bags, the agency does not believe it is necessary to entirely rescind import eligibility for all Skyline vehicles. There is sufficient information of record for the agency to conclude that certain of those models and model years are capable of being modified to conform to all applicable standards within the meaning of 49 U.S.C. 30141(a)(1)(B).

Although the agency has been informed that some Skyline owners have been defrauded by unscrupulous enterprises operating outside the laws and regulations that the agency administers, that is not the reason for the partial rescission action. The partial rescission is instead based on the receipt of new information from the vehicles' original manufacturer that caused the agency to question the breadth of its original eligibility decision.

#### *b. Request To Delay Agency Decision*

One commenter, who described himself as a member of the armed forces, stated that he specifically requested a tour of duty in Japan so that he could return to the United States with a Nissan Skyline. This commenter requested the agency to delay the partial rescission for 12 to 24 months so he and other military personnel may import vehicles before the rescission takes effect.

*Agency Response:* An agency decision to partially rescind import eligibility for the Nissan Skyline would limit the model and model year range of those vehicles that can be lawfully imported, but would not render all Nissan Skyline vehicles ineligible for importation. This should assure that returning service members and others would continue to have a sufficient opportunity to import one of these vehicles. The agency notes that it lacks the authority to create special exemptions from the importation restrictions for any reason, including military service.

#### *c. Challenges To Information Supporting Partial Rescission*

##### *1. The Three Models Would Perform the Same in Crash Tests*

Four commenters disagreed with the manufacturer's statement that R32, R33, and R34 model vehicles differ in terms of their structural design and restraint performance. The commenters acknowledge that there are structural differences among the platforms, which they view as minor, but predict that crash tests performed on each of those platforms would yield identical results. Several commenters recommended that the agency obtain the manufacturer's vehicle design documents to confirm the differences claimed by the manufacturer.

*Agency Response:* The original manufacturer, Nissan, represented that the R32, the R33, and the R34 models differ in terms of their "structural design and restraint performance," and that each of the models, which followed a chronological sequence, was "newly designed and different from the type preceding it." Nissan confirmed that the company received official type approval from the Japanese government for each model separately, and observed that it was "highly likely that each model type would perform differently in the crash tests required by the FMVSS." The commenters have not provided any technical basis for disputing Nissan's statements. Based on its review of the petition and the petition's supporting information, including reports of crash tests conducted on two R33 model

Nissan Skyline vehicles, in 1999 the agency was persuaded that the petitioner had demonstrated that the R33 model Nissan Skyline was capable of being altered to comply with all applicable FMVSS. Aside from generally observing that the three Skyline models would yield similar crash test results, none of the commenters provided any sound evidence, such as crash test data, to show that the R32 and R34 models are also capable of being brought into compliance with all applicable FMVSS. There is nothing to refute the original manufacturer's claim that the three models would be highly likely to perform differently in dynamic crash tests. In light of the manufacturer's statement that the three Skyline models would perform differently in dynamic crash tests and the absence of crash test data to support the commenters' claim that the three models would perform the same, we decline to accept that claim.

##### *2. Owner's and Parts Manuals Show Availability of Air Bags as Optional Equipment in Early Models*

One commenter stated that he obtained in Japan a 1992 Nissan Skyline GTR owner's manual showing that an air bag was offered for the vehicle. Additionally, this commenter stated that he purchased a parts manual for a 1992 R32 model vehicle showing the part numbers for an air bag. The commenter stated he was enclosing pages from both manuals with his comment to the Docket, but did not do so. Based on the information he reportedly found in the two manuals, the commenter requested clarification of Nissan's statement that no driver's air bag was offered for the R32 GTR model until February 1994, and that it was then offered only as optional equipment.

*Agency's Response:* Based on the information provided by Nissan, that manufacturer offered an air bag as optional equipment at the driver's designated seating position on the R32 sedan and coupe beginning in August 1991. We are aware that vehicle owner's manuals often contain information covering optional equipment offered in a vehicle model. The same holds true for parts manuals. While an air bag was offered as early as August 1991 in the R32 sedan and coupe, Nissan states that it did not offer the air bag in the R32 GTR until February 1994. We do not regard the commenter's information as refuting the information provided by Nissan.



### 3. Optional R32 Air Bags Are Nearly Identical to R33 Air Bags

One commenter, an attorney representing a vehicle owner, claimed that an air bag was available as a factory option on 1990–1993 R32 model Nissan Skyline vehicles. This commenter asserted that this optional restraint system is nearly identical to that found in 1993–1995 R33 model Nissan Skyline vehicles and employs the same sensors and electronic control module. Although he conceded that there are differences between the chassis of the R32 and later R33 models, the commenter contended that the air bag systems installed in those models are substantially similar, in terms of both their components and their manner of operation, and observed that the R33 model was crash tested by the RI that petitioned NHTSA to determine the vehicle eligible for importation. The commenter also noted that 1990 to 1994 model vehicles are not required to have an air bag to comply with the automatic crash protection requirements of FMVSS No. 208, and may do so by means of an automatic restraint such as a motorized seatbelt. As a consequence, the commenter encouraged the agency to allow the original eligibility determination to stand, but to permit an alternate means of achieving compliance with FMVSS No. 208 (e.g., by adding automatic seatbelts).

*Agency Response:* Contrary to the commenter's contention, information supplied to the agency by Nissan shows that no 1990 R32 model Skyline vehicles were manufactured with air bags at the driver's designated seating position. It was not until August 1991 that Nissan began offering, as optional equipment, air bags at the driver's designated seating position in R32 model sedans and coupes. According to Nissan, no R32 model Skyline was equipped with an air bag at the passenger's designated seating position. With regard to the commenter's observation that nearly identical restraint systems were available for R32 and R33 model vehicles, the agency again notes Nissan's claim that the R32, R33, and R34 models differ in terms of their "structural design and restraint performance," that each of the models was "newly designed and different from the type preceding it," and that it was "highly likely that each model type would perform differently in the crash tests required by the FMVSS."

Addressing the commenter's suggestion that motorized seatbelts be allowed as an alternate means of achieving compliance with FMVSS No. 208, the agency notes that the registered

importer that petitioned NHTSA to determine the Nissan Skyline eligible for importation conducted crash tests on the vehicle after replacing its air bags with ones manufactured to the petitioner's specifications. The petitioner did not install motorized seatbelts in the vehicle to achieve compliance with the standard. Moreover, Nissan informed the agency that automatic seatbelts were not installed as original equipment in the 1990–1999 Skyline models, and no dynamic crash test data is available to demonstrate that such a vehicle equipped with automatic seatbelts would comply with FMVSS No. 208. The mere statement that equipment such as automatic seatbelts could be added to a vehicle is not sufficient to prove that the vehicle is capable of being altered to comply with FMVSS No. 208, as would be required to establish that the vehicle is eligible for importation under 49 U.S.C.

30141(a)(1)(B). Such proof could only be obtained by conducting a crash test that replicates how the vehicle structures and restraint systems perform in a crash.

### 4. Agency's Reliance on Manufacturer's Comments Is Inconsistent With Past Import Eligibility Decision Practices

Another commenter, a registered importer, observed that because Nissan had every opportunity to comment on the original import eligibility petition covering 1990–1999 Nissan GTS and GTR passenger cars, but elected not to do so, the manufacturer in effect conceded that no adverse safety impact would result from the granting of this petition. Noting that NHTSA received information from the manufacturer after the petition was granted, the commenter recommended that the agency officially announce, in the **Federal Register** notices that it publishes to solicit comments on future petitions, that it will ask manufacturers to assess the sufficiency of the proposed modifications identified by the petitioner. In particular, the commenter faulted the agency for accepting Nissan's statements that the R32, R33, and R34 model vehicles are sufficiently distinct that they are likely to yield different crash test results. The commenter noted that NHTSA has disregarded manufacturer's comments in ruling on past petitions. The commenter further noted that NHTSA personnel have previously stated that minor differences in overall wheelbase would not have an overall impact on a vehicle's crashworthiness unless weight differences of more than 500 pounds were involved.

*Agency response:* The agency does not believe that any conclusion or inference can be drawn from the fact that Nissan did not comment on the original eligibility petition for Nissan Skyline vehicles. Regarding the manner in which NHTSA obtained information from Nissan in this instance, the agency notes that it asked the manufacturer to provide vehicle production data on Skyline vehicles as part of an investigation unrelated to the original petition. Based on the information furnished by the manufacturer (such as the fact that air bags were not installed as original equipment on 1990 R32 models), the agency re-evaluated the eligibility decision. Contrary to the commenter's observation, the agency was not constrained from re-evaluating this decision on account of past instances in which it has granted import eligibility to a particular vehicle despite objections from the vehicle's original manufacturer.

The information furnished by Nissan, which NHTSA did not have when it granted the original petition, compelled the agency to conclude that the petitioner did not adequately demonstrate that R32 and R34 model Skyline vehicles are capable of being modified to comply with all applicable FMVSS. In these circumstances, it was not appropriate for the agency to let its earlier import eligibility decision stand. Accordingly, NHTSA undertook to modify that decision prospectively by limiting import eligibility to R33 model vehicles in which both required air bags are installed as standard equipment. However, RIs are free to petition the agency to decide whether any other model or model year Skyline vehicle is eligible for importation.

Unlike past instances in which a single eligibility decision has covered vehicles with minor differences in overall wheelbase, in this instance, the Nissan Skyline was produced in three distinct models over the 1990 through 1999 model years. In view of Nissan's statement that the three models differ in terms of their "structural design and restraint performance," and would be "highly likely to perform differently in the crash tests required by the FMVSS," NHTSA cannot justify maintaining import eligibility for the three models based on data submitted for one model alone.

### 5. Import Eligibility Should Be Retained for 1995 R33 Model Skyline Vehicles

Six commenters asked the agency to retain import eligibility for 1995 R33 model Nissan Skyline vehicles. The commenters noted that the body style of the 1995 R33 model is exactly the same

as the R33 models produced from 1996 to 1998. The commenters further observed that some of the 1995 R33 model vehicles were equipped with an optional air bag at the passenger's designated seating position. The commenters noted that even though Nissan is unable to advise the agency whether any particular vehicle was manufactured with an optional air bag, agency personnel might verify the air bag's presence by performing a vehicle inspection.

The commenters further contended that 1995 models that were not originally equipped with an air bag at the passenger's designated seating position are capable of being retrofitted with readily available components. One commenter stated that a dual supplemental restraint system (SRS) could be installed in those vehicles. As described by the commenter, this system would include a complete dash, a passenger's air bag module, a dual SRS wire harness, and a dual SRS electronic control unit.

Another commenter contended that it is possible to retrofit 1995 Skyline vehicles with dual air bags, because these vehicles were originally designed to accept the optional passenger air bag on the assembly line. The commenter claimed that the steering column, the wiring harness, and air bag system mounting brackets are identical on 1995 R33 model vehicles, regardless of whether they were originally equipped with or without the optional passenger air bag. The commenter further contended that the components needed to add the air bag at the passenger's designated seating position (e.g., rear SRS control unit mount and dashboard pad with blow out panel) could be readily purchased from the manufacturer and retrofitted to the vehicle.

*Agency response:* The original petition stated that to achieve compliance with FMVSS No. 208, the driver's air bags on 1990-1993 models, and the driver's and passenger's air bags on 1994-1999 models, would need to be replaced with components manufactured to the petitioner's specifications. The petition did not address the fact that many Skyline vehicles within the covered range of model years never had air bags installed as original equipment and that those components could therefore not be "replaced" in the manner described. Because it has no way to reliably determine whether any particular 1995 model Skyline vehicle was originally equipped with a passenger air bag, the agency is unwilling to retain import eligibility for that model year.

With regard to the suggestion that 1995 vehicles be inspected to determine whether air bags are installed, our regulations at 49 CFR 594.7(e) require the payment of \$827 when agency personnel inspect a vehicle. The agency does not have the resources that would be needed to inspect each 1995 vehicle that may be imported.

Only vehicles originally manufactured with all required air bags are within the scope of the original eligibility decision. Without the benefit of data, views, and arguments equivalent to what is needed to support an eligibility petition, the agency is unable to determine whether a 1995 R33 model Skyline vehicle that was not originally equipped with one or more required air bags may be properly retrofitted with an air bag system. Based on the information furnished by Nissan, our only assurance is that R33 model Skyline vehicles manufactured beginning in January 1996, which had dual air bags installed as standard equipment, can be modified in the manner described in the original eligibility petition.

#### 6. Requested Relief for Vehicles Already Imported

Ten commenters stated that they had purchased Nissan Skyline vehicles in good faith and lawfully imported those vehicles for personal use in reliance on the agency's existing import eligibility determination. These commenters requested the agency to grant a one-time waiver from the requirements of standards the vehicles have not been proven to meet. Given the limited number of vehicles that fall into this category, the commenters contended that the granting of such a waiver would have a negligible impact on motor vehicle safety. In exchange for any such waiver, several commenters offered to accept certain conditions, such as those limiting on-road use, restricting the resale of the vehicle, and releasing the agency from liability for injuries that could result from operating a vehicle that does not comply with all applicable standards.

One commenter asked the agency to consider exempting from the air bag requirements vehicles already imported and in the custody of a registered importer. This commenter observed that the agency has previously granted financial hardship exemptions from the requirements of FMVSS No. 208 to five manufacturers, including Saleen, Bugatti, Shelby America, Laforza, and Spyker. The commenter also observed that the agency also granted permission to a vehicle owner to deactivate an air bag based on a medical condition, even

though the vehicle's registered importer did not properly install a required air bag.

*Agency response:* An agency decision to partially rescind import eligibility for Nissan Skyline vehicles would only be effective prospectively, and would not affect the legality of the importation of those vehicles under the prior eligibility decision. As previously noted, NHTSA granted import eligibility to 1990-1999 Nissan GTS and GTR "Skyline" passenger cars on the basis of a representation in the original petition that the vehicle's airbags would be "replaced" with components manufactured to the petitioner's specifications. Because no comments were submitted in response to the notice of petition, this representation was not refuted. It was only later that the agency learned, through an investigation, that air bags were only installed as standard equipment on a limited range of vehicles produced within the models years covered by the petition. NHTSA has not released the DOT Conformance bonds on a number of Skyline vehicles that were not originally manufactured with required air bags, for want of evidence that those vehicles have been altered to comply with FMVSS No. 208 in the manner described in the petition. Comments relating to disposition of these and other vehicles already imported under the prior decision are outside the scope of this decision. Nevertheless, the agency is willing to consider, on a case-by-case basis, the concerns of those owning Skyline vehicles that were lawfully imported under the original eligibility decision but have yet to be bond released by NHTSA.

We have considered the commenters' suggestions in light of the agency's authority under the laws and regulations that it administers. One commenter suggested that the agency grant owners of the affected vehicles exemptions from one or more applicable FMVSS, such as those granted to manufacturers under 49 U.S.C. 30113 and 49 CFR Part 555. As specified in those provisions, these exemptions can only be granted to a manufacturer, and only in circumstances where compliance with a standard would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. The agency lacks the authority to grant such an exemption to any other party. Although a registered importer may file with the agency a petition for a temporary exemption under Part 555, as explained in the agency's interpretations, the agency would regard such a petition as being filed on behalf

of the foreign manufacturer, and would consider the circumstances of the manufacturer, and not the importer, in deciding whether to grant the petition. Moreover, since an exemption under Part 555 would only apply to vehicles originally manufactured after the date the exemption is granted, used vehicles could not benefit from such an exemption.

One commenter also suggested that the agency grant owners of vehicles that cannot be modified to conform to the air bag requirements of FMVSS No. 208 an exemption similar to the one described in 49 CFR 595.5. This provision enables motor vehicle dealers or repair businesses to install retrofit air bag on-off switches without violating the prohibition in 49 U.S.C. 30122 against making inoperative safety equipment installed in a vehicle in compliance with an applicable standard. This regulation applies to a limited and narrowly tailored set of circumstances. The regulation seeks to preserve the benefits of air bags, while providing a means for reducing the risk of serious or fatal injury that air bags pose to identifiable groups of people, such as people who cannot avoid sitting extremely close to air bags by reason of their short stature, people with certain medical conditions, and young children. To obtain permission for the installation of an on-off switch, the vehicle owner must certify that the owner or another user of the vehicle is a member of one of the at-risk groups. This regulation, which pertains to the prohibition on making safety equipment inoperative in 49 U.S.C. 30122, has no bearing on import eligibility decisions under 49 U.S.C. 30141(a)(1)(B).

Several commenters offered to limit their vehicles' on-road use, to restrict the resale of their vehicles, or to release the agency from liability resulting from the vehicles' noncompliance in exchange for a waiver from compliance with one or more applicable standards. Addressing the offer to release the agency from liability, the agency notes that it is not subject to suit for exercising governmental functions of this kind. The remaining conditions are similar to ones imposed on the owners of vehicles imported for purposes of show or display under 49 CFR 591.5(j)(1). A vehicle cannot be imported for purposes of show or display unless it is found by the agency to have such historical or technological significance that it is worthy of being imported for those purposes. As a general rule, a vehicle is ineligible for importation for purposes of show or display if more than 500 of the vehicles were produced, or if the vehicle has

been found eligible for importation under 49 CFR Part 593, based on its capability of being modified to conform to all applicable standards. For these reasons, the agency has previously denied an application for the importation of a 1995 Nissan Skyline GTS-T under the show or display provisions. To be consistent with its past administration of these provisions, the agency remains unwilling to extend show or display status to Nissan Skyline vehicles. Moreover, the agency lacks the authority to impose mileage or resale restrictions on vehicles imported for any other purpose.

#### *Final Decision*

Accordingly, on the basis of the foregoing, NHTSA hereby rescinds its decision, granted on November 15, 1999, that 1990-1999 Nissan GTS and GTR Passenger cars are eligible for importation into the United States. NHTSA hereby decides that Nissan R33 model GTS and GTR passenger cars manufactured between January 1996 and June 1998 are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

#### *Vehicle Eligibility Number*

The importer of a vehicle admissible under any import eligibility decision must enter on the HS-7 Declaration form covering the entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for importation. Vehicle eligibility number VCP-17 was assigned to 1990-1999 Nissan GTS and GTR passenger cars. NHTSA is rescinding that eligibility number and assigning eligibility number VCP-32 to Nissan R33 model GTS and GTR passenger cars manufactured between January 1996 and June 1998 that remain eligible for importation.

**Authority:** 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 06-1896 Filed 2-28-06; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

#### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions Fund (the Fund), a government corporation within the Department of the Treasury, is soliciting comments concerning the "New Markets Tax Credit (NMTC) Program—Community Development Entity (CDE) Certification Application" (hereafter, the Application).

**DATES:** Written comments should be received on or before May 1, 2006 to be assured of consideration.

**ADDRESSES:** Direct all comments to Pamela Williams, Program Operations Advisor, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, DC 20005, Facsimile Number (202) 622-7754.

**FOR FURTHER INFORMATION CONTACT:** The Application may be obtained from the Fund's Web site at <http://www.cdfifund.gov>. Requests for additional information should be directed to Pamela Williams, Program Operations Advisor, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, DC 20005, or by phone to (202) 622-6355.

#### **SUPPLEMENTARY INFORMATION:**

**Title:** New Markets Tax Credit (NMTC) Program—Community Development Entity (CDE) Certification Application.

**OMB Number:** 1559-0014.

**Abstract:** Title I, subtitle C, section 121 of the Community Renewal Tax Relief Act of 2000 (the Act), as enacted by section 1(a)(7) of the Consolidated Appropriations Act, 2001 (Pub. L. 106-554, December 21, 2000), amended the Internal Revenue Code (IRC) by adding IRC § 45D and created the NMTC Program. The Department of the

Treasury, through the Fund, administers the NMTC Program, which provides an incentive to investors in the form of tax credits over seven years, which is expected to stimulate the provision of private investment capital that, in turn, will facilitate economic and community development in low-income communities. In order to qualify for an allocation of tax credits through the NMTC Program, an entity must be certified as a qualified community development entity (CDE) and submit an allocation application to the Fund. Nonprofit entities and for-profit entities may be certified as CDEs by the Fund. Both for-profit and nonprofit entities may apply to the Fund for an allocation of NMTCs, but only CDEs that are for-profit entities are eligible to issue qualified equity investments with respect to which investors will be entitled to claim NMTCs. In order to be certified as a CDE, an entity must be a domestic corporation or partnership, that: (1) has a primary mission of serving or providing investment capital for low-income communities or low-income persons; and (2) maintains accountability to residents of low-income communities through their representation or any governing or advisory board of the entity.

**Current Actions:** Currently receiving and processing CDE certification applications.

**Type of review:** Extension.

**Affected Public:** CDEs, including business or other for-profit institutions, nonprofit entities, and State, local and Tribal entities.

**Estimated Number of Respondents:** 500.

**Estimated Annual Time Per Respondent:** 5 hours.

**Estimated Total Annual Burden Hours:** 2,500 hours.

**Requests for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and

purchase of services required to provide information.

**Authority:** 26 U.S.C. 45D; 31 U.S.C. 321; 26 CFR 1.45D-1T.

**Dated:** February 23, 2006.

**Arthur A. Garcia,**

*Director, Community Development Financial Institutions Fund.*

[FR Doc. E6-2834 Filed 2-28-06; 8:45 am]

**BILLING CODE 4810-70-P**

## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

#### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions Fund (the Fund), a government corporation within the Department of the Treasury, is soliciting comments concerning the draft "Survey of CDFIs to Gather Feedback on the Effectiveness of the Programs of the CDFI Fund of the U.S. Department of the Treasury" (hereafter, the Survey).

**DATES:** Written comments should be received on or before May 1, 2006 to be assured of consideration.

**ADDRESSES:** Direct all comments to Pamela Williams, Program Operations Advisor, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, DC 20005. Facsimile Number (202) 622-7754.

**FOR FURTHER INFORMATION CONTACT:** The Survey may be obtained from the Fund's Web site at <http://www.cdfifund.gov>. Requests for additional information should be directed to Pamela Williams, Program Operations Advisor, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, DC 20005, or by phone to (202) 622-6355.

#### SUPPLEMENTARY INFORMATION:

**Title:** Survey of CDFIs to Gather Feedback on the Effectiveness of the

Programs of the CDFI Fund of the U.S. Department of the Treasury.

**OMB Number:** Pending OMB approval.

**Abstract:** The Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 et seq.) authorizes the Community Development Financial Institutions Fund (the Fund) of the U.S. Department of the Treasury to select and provide financial assistance (FA) awards and technical assistance (TA) awards to eligible applicants through the Community Development Financial Institutions (CDFI) Program. In addition, the legislation authorizes the CDFI Fund to certify eligible entities as CDFIs and to provide training to CDFIs and members of the financial services industry. The Department is conducting, through a contract with Abt Associates Inc., a study of the effectiveness of the CDFI Program (including the FA and TA award components), the Training Program and the CDFI certification designation. The assessment will rely on information from CDFIs on their opinions of the value of these program components in their ability to meet the community development finance needs of their communities. These data will be used along with quantitative information (to be obtained from existing administrative sources) to help identify the impacts of the components. Data on CDFI opinion regarding the effectiveness of the components is not available from other sources, and needs to be collected directly from the CDFIs through the proposed survey. In addition, the survey will gather recommendations from CDFIs on ways that going forward, the Fund through these program components, can better meet the needs of their communities.

**Current Actions:** Pending OMB approval.

**Type of review:** Initial.

**Affected Public:** CDFIs, including business or other for-profit institutions, not-for-profit institutions and State, local and Tribal entities; community development trade associations and industry experts.

**Estimated Number of Respondents:** 1,100.

**Estimated Annual Time Per Respondent:** The researchers will administer a one-time mail web-based survey with e-mail and telephone follow-up to staff from each of the 1,100 CDFIs. Each CDFI will be asked to respond only to specific portions of the survey, depending on the types of assistance they applied for and received. The survey is estimated to take anywhere from 30 minutes (for respondents who have not participated

in the program components being evaluated) to 54 minutes (for respondents who received each type of assistance and participated in the Training Program). The survey is estimated to take 35 minutes for the average respondent that received funding under the program components being evaluated. Based on our estimates of the number of respondents in each category, the total burden across all respondents is estimated at 496 hours.

*Estimated Total Annual Burden Hours: 496 hours.*

*Requests for Comments:* Comments submitted in response to this notice will

be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

- (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;
- (b) the accuracy of the agency's estimate of the burden of the collection of information;
- (c) ways to enhance the quality, utility, and clarity of the information to be collected;
- (d) ways to minimize the burden of the collection of

information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

**Authority:** 12 U.S.C. 4703, 4703 note, 4704, 4706, 4707, 4717; 12 CFR part 1805.

Dated: February 23, 2006.

**Arthur A. Garcia,**

*Director, Community Development Financial Institutions Fund.*

[FR Doc. E6-2833 Filed 2-28-06; 8:45 am]

**BILLING CODE 4810-70-P**



# Corrections

Federal Register

Vol. 71, No. 40

Wednesday, March 1, 2006

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF COMMERCE

### International Trade Administration

A-337-806

#### Individually Quick Frozen Red Raspberries from Chile: Notice of Final Results of Antidumping Duty Administrative Review

##### Correction

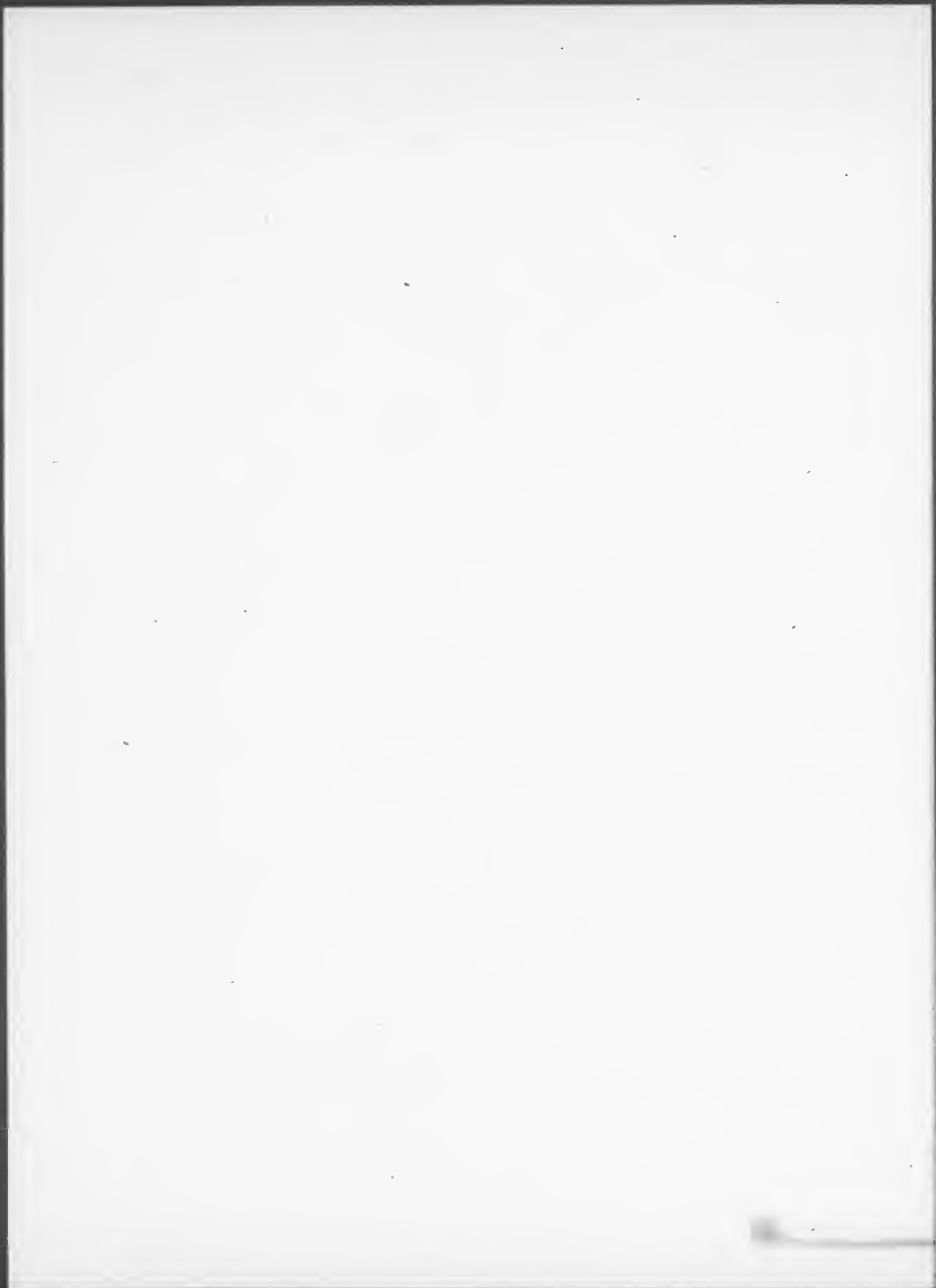
In notice document 05-23737 beginning on page 72788 in the issue of Wednesday, December 7, 2005, make the following correction:

On page 72788, in the third column, the table is corrected to read as follows:

Exporter/manufacture	Weighted-average margin percentage
Fruticola Olmue, S.A. ...	0.09 ( <i>de minimis</i> )
Santiago Comercio Exterior Exportaciones, Ltda. ....	0.00
Vital Berry, S.A. ....	0.00

[FR Doc. C5-23737 Filed 2-28-06; 8:45 am]

BILLING CODE 1505-01-D





# Federal Register

---

Wednesday,  
March 1, 2006

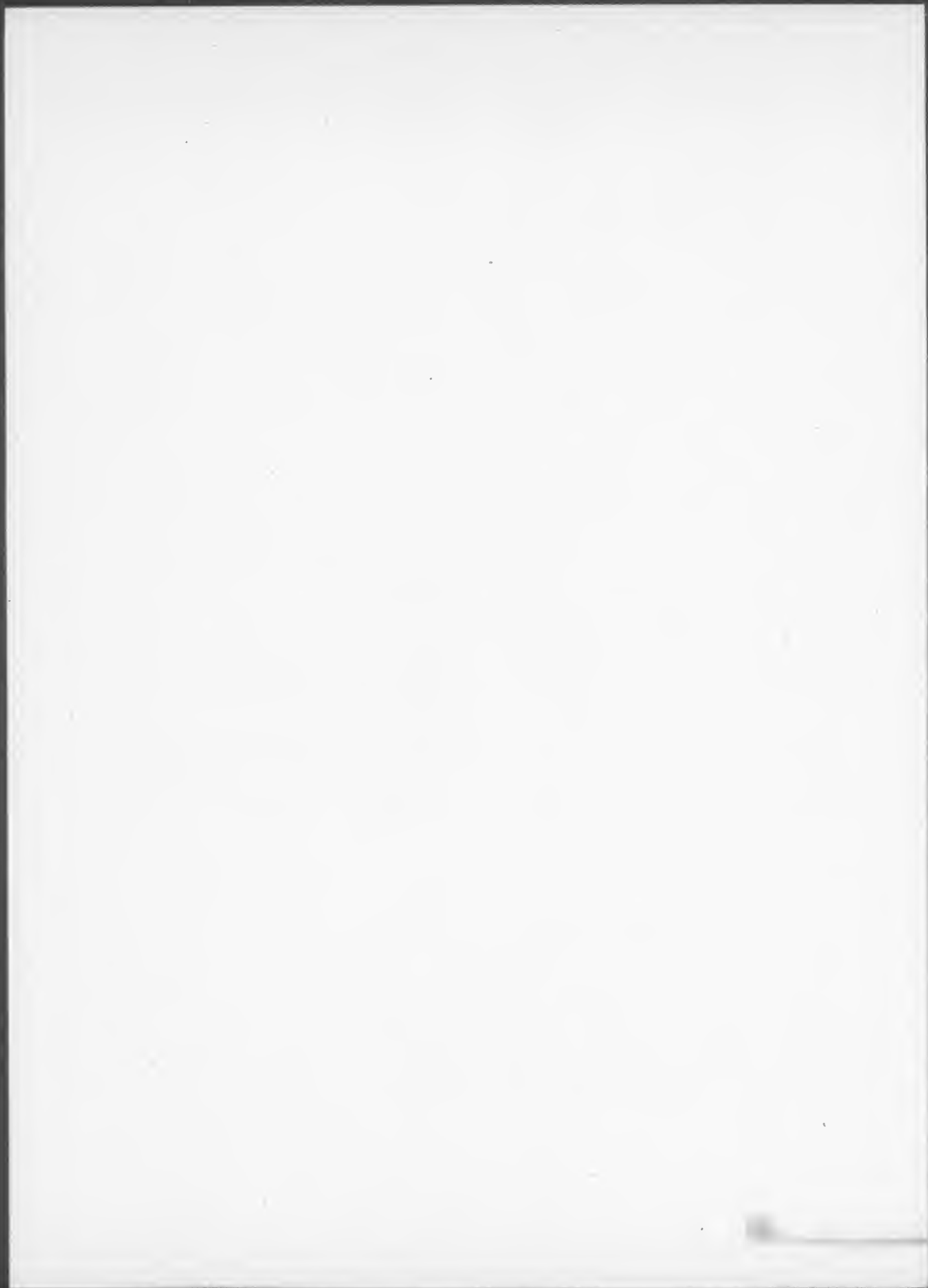
---

## Part II

### The President

---

Notice of February 27, 2006—  
Continuation of the National Emergency  
Blocking Property of Persons  
Undermining Democratic Processes or  
Institutions in Zimbabwe



# Presidential Documents

Title 3—

Notice of February 27, 2006

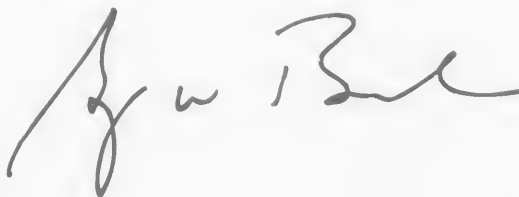
The President

## Continuation of the National Emergency Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe

On March 6, 2003, by Executive Order 13288, I declared a national emergency blocking the property of persons undermining democratic processes or institutions in Zimbabwe, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, thus contributing to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability in the southern African region. On November 22, 2005, I issued Executive Order 13391 to take additional steps with respect to the national emergency declared in Executive Order 13288 and to block the property of additional persons undermining democratic processes or institutions in Zimbabwe.

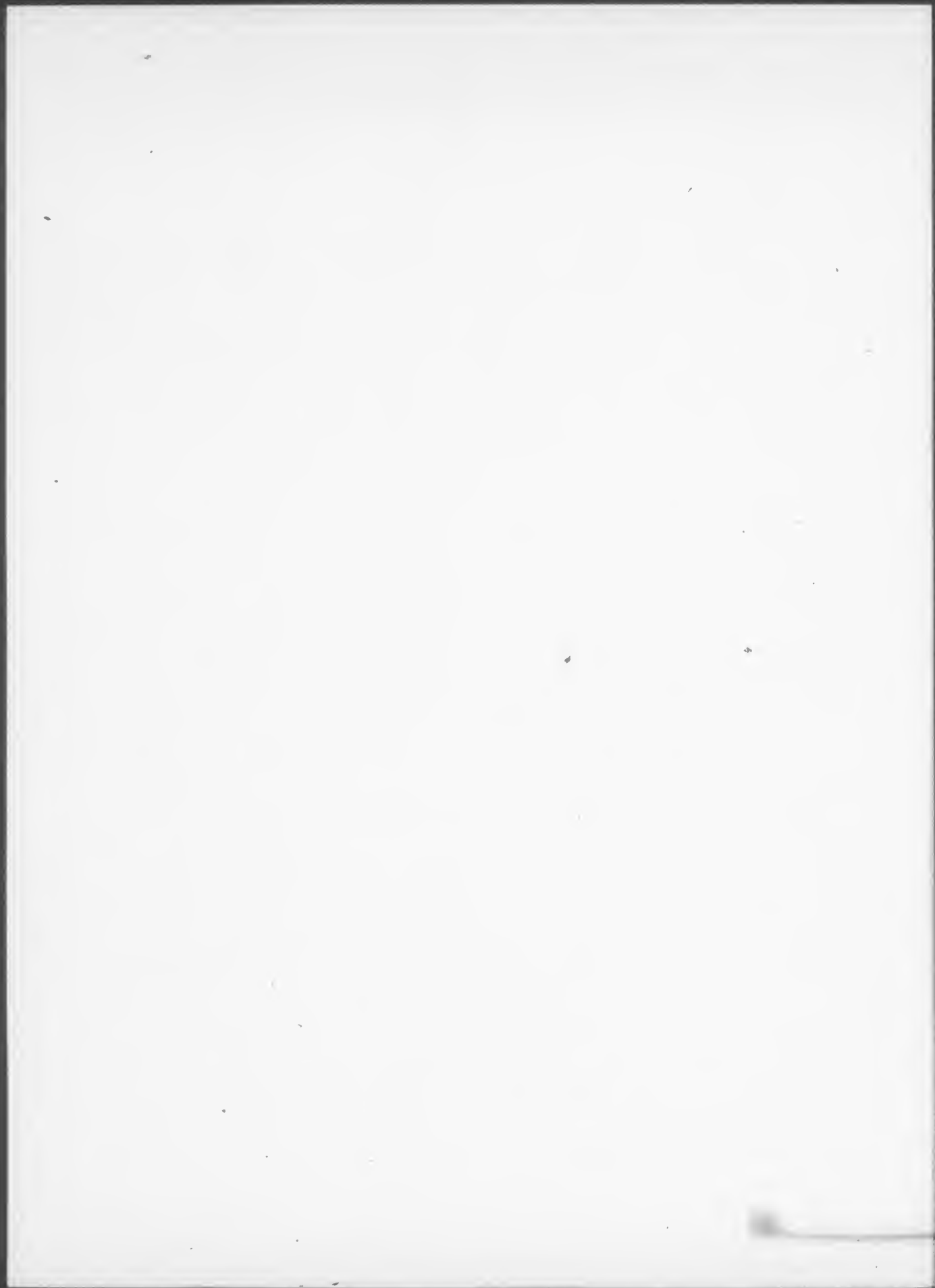
Because the actions and policies of these persons continue to pose an unusual and extraordinary threat to the foreign policy of the United States, the national emergency declared on March 6, 2003, and the measures adopted on that date and on November 22, 2005, to deal with that emergency, must continue in effect beyond March 6, 2006. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,  
February 27, 2006.





## Reader Aids

Federal Register

Vol. 71, No. 40

Wednesday, March 1, 2006

---

### CUSTOMER SERVICE AND INFORMATION

#### Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids 202-741-6000

Laws 741-6000

#### Presidential Documents

Executive orders and proclamations 741-6000

The United States Government Manual 741-6000

#### Other Services

Electronic and on-line services (voice) 741-6020

Privacy Act Compilation 741-6064

Public Laws Update Service (numbers, dates, etc.) 741-6043

TTY for the deaf-and-hard-of-hearing 741-6086

---

### CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

### ELECTRONIC RESEARCH

#### World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: <http://www.gpoaccess.gov/nara/index.html>

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: [http://www.archives.gov/federal\\_register/](http://www.archives.gov/federal_register/)

#### E-mail

**FEDREGTOC-L** (Federal Register Table of Contents **LISTSERV**) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <http://listserv.access.gpo.gov> and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings)*; then follow the instructions.

**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

**FEDREGTOC-L** and **PENS** are mailing lists only. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to: [fedreg.info@nara.gov](mailto:fedreg.info@nara.gov)

The Federal Register staff cannot interpret specific documents or regulations.

---

### FEDERAL REGISTER PAGES AND DATE, MARCH

10411-10604..... 1

**REMINDERS**

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

**RULES GOING INTO EFFECT MARCH 1, 2006****AGRICULTURE DEPARTMENT****Animal and Plant Health Inspection Service**

Exportation and importation of animals and animal products:

Exotic Newcastle disease; disease status change—  
Argentina; published 1-30-06

**COMMERCE DEPARTMENT National Oceanic and Atmospheric Administration**

Fishery conservation and management:

West Coast States and Western Pacific fisheries—

Pacific Coast groundfish; published 2-17-06

**ENVIRONMENTAL PROTECTION AGENCY**

Air pollutants, hazardous; national emission standards: Miscellaneous organic chemical manufacturing; published 3-1-06

Air quality implementation plans; approval and promulgation; various States:

Montana; published 1-30-06

**FEDERAL COMMUNICATIONS COMMISSION**

Practice and procedure:

Office of Management and Budget list of approved information collection requirements; revision; published 3-1-06

**HOMELAND SECURITY DEPARTMENT****Coast Guard**

Drawbridge operations:

New Jersey; published 10-6-05

**PENSION BENEFIT GUARANTY CORPORATION**

Single employer plans:

Allocation of assets—  
Interest assumptions for valuing and paying benefits; published 2-15-06

**PERSONNEL MANAGEMENT OFFICE**

Prevailing rate systems; published 1-30-06

**TRANSPORTATION DEPARTMENT****Federal Aviation Administration**

Aircraft:

Cape Town Treaty implementation; aircraft registration and security documents recordation; published 2-17-06

Cape Town Treaty; aircraft registration and security documents recordation practices; published 2-28-06

Airworthiness directives:

Bombardier; published 1-25-06

**COMMENTS DUE NEXT WEEK****AGRICULTURE DEPARTMENT****Food Safety and Inspection Service**

Meat and poultry inspection:

Nutrient content claims; definition of term healthy; comments due by 2-10-06; published 1-11-06 [FR 06-00268]

**COMMERCE DEPARTMENT National Oceanic and Atmospheric Administration**

Fishery conservation and management:

West Coast States and Western Pacific fisheries—

Pacific Coast groundfish; comments due by 2-6-06; published 12-7-05 [FR 05-23735]

Pacific Fishery Management Council; meetings; comments due by 2-8-06; published 11-21-05 [FR 05-22992]

**DEFENSE DEPARTMENT**

Acquisition regulations:

Carbon, alloy, and armor steel plate restriction; comments due by 2-7-06; published 12-9-05 [FR 05-23723]

Required sources of supply; comments due by 2-7-06; published 12-9-05 [FR 05-23724]

Federal Acquisition Regulation (FAR):

Inflation adjustment of acquisition-related thresholds; comments due by 2-10-06; published 12-12-05 [FR 05-16971]

**ENVIRONMENTAL PROTECTION AGENCY**

Air pollutants, hazardous; national emission standards:

Dry cleaning facilities; perchloroethylene emission standards; comments due by 2-6-06; published 12-21-05 [FR 05-24071]

Metal cans; surface coating; comments due by 2-6-06; published 1-6-06 [FR 06-00068]

Air pollution; standards of performance for new stationary sources:

Municipal waste combustion units, large; comments due by 2-6-06; published 12-19-05 [FR 05-23968]

Air quality implementation plans; approval and promulgation; various States:

Maine; comments due by 2-6-06; published 1-5-06 [FR E5-08221]

Michigan; comments due by 2-6-06; published 1-5-06 [FR E5-08316]

Virginia; comments due by 2-6-06; published 1-6-06 [FR E6-00037]

Pesticide programs:

Risk assessments—  
Azinphos-methyl; comments due by 2-6-06; published 12-7-05 [FR 05-23719]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Iodomethane; comments due by 2-6-06; published 1-6-06 [FR E6-00026]

Polymers; molecular weight limitations removed; comments due by 2-6-06; published 12-7-05 [FR 05-23667]

Water programs:

Oil pollution prevention; spill prevention, control and countermeasure plan requirements; amendments; comments due by 2-10-06; published 12-12-05 [FR 05-23917]

**FEDERAL COMMUNICATIONS COMMISSION**

Common carrier services:

Federal-State Joint Board on Universal Service—  
High-cost universal service support; comments due by 2-10-06; published 1-11-06 [FR 06-00159]

Digital television stations; table of assignments:

Digital television distributed transmission system technologies; comments

due by 2-6-06; published 12-7-05 [FR 05-23658]

Radio stations; table of assignments:

Oklahoma; comments due by 2-6-06; published 1-4-06 [FR E5-08253]

**GENERAL SERVICES ADMINISTRATION**

Federal Acquisition Regulation (FAR):

Inflation adjustment of acquisition-related thresholds; comments due by 2-10-06; published 12-12-05 [FR 05-16971]

**HEALTH AND HUMAN SERVICES DEPARTMENT****Food and Drug Administration**

Food for human consumption:

Food labeling—  
Nutrient content claim "lean" expanded use; comments due by 2-8-06; published 11-25-05 [FR 05-23293]

Medical devices:

Ear, nose and throat devices—  
Tinnitus masker; comments due by 2-6-06; published 11-8-05 [FR 05-22269]

**HEALTH AND HUMAN SERVICES DEPARTMENT Inspector General Office, Health and Human Services Department**

Medicare and State healthcare programs; fraud and abuse: New safe harbors and special fraud alerts; comments due by 2-7-06; published 12-9-05 [FR 05-23624]

**HOMELAND SECURITY DEPARTMENT****Coast Guard**

Drawbridge operations:

New Jersey; comments due by 2-6-06; published 12-21-05 [FR E5-07632]

Regattas and marine parades:

Volvo Ocean Race (2005-2006); comments due by 2-6-06; published 12-8-05 [FR 05-23753]

**INTERIOR DEPARTMENT Fish and Wildlife Service**

Endangered and threatened species:

Critical habitat designations—  
Canada lynx; comments due by 2-7-06; published 11-9-05 [FR 05-22193]

**MANAGEMENT AND BUDGET OFFICE****Federal Procurement Policy Office**

Acquisition regulations:

Cost Accounting Standards Board—  
Acquisition threshold changes; comments due by 2-10-06; published 12-12-05 [FR 05-23647]

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Inflation adjustment of acquisition-related thresholds; comments due by 2-10-06; published 12-12-05 [FR 05-16971]

#### NATIONAL CREDIT UNION ADMINISTRATION

Truth in savings:

Bounced-check or courtesy overdraft protection; comments due by 2-6-06; published 12-8-05 [FR 05-23711]

#### NUCLEAR REGULATORY COMMISSION

Production and utilization facilities; domestic licensing:

Loss-of-coolant accident technical requirements; risk-informed changes; comments due by 2-6-06; published 11-7-05 [FR E5-06090]

#### RAILROAD RETIREMENT BOARD

Railroad Retirement Act and Railroad Unemployment Insurance Act:

Reconsideration and appeals; video teleconferencing; comments due by 2-7-06; published 12-9-05 [FR 05-23607]

Railroad Unemployment Insurance Act:

Sickness benefits paid; electronic notification by railroad employers of settlements and final judgments; comments due by 2-7-06; published 12-9-05 [FR 05-23606]

#### TRANSPORTATION DEPARTMENT Federal Aviation Administration

Air traffic operating and flight rules, etc.:

Washington, DC, metropolitan special flight rules area; certain aircraft operations flight restrictions; comments due by 2-6-06; published 11-7-05 [FR 05-22261]

Airworthiness directives:

Boeing; comments due by 2-6-06; published 12-6-05 [FR 05-23601]

Cirrus Design Corp.; comments due by 2-7-06; published 12-8-05 [FR 05-23772]

Empresa Brasileira de Aeronautica, S. A. (EMBRAER); comments due by 2-6-06; published 12-8-05 [FR 05-23656]

Fokker; comments due by 2-10-06; published 12-12-05 [FR 05-23779]

General Electric Co.; comments due by 2-10-06; published 12-12-05 [FR 05-23898]

Hamilton Sundstrand; comments due by 2-6-06; published 12-8-05 [FR 05-23770]

Standard instrument approach procedures; comments due by 2-10-06; published 12-12-05 [FR 05-23826]

#### TREASURY DEPARTMENT Internal Revenue Service

Income, estate and gift, excise taxes, and procedure and administration:

Returns; filing time extension; comments due by 2-6-06; published 11-7-05 [FR 05-21982]

#### TREASURY DEPARTMENT Alcohol and Tobacco Tax and Trade Bureau

Alcohol; viticultural area designations:

Tracy Hills, San Joaquin and Stanislaus Counties, CA; comments due by 2-6-06; published 12-7-05 [FR 05-23681]

Alcoholic beverages:

Labeling and advertising; use of word pure or its variants; comments due by 2-6-06; published 12-7-05 [FR 05-23680]

#### LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://www.archives.gov/federal-register/laws.html>.

The text of laws is not published in the **Federal**

**Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.gpoaccess.gov/plaws/index.html>. Some laws may not yet be available.

#### S. 1989/P.L. 109-175

To designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office". (Feb. 27, 2006; 120 Stat. 190)

Last List February 22, 2006

#### Public Laws Electronic Notification Service (PENS)

**PENS** is a free electronic mail notification service of newly enacted public laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html>

**Note:** This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

## TABLE OF EFFECTIVE DATES AND TIME PERIODS—MARCH 2006

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these

dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
March 1	March 16	March 31	April 17	May 1	May 30
March 2	March 17	April 3	April 17	May 1	May 31
March 3	March 20	April 3	April 17	May 2	June 1
March 6	March 21	April 5	April 20	May 5	June 5
March 7	March 22	April 6	April 21	May 8	June 5
March 8	March 23	April 7	April 24	May 8	June 6
March 9	March 24	April 10	April 24	May 8	June 7
March 10	March 27	April 10	April 24	May 9	June 8
March 13	March 28	April 12	April 27	May 12	June 12
March 14	March 29	April 13	April 28	May 15	June 12
March 15	March 30	April 14	May 1	May 15	June 13
March 16	March 31	April 17	May 1	May 15	June 14
March 17	April 3	April 17	May 1	May 16	June 15
March 20	April 4	April 19	May 4	May 19	June 19
March 21	April 5	April 20	May 5	May 22	June 19
March 22	April 6	April 21	May 8	May 22	June 20
March 23	April 7	April 24	May 8	May 22	June 21
March 24	April 10	April 24	May 8	May 23	June 22
March 27	April 11	April 26	May 11	May 26	June 26
March 28	April 12	April 27	May 12	May 30	June 26
March 29	April 13	April 28	May 15	May 30	June 27
March 30	April 14	May 1	May 15	May 30	June 28
March 31	April 17	May 1	May 15	May 30	June 29



# Public Laws

109th Congress

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 109th Congress.

Individual laws also may be purchased from the Superintendent of Documents, U.S. Government Printing Office. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws or access the online database at <http://www.gpoaccess.gov/plaws/index.html>

## Superintendent of Documents Subscriptions Order Form

Order Processing Code:

\* 6216

**YES**, enter my subscription(s) as follows:

Charge your order.    
It's Easy!

To fax your orders (202) 512-2250  
Phone your orders (202) 512-1800

\_\_\_\_\_ subscriptions to **PUBLIC LAWS** for the 109th Congress for \$317 per subscription.

The total cost of my order is \$ \_\_\_\_\_. Price includes regular domestic postage and handling and is subject to change. International customers please add 25%.

\_\_\_\_\_  
Company or personal name (Please type or print)

\_\_\_\_\_  
Additional address/attention line

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City, State, ZIP code

\_\_\_\_\_  
Daytime phone including area code

\_\_\_\_\_  
Purchase order number (optional)

May we make your name/address available to other mailers?

YES NO

### Please Choose Method of Payment:

Check Payable to the Superintendent of Documents

GPO Deposit Account  -

VISA  MasterCard Account

\_\_\_\_\_  
\_\_\_\_\_

(Credit card expiration date)

*Thank you for  
your order!*

\_\_\_\_\_  
Authorizing signature

6-05

Mail To: Superintendent of Documents  
P.O. Box 371954, Pittsburgh, PA 15250-7954

Now Available Online

through

**GPO Access**

*A Service of the U.S. Government Printing Office*

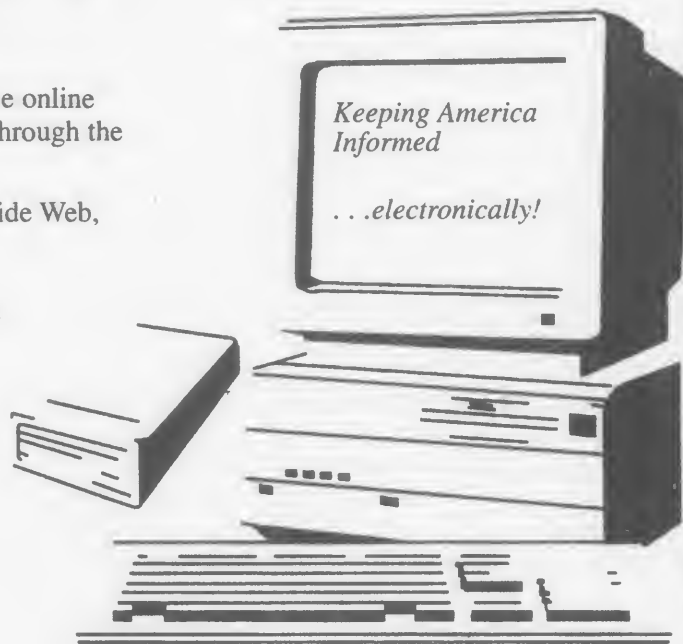
# ***Federal Register***

Updated Daily by 6 a.m. ET

**Easy, Convenient,  
FREE**

Free public connections to the online Federal Register are available through the GPO Access service.

To connect over the World Wide Web, go to the Superintendent of Documents' homepage at <http://www.gpoaccess.gov/nara>

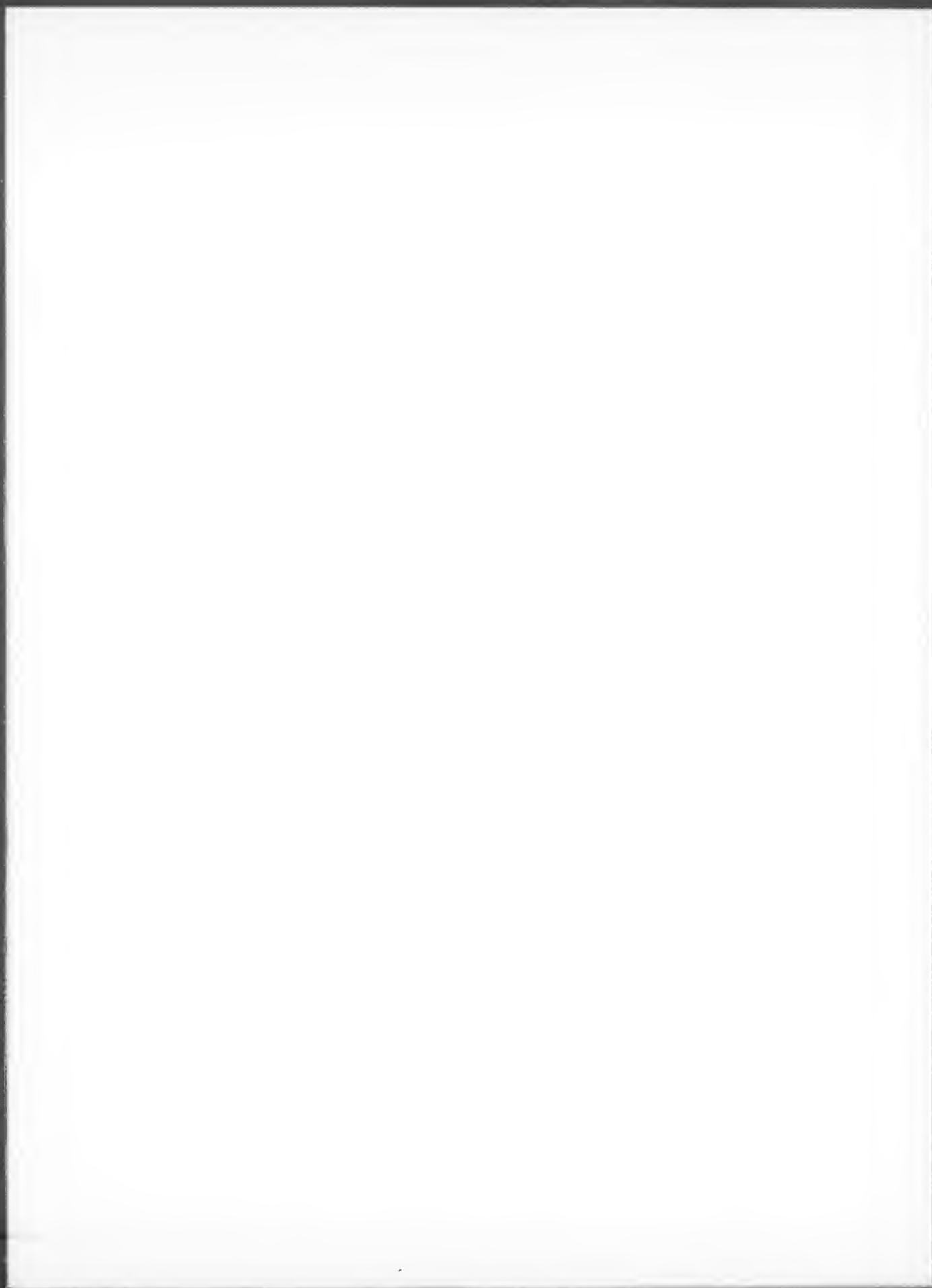


For further information, contact the GPO Access User Support Team:

Voice: (202) 512-1530 (7 a.m. to 5 p.m. Eastern time).

Fax: (202) 512-1262 (24 hours a day, 7 days a week).

Internet E-Mail: [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov)





Printed on recycled paper

