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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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 724

RIN 3206–AJ93

Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002—Judgment Fund

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to carry out the agency reimbursement provisions of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act). The No FEAR Act requires that the President or his designee promulgate rules to regulate agency reimbursement of the Judgment Fund for payments made to employees, former employees, or applicants for Federal employment because of actual or alleged violations of Federal antidiscrimination laws, Federal whistleblower protection laws, and/or retaliation claims arising from the assertion of rights under those laws. This rule implements the reimbursement provisions of Title II of the No FEAR Act.

DATES: *Effective Date:* The final rule is effective October 1, 2003.

FOR FURTHER INFORMATION CONTACT: Gary D. Wahlert by telephone at (202) 606–2930; by FAX at (202) 606–2613; or by e-mail at *NoFEAR@opm.gov.*

SUPPLEMENTARY INFORMATION:

Background

The United States and its citizens are best served when the Federal workplace is free of discrimination and retaliation. In order to maintain a productive workplace that is fully engaged with the many important missions before the Government, it is essential that the rights of employees, former employees and applicants for Federal employment under antidiscrimination, and whistleblower protection laws be steadfastly protected and that agencies that violate these rights be held accountable. Congress has found that agencies cannot be run effectively if they practice or tolerate discrimination. In addition, Congress has found that requiring Federal agencies to pay for any discrimination or whistleblower judgment, award, or settlement should improve agency accountability under these laws. Therefore, under authority delegated by the President, OPM is issuing final regulations to implement the reimbursement provisions of Title II of the Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107–174.

Introduction

On January 22, 2004, OPM published at 69 FR 2997 (2004) an interim final rule implementing the reimbursement provisions of the No FEAR Act, and provided a 60-day comment period. The rule was effective October 1, 2003. On March 31, 2004, OPM at 69 FR 16769 (2004) extended the comment period to April 26, 2004. OPM received 13 comments from Federal agencies or departments, five comments from civil rights organizations, and more than a hundred comments from individuals. OPM thanks all who provided comments—each comment has been carefully considered.

Hearings/Comment Period

A significant number of commenters requested that OPM conduct public hearings on the No FEAR regulations and that OPM extend the comment period on the interim final rule published on January 22, 2004. OPM believes that the Administrative Procedures Act process for obtaining comments during the regulatory process is an appropriate method to capture public concerns and therefore has declined to conduct public hearings. However, to help ensure that OPM considers all concerns, OPM extended the comment period as noted previously.

Definition of Agency

The regulation's definition of agency mirrors the statutory definition contained in section 103 of the No FEAR Act. One commenter pointed out, however, that the definition for agency is the one provided in 5 U.S.C 105. The commenter noted that this section of the statute does not include military departments as defined in 5 U.S.C. 102 and suggested that military departments as a result would not reimburse the Judgment Fund. OPM has concluded that military departments are covered by the No FEAR Act because they are part of the Department of Defense. The statute at 5 U.S.C. 105 defines Executive Agency as including executive departments, one of which under 5 U.S.C. 101 is the Department of Defense.

The No FEAR Act requires agencies to reimburse the Judgment Fund for payments made in connection with proceedings involving Federal antidiscrimination and whistleblower protection laws. Section 724.102 of the interim final rule defined such a payment as ''a disbursement from the Judgment Fund on or after October 1, 2003'' (the effective date of the reimbursement provision of the No FEAR Act). Thus, under the rule, if a payment is made from the Fund on or after that date based on a judgment, award, or settlement in such a proceeding, the agency is obligated to reimburse the Fund. A number of commenters expressed concern about this definition and suggested that it be modified. Some thought an agency's obligation to reimburse the Fund should occur only if a judgment, award, or settlement occurs on or after that date. Others thought that an agency should not be obligated in any proceedings to which it was not originally a party (see later discussion about financial implications generally under Agency Obligations). Some thought an agency's obligation should only accrue in proceedings that are initiated on or after October 1, 2003. OPM understands that there may be significant financial implications associated with this rule and that some may perceive the rule to be unfair. Nevertheless, OPM has determined that its definition of payment (and thus describing agencies' reimbursement obligations) reflects Congressional intent. OPM does believe, however, that the term payment is a broad concept and may include a

number of separate payments. For example, a judgment, award or settlement may call for separate payments over an extended period of time, subsequent payments may be based on some future condition, separate payments may be made to individual members of a class action, and separate payments may be made for attorney fees. Because there may be many payments involved in a given proceeding, OPM is responding to the previous comments by modifying the definition to clarify that ''payment'' means the *first* disbursement in a particular proceeding. For example if the Judgment Fund made a disbursement in a proceeding before October 1, 2003, any subsequent disbursement made in that same proceeding on or after October 1, 2003, would not be considered payments that would obligate the agency involved to reimburse the Fund. However, if a proceeding was pending before October 1, 2003, and the first disbursement from the Fund in that proceeding occurred on or after October 1, 2003, the agency would be obligated to reimburse the Fund.

One commenter stated that the types of actions on which payments from the Judgment Fund are made could be misunderstood. OPM agrees and has modified the definition in section 724.102 by inserting additional statutory references and using the phrase ''or retaliatory conduct'' as appropriate. This should help eliminate any confusion about which payments are covered by the No FEAR Act.

Finally, with regard to payments, OPM notes that the No FEAR Act does not change the criteria or process for obtaining payments from the Judgment Fund; it only creates a reimbursement requirement for agencies. In other words, the No FEAR Act does not authorize agencies to make payments directly to employees, former employees, or applicants for Federal employment that, prior to the No FEAR Act, would have been made from the Judgment Fund. Judgments, awards, or settlements that were eligible for payment from the Judgment Fund before the No FEAR Act became effective will continue to be paid by the Judgment Fund.

Agency Obligations

With regard to agency obligations, a number of commenters suggested that the regulations take into account the fact that the agency or organization currently assigned as a party to a proceeding may not have been the original party to the proceedings because of reorganization, transfer of function, etc. The No FEAR Act draws no distinctions between original and successor agencies in proceedings and OPM is reluctant to do so as well. By inserting a parenthetical phrase in section 724.103, OPM confirms that the obligation to reimburse the Judgment Fund extends to successor agencies. In those proceedings where financial considerations are paramount, OPM notes that Congress understood that an agency may need to complete its reimbursement of the Fund over a period of years under the circumstances described in section 102 of the Act, *i.e.*, to avoid reductions in force, furloughs, other reductions in compensation or benefits for the workforce of the agency or to avoid an adverse effect on the mission of the agency. (Several commenters suggested that these circumstances be described in the regulations but OPM has declined since the Act itself is clear.) As further indication that Congress understood this potential circumstance, the No FEAR Act requires agencies to report on any adjustments in their budgets made in order to comply with reimbursement obligations.

Procedures

Section 724.104(a) of the interim final rule stated that FMS would notify agencies within 15 business days after January 22, 2004, of any payments from the Judgment Fund between October 1, 2003, and January 22, 2004, involving those agencies. This notice period has expired and thus OPM is deleting the provision from the final rule.

Several commenters had questions about the means FMS would use to notify agencies under section 724.104(a) that a payment has been made from the Judgment Fund. OPM has clarified this section to reflect the intent that such notices be in writing.

A number of commenters stated that section 724.104(b) is unclear about the time frame that would apply to an agency's obligation to reimburse the Judgment Fund or contact FMS to make arrangements. OPM notes that the intent of this provision is to require agencies to reimburse the Fund or contact FMS within 45 business days after they receive the FMS notice. Accordingly, OPM has modified the section to reflect this intent more clearly. Other suggestions included lengthening the time frames applicable to agencies and adding appeal procedures for agencies to follow if FMS' notices are disputed. OPM believes that the stated time frames are reasonable and appropriate and that, in the event there is a dispute between an agency and FMS, an agency may discuss that dispute with FMS without utilizing a special appeals procedure. Therefore, OPM declines to make additional modifications to § 724.104(b).

Compliance

A number of commenters stated that the § 724.105 requirement for FMS to record on an annual basis and post on the FMS Web site information about agencies that fail to meet their Judgment Fund reimbursement obligations is an inadequate response to such failures. Several suggested alternatives such as posting the names of responsible officials, disciplining responsible officials, or notifying Congress. The No FEAR Act provides no specific enforcement authority and OPM declines to assume such a role without authorization. OPM notes, however, that agencies are required by the No FEAR Act to report to Congress and others on the amount of money required to be reimbursed to the Judgment Fund by those agencies. (OPM will issue separate regulations on this and other reporting requirements.) One commenter also suggested that a process be described for removing postings from FMS Web site once the Judgment Fund is reimbursed. OPM agrees that such a process would be appropriate and has amended section 724.105 so that postings will be removed during the annual posting following the date when the agency comes into compliance with the No FEAR Act.

Miscellaneous Comments

A significant number of comments noted that the interim final rule on reimbursement of the Judgment Fund did not address the topics of notification, training, reporting, and disciplinary best practices that are covered by the No FEAR Act. As noted in the Supplementary Information in the interim final rule, OPM will issue regulations on each of these topics separately.

A number of comments addressed subject matter covered by Title III of the No FEAR Act. Congress assigned the responsibility for issuing regulations under that Title to the Equal Employment Opportunity Commission. Since OPM lacks authority under Title III, it is unable to respond to those comments.

Immediate Implementation of Final Rule

Immediate implementation of this final rule is based upon the exceptions found at 5 U.S.C. 553(b)(A), (b)(3)(B) and (d). The agency obligations under the No FEAR Act to reimburse the Judgment Fund began on October 1,

2003. Interim final rules covering these obligations were published on January 22, 2004, and were effective on October 1, 2003. It was essential, at the time of initial publication, that all agencies be placed in a position to understand their responsibilities regarding this requirement. The revisions to these rules make some adjustments to our description of agency obligations that we believe should be retroactive to October 1, 2003. OPM has determined under 5 U.S.C. 553(b)(3)(A) that the reimbursement provision only affects the rules of agency organization, procedure, or practice and has no effect on the substantive rights of those entitled to payment from the Judgment Fund. OPM has determined under 5 U.S.C. 553(b)(3)(B) that it would be contrary to the public interest to delay promulgation of the rules governing the reimbursement provisions of the No FEAR Act. For the same reasons, OPM has determined under 5 U.S.C. 553(d)(3) that there is good cause for the final rule to become effective upon publication retroactive to October 1, 2003.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulations pertain only to Federal employees and agencies.

E.O. 12866—Regulatory Review

This final rule has been reviewed by the Office of Management and Budget under Executive Order 12866.

E.O. 13132

This regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

E.O. 12988—Civil Justice Reform

This regulation meets the applicable standard set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action pertains to agency management, personnel and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 5 CFR Part 724

Administrative practice and procedure, Civil rights, Claims.

U.S. Office of Personnel Management.

Linda M. Springer,

Director.

■ Accordingly, OPM is adopting the interim rule that added part 724 to title 5, Code of Federal Regulations, which was published at 69 FR 2997 on January 22, 2004, as final with the following changes. Part 724 is revised to read as follows:

PART 724—IMPLEMENTATION OF TITLE II OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002

Subpart A—Reimbursement of Judgment Fund

Sec.

724.101 Purpose and scope.
724.102 Definitions.
724.103 Agency obligations.
724.104 Procedures.
724.105 Compliance.
724.106 Effective date.

Subpart B—Notification of Rights and Protections and Training [Reserved]

Subpart C—Annual Report [Reserved]

Subpart D—Best Practices [Reserved]

Authority: Sec. 204 of Pub. L. 107–174, 116 Stat. 566; Presidential Memorandum dated July 8, 2003, ''Delegation of Authority Under Section 204(a) of the Notification and Federal Employee Antidiscrimination Act of 2002.''

Subpart A—Reimbursement of Judgement Fund

§ 724.101 Purpose and scope.

This subpart implements Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 concerning the obligation of Federal agencies to reimburse the Judgment Fund for payments. The regulations describe agency obligations and the procedures for reimbursement and compliance.

§ 724.102 Definitions.

In this part:

Agency means an Executive agency as defined in 5 U.S.C. 105, the United States Postal Service, or the Postal Rate Commission;

Applicant for Federal employment means an individual applying for employment in or under a Federal agency;

Employee means an individual employed in or under a Federal agency;

Former Employee means an individual formerly employed in or under a Federal agency;

Judgment Fund means the Judgment Fund established by 31 U.S.C. 1304;

No FEAR Act means the ''Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002;''

Payment, subject to the following exception, means a disbursement from the Judgment Fund on or after October 1, 2003, to an employee, former employee, or applicant for Federal employment, in accordance with 28 U.S.C. 2414, 2517, 2672, 2677 or with 31 U.S.C. 1304, that involves alleged discriminatory or retaliatory conduct described in 5 U.S.C. 2302(b)(1) and (b)(8) or (b)(9) as applied to conduct described in 5 U.S.C. 2302(b)(1) and/or (b)(8) or conduct described in 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e-16. For a proceeding involving more than one disbursement from the Judgment Fund, however, this term shall apply only if the first disbursement occurred on or after October 1, 2003.

§ 724.103 Agency obligations.

A Federal agency (or its successor agency) must reimburse the Judgment Fund for payments covered by the No FEAR Act. Such reimbursement must be made within a reasonable time as described in § 724.104.

§ 724.104 Procedures.

(a) The procedures that agencies must use to reimburse the Judgment Fund are those prescribed by the Financial Management Service (FMS), the Department of the Treasury, in Chapter 3100 of the Treasury Financial Manual. All reimbursements to the Judgment Fund covered by the No FEAR Act are expected to be fully collectible from the agency. FMS will provide written notice to the agency's Chief Financial Officer within 15 business days after payment from the Judgment Fund.

(b) Within 45 business days of receiving the FMS notice, agencies must

reimburse the Judgment Fund or contact FMS to make arrangements in writing for reimbursement.

§ 724.105 Compliance.

An agency's failure to reimburse the Judgment Fund, to contact FMS within 45 business days after receipt of an FMS notice for reimbursement under § 724.104 will be recorded on an annual basis and posted on the FMS Web site. After an agency meets the requirements of § 724.104, the recording will be eliminated no later than the next annual posting process.

§ 724.106 Effective date.

This subpart is effective on October 1, 2003.

Subpart B—Notification of Rights and Protections and Training [Reserved]

Subpart C—Annual Report [Reserved]

Subpart D—Best Practices [Reserved]

[FR Doc. 06–4319 Filed 5–9–06; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 760

RIN 0560–AH45

2005 Section 32 Hurricane Disaster Programs

AGENCY: Farm Service Agency, USDA.

ACTION: Interim final rule with request for comment.

SUMMARY: The Farm Service Agency (FSA) issues this interim final rule in response to emergency agricultural situations caused by the 2005 Hurricanes Dennis, Katrina, Ophelia, Rita, and Wilma in certain counties in Alabama, Florida, Louisiana, Mississippi, North Carolina, and Texas. The named hurricanes severely limited the purchasing power of farmers engaged in the production of agricultural commodities. This rule provides for the establishment of four hurricane disaster programs and one grant program using an estimated $250 million in funds available under section 32 of the Act of August 24, 1935, to be administered by FSA in order to provide funds to eligible producers who suffered eligible losses, thus reestablishing these producers' purchasing power. The grants will be provided to the respective States to enable them to assist aquaculture producers having losses related to the aforementioned 2005 hurricanes.

DATES: This interim final rule is effective May 9, 2006. Written comments via letter, facsimile, or Internet must be received on or before June 9, 2006 in order to be assured consideration.

ADDRESSES: FSA invites interested persons to submit comments on this interim final rule. Comments may be submitted by any of the following methods:

- *E-mail:* Send comments to *Diane.Sharp@wdc.usda.gov.*
- *Fax:* Submit comments by facsimile transmission to: (202) 690–2130.
- *Mail:* Send comments to: Diane Sharp, Director, Production, Emergencies, and Compliance Division; Farm Service Agency; United States Department of Agriculture, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250–0517.
- *Hand Delivery or Courier:* Deliver comments to: Diane Sharp, Director, Production, Emergencies, and Compliance Division; Farm Service Agency; United States Department of Agriculture, Rm. 4754–S, 1400 Independence Avenue, SW., Washington, DC 20250–0517
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Diane Sharp, Director, Production, Emergencies, and Compliance Division; Farm Service Agency; United States Department of Agriculture, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250–0517; telephone (202) 720–7641; e-mail *Diane.Sharp@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

2005 Section 32 Hurricane Disaster Programs

Section 32 of the Act of August 24, 1935, as amended (section 32) provides, in part, discretionary authority for the Secretary of Agriculture (the Secretary) to use section 32 funds to reestablish farmers' purchasing power by making payments to them in connection with the normal production of agricultural commodities produced for domestic consumption. This authority has been used in the past to provide assistance to producers in response to unusual market conditions that adversely affected them. Therefore, the Secretary is using funds available under section 32 in order to restore purchasing power to farmers affected by the significant and widespread destruction caused by the 2005 Hurricanes Dennis, Katrina, Ophelia, Rita, and Wilma in applicable counties in Alabama, Florida, Louisiana, Mississippi, North Carolina, and Texas. The hurricanes destroyed and damaged trees, killed livestock, destroyed feed, and adversely impacted crop production, including aquaculture. This interim final rule addresses the hurricane destruction in those counties receiving a Presidential or Secretarial Designation as a primary county. Accordingly, the Secretary has determined that assistance is appropriate under this authority in these counties by providing the following programs:

- The Hurricane Indemnity Program (HIP) will provide payments to eligible producers who receive either a Federal Crop Insurance Corporation crop insurance indemnity payment or a crop loss payment under FSA's Noninsured Crop Disaster Assistance Program (NAP) for crop losses that are primarily attributable to one of the five listed hurricanes in an eligible county. HIP payments will be equal to 30 percent of the Risk Management Agency crop insurance indemnity or 30 percent of the NAP payment, subject to the limitations of this rule. Producers suffering crop losses due to an eligible hurricane may have been impacted by other causes of loss, not related to such a hurricane, prior to the hurricane occurrence. As a result, if a crop insurance indemnity or NAP payment was received for multiple causes of loss, including hurricane and related conditions, the entire crop insurance indemnity or NAP payment will be used to determine the HIP benefit. Since losses under both programs are not finalized until after harvest is completed or crop is abandoned RMA and FSA are unable to specifically prorate crop insurance indemnities or NAP payments strictly due to hurricane. If FSA determines that the cause of loss was not due to a hurricane or related condition, no payment will be made.
- The Feed Indemnity Program (FIP) will provide payments for feed losses or increased feed costs to eligible owners, or cash lessees, of eligible livestock in eligible counties due to 2005 hurricanes. Payments will be based on per-day feed needs for each type of eligible livestock.
- The Livestock Indemnity Program (LIP) will provide payments to eligible livestock owners and contract growers who suffered eligible livestock deaths that occurred in an eligible county due to 2005 hurricanes. Payments will be based on 75 percent of an average market value of the eligible livestock for non-contract growers and 75 percent of

a determined loss of income from eligible livestock for contract growers. Compensation received from the contractor for loss of income from the dead livestock will be deducted from the contract grower's payment.

• The Tree Indemnity Program (TIP) will provide payments to eligible owners of commercially grown fruit trees, nut trees, bushes, and vines that produce an annual crop and were lost or damaged due to 2005 hurricanes in eligible counties. Payment rates will be established based on the severity of damage caused by the hurricanes from least to most severe as reflected by established tiers. Maps showing the tiers are available at *http://disaster.fsa/usda.gov* and at applicable FSA service centers. The severity of damage is referenced using four tiers. These tiers were established using the maximum sustained wind speeds as recorded by the U.S. Weather Service stations located throughout the impacted areas. The first tier represents those areas where the maximum sustained wind speeds were between 90 and 110 mile per hour (MPH); the second tier represents those areas where the maximum sustained wind speeds were between 70 and 89 mph; the third tier represents those areas where the maximum sustained wind speeds were between 50 and 69 mph; and the fourth tier represents those areas where the maximum sustained wind speeds were between 30 and 49 mph.

• Aquaculture grants will be made available to the State governments of Alabama, Florida, Louisiana, Mississippi, North Carolina and Texas. Aquaculture producers who raise aquaculture species in a controlled environment in eligible counties and who have not received assistance under other disaster programs for the same aquaculture losses may be eligible. The amount of each grant will be based on the value of aquaculture sales from each eligible county uniformly prorated to insure that available funding is not exceeded.

Due to the limited amount of funding for HIP, FIP, LIP and TIP and in order to maintain equitable treatment of producers under all disaster programs of FSA and the Commodity Credit Corporation, the amount of payments per program that a 'person' may receive cannot exceed $80,000; adjusted gross income rules apply, which provide that payments will not be available for persons whose adjusted gross income is $2.5 million or higher, unless 75 percent or more of their income is derived from farming, ranching, and/or forestry; and the rules for conservation compliance, and controlled substances apply.

Summary of Cost-Benefit Analysis

As a result of extensive crop damage from these five hurricanes, 261 counties in Alabama, Florida, Louisiana, Mississippi, North Carolina, and Texas were designated as Presidential and Secretarial primary disaster counties. Production losses for the three most devastating of storms, Katrina, Rita, and Wilma, are estimated to total $2.1 billion. A wide variety of crops were damaged because of the diversity of production in the affected areas. Damaged crops include feed grains, soybeans, upland cotton, rice, sugarcane, nursery plants, fruits, vegetables, pecans, pasture, livestock, poultry, and aquaculture. The numbers of designated counties listed by states are as follows:

• Alabama—40 counties suffered under Dennis and/or Katrina.

• Florida—36 counties suffered under Dennis, Katrina, and/or Wilma.

• Louisiana—64 counties suffered under Katrina and Rita.

• Mississippi—82 counties suffered under Katrina.

• North Carolina—10 counties under Ophelia.

• Texas—29 counties under Rita.

HIP payments will provide additional crop loss assistance to restore purchasing power to producers affected by the named hurricanes. According to the Risk Management Agency (RMA) crop loss indemnities were approximately $291 million. Based on the participation rates in the hurricane-impacted States, it is estimated that approximately $16.6 million will be issued under NAP. Thus, HIP payments are estimated to total a maximum of $60 million.

The value of expected claims under the 2005 FIP is $30 million. To the extent program payments are ultimately spent on forage or grain or affect the total supply of available livestock, the impacts of the FIP on any sector of the economy, including livestock feed prices, livestock prices, and consumer prices, are not expected to be measurable. The effect on aggregate social welfare of any slight redistribution of wealth and income resulting from the expected $30 million in 2005 FIP payment claims is expected to be so slight as to be immeasurable. However, for those producers who have suffered losses due to the 2005 hurricanes, and qualify for payments under the FIP, their farm income losses will be somewhat offset or reduced by these payments, and they and their local communities will benefit accordingly.

The value of expected claims under the 2006 LIP is $16.9 million, but could be higher by an unknown but likely small magnitude as actual applications for aid are submitted, or smaller to the extent that payments are bound by the $80,000 maximum payment or the $2.5 gross income limit for applicants. To the extent program payments are ultimately spent on forage or grain or affect the total supply of available livestock, the impacts of the LIP on any sector of the economy, including livestock feed prices, livestock prices, and consumer prices, are not expected to be measurable. The effect on aggregate social welfare of any slight redistribution of wealth and income resulting from the expected $16.9 million in 2006 LIP payment claims is also expected to be so slight as to be immeasurable. However, for those producers who have suffered losses due to the 2005 hurricanes, and qualify for payments under the LIP, their farm income losses will be somewhat offset or reduced by these payments, and they and their local communities will benefit accordingly.

Cost of the TIP is expected to be between $32.3 million and $64.6 million with a point estimate of $37.7 million. Over 90 percent the program funds will go to the Florida citrus industry.

Funding of $25 million is being provided for assistance to aquaculture producers. Aquaculture grants will be made available to State governments as follows: Alabama, $5,037,500; Florida, $3,662,500; Louisiana, $4,512,500; Mississippi, $10,762,500; North Carolina, $312,500; and Texas, $712,500. It is likely that a preponderance of the assistance will be provided to crawfish operations, with most of the balance going to catfish producers. The total amount of funding is expected to be expended.

Notice and Comment

In general, the Administrative Procedure Act (APA), as codified at 5 U.S.C. 553, requires that notice of proposed rulemaking shall be published in the **Federal Register** and interested persons must be given an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation. This applies except to the extent there is involved a military or foreign affairs function of the United States or a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. Such notice is not required under the APA, however, when an agency publishes interpretative rules, general statements of policy, or rules of agency organization, procedure, or

practice. Further, such notice is not required when the agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. However, the Statement of Policy of the Secretary of Agriculture effective July 24, 1971, 36 FR 13804 (July 24, 1971) (Statement), notes that the advantages of such APA requirements of permitting greater public participation in the formulation of rules generally outweighs any disadvantages such as increased costs or delays, when publishing rules related to public property, loans, grants, benefits, or contracts. As such, the Statement recommends notice of proposed rulemaking when formulating such rules. Nevertheless, like the APA, under this Statement, exemptions from such requirements are permitted where an agency, for good cause, finds that compliance would be impracticable, unnecessary or contrary to the public interest, and only when there is a substantial basis.

For the programs referenced in this regulation, FSA finds that a substantial basis exists for publishing this rule as interim final. It would be impracticable and contrary to public interest to delay implementation of this rule because it would significantly delay assistance under these section 32 programs to the many people who suffered losses and were affected by the 2005 Hurricanes. Such delay in implementation could possibly cause irreparable and additional damage to those who have already suffered losses as a result of the 2005 Hurricanes. This interim rule is thus effective immediately. However, public comments are still invited and will be considered to the extent practicable in the promulgation of the final rule.

Executive Order 12866

This rule has been determined to be economically significant under Executive Order 12866 and has been reviewed by the Office of Management and Budget. A Cost-Benefit Analysis (CBA) was completed and is available from the contact person cited above.

Regulatory Flexibility Act

This rule is not subject to the Regulatory Flexibility Act since the Farm Service Agency is not required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking for this rule.

Environmental Review

The environmental impacts of this rule have been considered consistent with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, the regulations of the Council on Environmental Quality (40 CFR parts 1500 1508), and regulations of the Farm Service Agency (FSA) of the Department of Agriculture (USDA) for compliance with NEPA, 7 CFR part 799. An Environmental Evaluation was completed and it was determined that this action does not have the potential to significantly impact the quality of the human environment and, therefore, the rule is categorically excluded from further review under NEPA. A copy of the environmental evaluation is on file and available to the public in the Administrative Record at the address specified in the **ADDRESSES** section of this rule.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12612

This rule does not have Federalism implications that warrant the preparation of a Federalism Assessment. This rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. This interim rule is not retroactive and it does not preempt State law. Before any judicial action may be brought regarding the provisions of this rule the administrative appeal provisions of 7 CFR parts 11 and 780 must be exhausted.

Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates under the regulatory provisions of Title II of the UMRA for State, local, and tribal government or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the Office of Management and Budget (OMB) has approved the information collection required to support this program and assigned it OMB Control number 0560–0257. Copies of the information collection may be obtained from Debbie O'Donoghue, phone: (202) 720–6605; e-mail: *Debbie.Odonoghue@wdc.usda.gov.*

Small Business Regulatory Enforcement Fairness Act of 1996

This rule has been determined to be Major under the Small Business Regulatory Enforcement Fairness Act of 1996, (Pub. L. 104–121) (SBREFA). SBREFA normally requires that an agency delay the effective date of a major rule for 60 days from the date of publication to allow for Congressional review. Section 808 of SBREFA allows an agency to make a major regulation effective immediately if the agency finds there is good cause to do so. Accordingly, FSA finds that it would be contrary to the public interest to delay implementation of this rule because it would significantly delay assistance to the many people affected by the hurricane disasters addressed by this rule. This rule is thus effective immediately.

Government Paperwork Elimination Act

FSA is committed to compliance with the Government Paperwork Elimination Act (GPEA) and the Freedom to E-File Act, which require Government agencies in general and FSA in particular to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. The regulation is available at *http://www.fsa.usda.gov* under the heading 'Other Partners.' Applications may be submitted at the FSA county offices, by mail or by FAX.

List of Subjects for 7 CFR Part 760

Disaster assistance, Hurricanes, Indemnity payments.

■ For the reasons set forth above, 7 CFR part 760 is amended as follows:

PART 760—INDEMNITY PAYMENT PROGRAMS

■ 1. The authority citation for part 760 is revised to read as follows:

Authority: 7 U.S.C. 612c; Pub. L. 106–387, 114 Stat. 1549; Pub. L. 107–76, 115 Stat. 704.

Subpart [Amended]

■ 2. The subpart entitled ''Dairy Indemnity Program'' is designated as subpart A and the subpart entitled ''Bee Keeper Indemnity Program (1978–80) [Reserved]'' is removed.

■ 3. In § 760.2, revise paragraphs (c), (d), and (e) to read as follows:

§ 760.2 Definitions.

* * * * *

(c) *Deputy Administrator* means the Deputy Administrator for Farm Programs, FSA.

(d) *State committee* means the FSA State committee.

(e) *County committee* means the FSA county committee.

* * * * *

■ 4. Subparts B through G are added to read as follows:

Subpart B—General Provisions for the 2005 Section 32 Hurricane Disaster Programs

Sec.

760.101 Eligible counties, hurricanes and disaster periods.
760.102 Applicability.
760.103 Administration of HIP, FIP, LIP, and TIP.
760.104 Definitions.
760.105 Application for payment.
760.106 Limitations on payments and other benefits.
760.107 Appeals.
760.108 Offsets, assignments, and debt settlement.
760.109 Records and inspection thereof.
760.110 Refunds; joint and several liability.
760.111 Paperwork Reduction Act assigned number.

Subpart C—Hurricane Indemnity Program

760.201 Applicability.
760.202 Producer eligibility.
760.203 Payment calculation.

Subpart D—Feed Indemnity Program

760.301 Applicability.
760.302 Definitions.
760.303 Eligible livestock and producers.
760.304 Application process.
760.305 Payment calculation.

Subpart E—Livestock Indemnity Program

760.401 Applicability.
760.402 Definitions.
760.403 Eligible owners, contract growers and livestock.
760.404 Application process.
760.405 Payment calculation.

Subpart F—Tree Indemnity Program

760.501 Applicability.
760.502 Eligible producers and stands.
760.503 Application process.
760.504 Payment calculation.

Subpart G—Aquaculture Program

760.601 Funds availability.

Subpart B—General Provisions for the 2005 Section 32 Hurricane Disaster Programs

§ 760.101 Eligible counties, hurricanes and disaster periods.

Producers who have suffered certain losses due to 2005 Hurricanes Dennis, Katrina, Ophelia, Rita, and Wilma in the following counties (eligible counties) are eligible to enroll in the programs made available under subparts B through F of this part. The 'Disaster Period' is the time period in which losses occurred that would be considered eligible for the programs under subparts B through F of this part. Funds for the programs in subparts B through G are made available under section 32 of the Act of August 24, 1935, as amended (section 32).

State	County	Disaster period				
		Dennis	Katrina	Ophelia	Rita	Wilma
Alabama	Autauga	7/10/05–9/8/05				
Alabama	Baldwin	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Bibb		8/29/05–10/28/05			
Alabama	Butler	7/10/05–9/8/05				
Alabama	Chambers	7/10/05–9/8/05				
Alabama	Choctaw	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Clarke	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Clay	7/10/05–9/8/05				
Alabama	Cleburne	7/10/05–9/8/05				
Alabama	Coffee	7/10/05–9/8/05				
Alabama	Colbert		8/29/05–10/28/05			
Alabama	Conecuh	7/10/05–9/8/05				
Alabama	Covington	7/10/05–9/8/05				
Alabama	Crenshaw	7/10/05–9/8/05				
Alabama	Cullman		8/29/05–10/28/05			
Alabama	Dallas	7/10/05–9/8/05				
Alabama	Escambia	7/10/05–9/8/05				
Alabama	Geneva	7/10/05–9/8/05				
Alabama	Greene	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Hale	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Henry	7/10/05–9/8/05				
Alabama	Houston	7/10/05–9/8/05				
Alabama	Jefferson		8/29/05–10/28/05			
Alabama	Lamar		8/29/05–10/28/05			
Alabama	Lauderdale		8/29/05–10/28/05			
Alabama	Lowndes	7/10/05–9/8/05				
Alabama	Macon	7/10/05–9/8/05				
Alabama	Marengo	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Marion		8/29/05–10/28/05			
Alabama	Mobile	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Monroe	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Perry	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Pickens		8/29/05–10/28/05			
Alabama	Pike	7/10/05–9/8/05				
Alabama	Randolph	7/10/05–9/8/05				
Alabama	Sumter	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Tuscaloosa	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Washington	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Wilcox	7/10/05–9/8/05	8/29/05–10/28/05			
Alabama	Winston		8/29/05–10/28/05			
Florida	Bay	7/10/05–9/8/05	8/24/05–10/23/05			
Florida	Brevard					10/23/05–12/22/05
Florida	Broward		8/24/05–10/23/05			10/23/05–12/22/05
Florida	Calhoun	7/10/05–9/8/05				
Florida	Charlotte					10/23/05–12/22/05
Florida	Collier		8/24/05–10/23/05			10/23/05–12/22/05
Florida	Dixie	7/10/05–9/8/05				
Florida	Escambia	7/10/05–9/8/05	8/24/05–10/23/05			
Florida	Franklin	7/10/05–9/8/05	8/24/05–10/23/05			
Florida	Gadsden	7/10/05–9/8/05				

State	County	Disaster period				
		Dennis	Katrina	Ophelia	Rita	Wilma
Florida	Glades					10/23/05–12/22/05
Florida	Gulf	7/10/05–9/8/05	8/24/05–10/23/05			
Florida	Hardee					10/23/05–12/22/05
Florida	Hendry					10/23/05–12/22/05
Florida	Highlands					10/23/05–12/22/05
Florida	Holmes	7/10/05–9/8/05				
Florida	Indian River					10/23/05–12/22/05
Florida	Jackson	7/10/05–9/8/05				
Florida	Jefferson	7/10/05–9/8/05				
Florida	Lee					10/23/05–12/22/05
Florida	Leon	7/10/05–9/8/05				
Florida	Levy	7/10/05–9/8/05				
Florida	Liberty	7/10/05–9/8/05				
Florida	Martin					10/23/05–12/22/05
Florida	Miami-Dade		8/24/05–10/23/05			10/23/05–12/22/05
Florida	Monroe	7/10/05–9/8/05	8/24/05–10/23/05			10/23/05–12/22/05
Florida	Okaloosa	7/10/05–9/8/05	8/24/05–10/23/05			
Florida	Okeechobee					10/23/05–12/22/05
Florida	Palm Beach					10/23/05–12/22/05
Florida	St. Lucie					10/23/05–12/22/05
Florida	Santa Rosa	7/10/05–9/8/05	8/24/05–10/23/05			
Florida	Sarasota					10/23/05–12/22/05
Florida	Taylor	7/10/05–9/8/05				
Florida	Wakulla	7/10/05–9/8/05				
Florida	Walton	7/10/05–9/8/05	8/24/05–10/23/05			
Florida	Washington	7/10/05–9/8/05				
Louisiana	Acadia		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Allen		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Ascension		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Assumption		8/29/05–10/28/05			
Louisiana	Avoyelles		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Beauregard		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Bienville		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Bossier		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Caddo		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Calcasieu		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Caldwell		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Cameron		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Catahoula		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Claiborne		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Concordia		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	De Soto		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	East Baton Rouge		8/29/05–10/28/05			
Louisiana	East Carroll		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	East Feliciana		8/29/05–10/28/05			
Louisiana	Evangeline		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Franklin		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Grant		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Iberia		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Iberville		8/29/05–10/28/05			
Louisiana	Jackson		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Jefferson		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Jefferson Davis		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Lafayette		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Lafourche		8/29/05–10/28/05			
Louisiana	La Salle		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Lincoln		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Livingston		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Madison		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Morehouse		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Natchitoches		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Orleans		8/29/05–10/28/05			
Louisiana	Ouachita		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Plaquemines		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Pointe Coupee		8/29/05–10/28/05			
Louisiana	Rapides		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Red River		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Richland		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Sabine		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	St. Bernard		8/29/05–10/28/05			
Louisiana	St. Charles		8/29/05–10/28/05			
Louisiana	St. Helena		8/29/05–10/28/05			
Louisiana	St. James		8/29/05–10/28/05			
Louisiana	St. John the Baptist		8/29/05–10/28/05			
Louisiana	St. Landry		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	St. Martin		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	St. Mary		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	St. Tammany		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Tangipahoa		8/29/05–10/28/05			
Louisiana	Tensas		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Terrebonne		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Union		8/29/05–10/28/05		9/23/05–11/22/05	

State	County	Disaster period				
		Dennis	Katrina	Ophelia	Rita	Wilma
Louisiana	Vermilion		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Vernon		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	Washington		8/29/05–10/28/05			
Louisiana	Webster		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	West Baton Rouge		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	West Carroll		8/29/05–10/28/05		9/23/05–11/22/05	
Louisiana	West Feliciana		8/29/05–10/28/05			
Louisiana	Winn		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Adams		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Alcorn		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Amite		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Attala		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Benton		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Bolivar		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Calhoun		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Carroll		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Chickasaw		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Choctaw		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Claiborne		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Clarke		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Clay		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Coahoma		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Copiah		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Covington		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	De Soto		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Forrest		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Franklin		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	George		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Greene		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Grenada		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Hancock		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Harrison		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Hinds		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Holmes		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Humphreys		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Issaquena		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Itawamba		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Jackson		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Jasper		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Jefferson		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Jefferson Davis		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Jones		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Kemper		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Lafayette		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Lamar		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Lauderdale		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Lawrence		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Leake		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Lee		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Leflore		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Lincoln		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Lowndes		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Madison		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Marion		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Marshall		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Monroe		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Montgomery		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Neshoba		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Newton		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Noxubee		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Oktibbeha		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Panola		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Pearl River		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Perry		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Pike		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Pontotoc		8/29/05–10/28/05			
Mississippi	Prentiss		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Quitman		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Rankin		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Scott		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Sharkey		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Simpson		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Smith		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Stone		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Sunflower		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Tallahatchie		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Tate		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Tippah		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Tishomingo		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Tunica		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Union		8/29/05–10/28/05			
Mississippi	Walthall		8/29/05–10/28/05		9/23/05–11/22/05	

State	County	Disaster period				
		Dennis	Katrina	Ophelia	Rita	Wilma
Mississippi	Warren		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Washington		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Wayne		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Webster		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Wilkinson		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Winston		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Yalobusha		8/29/05–10/28/05		9/23/05–11/22/05	
Mississippi	Yazoo		8/29/05–10/28/05		9/23/05–11/22/05	
North Carolina	Brunswick			9/11/05–11/10/05		
North Carolina	Carteret			9/11/05–11/10/05		
North Carolina	Craven			9/11/05–11/10/05		
North Carolina	Dare			9/11/05–11/10/05		
North Carolina	Hyde			9/11/05–11/10/05		
North Carolina	Jones			9/11/05–11/10/05		
North Carolina	New Hanover			9/11/05–11/10/05		
North Carolina	Onslow			9/11/05–11/10/05		
North Carolina	Pamlico			9/11/05–11/10/05		
North Carolina	Pender			9/11/05–11/10/05		
Texas	Angelina				9/23/05–11/22/05	
Texas	Brazoria				9/23/05–11/22/05	
Texas	Chambers				9/23/05–11/22/05	
Texas	Cherokee				9/23/05–11/22/05	
Texas	Fort Bend				9/23/05–11/22/05	
Texas	Galveston				9/23/05–11/22/05	
Texas	Gregg				9/23/05–11/22/05	
Texas	Hardin				9/23/05–11/22/05	
Texas	Harris				9/23/05–11/22/05	
Texas	Harrison				9/23/05–11/22/05	
Texas	Houston				9/23/05–11/22/05	
Texas	Jasper				9/23/05–11/22/05	
Texas	Jefferson				9/23/05–11/22/05	
Texas	Liberty				9/23/05–11/22/05	
Texas	Marion				9/23/05–11/22/05	
Texas	Montgomery				9/23/05–11/22/05	
Texas	Nacogdoches				9/23/05–11/22/05	
Texas	Newton				9/23/05–11/22/05	
Texas	Orange				9/23/05–11/22/05	
Texas	Panola				9/23/05–11/22/05	
Texas	Polk				9/23/05–11/22/05	
Texas	Rusk				9/23/05–11/22/05	
Texas	Sabine				9/23/05–11/22/05	
Texas	San Augustine				9/23/05–11/22/05	
Texas	San Jacinto				9/23/05–11/22/05	
Texas	Shelby				9/23/05–11/22/05	
Texas	Trinity				9/23/05–11/22/05	
Texas	Tyler				9/23/05–11/22/05	
Texas	Walker				9/23/05–11/22/05	

§ 760.102 Applicability.

(a) This part establishes the terms and conditions under which the following programs will be administered for 2005 hurricanes in eligible counties:

(1) Hurricane Indemnity Program (HIP);

(2) Feed Indemnity Program (FIP);

(3) Livestock Indemnity Program (LIP);

(4) Tree Indemnity Program (TIP); and

(5) Aquaculture grants to States.

(b) The amount that may be expended for payments under subparts B through G of this part shall not exceed the amount of Section 32 funds made available by the Secretary for the administration of these programs.

(c) To be eligible for payments under these programs, producers must comply with all applicable provisions under subparts B through G of this part and with any other conditions imposed by FSA or, in the case of State grants, by the State.

§ 760.103 Administration of HIP, FIP, LIP, and TIP.

(a) These programs are administered under the general supervision of the Administrator, FSA.

(b) FSA representatives do not have authority to modify or waive any of the provisions of the regulations of subparts B through F of this part.

(c) The State FSA committee shall take any action required by the regulations of subparts B through F of this part that the county FSA committee has not taken. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee that is not in accordance with the regulations of subparts B through F of this part; or

(2) Require a county committee to withhold taking any action that is not in accordance with subparts B through F of this part.

(d) No provision or delegation to a State or county FSA committee shall preclude the Administrator, FSA, Deputy Administrator for Farm Programs, FSA or a designee or other such person, from determining any question arising under the program or from reversing or modifying any determination made by a State or county FSA committee.

§ 760.104 Definitions.

The following definitions in this section apply to the programs in subparts B through G of this part. The terms defined in part 718 of this chapter and parts 1400 and 1437 of this title shall also be applicable, except where they conflict with the definitions set forth in this section.

Application means the '2005 Hurricane Disaster Programs Application' form.

Application period means the date established by the Deputy Administrator

for producers to apply for program benefits.

Bush means a thick densely branched woody shrub grown for the production of an annual crop for commercial market for human consumption.

Commercial use means used in the operation of a business activity engaged in as a means of livelihood for profit by the eligible producer.

Crop insurance means an insurance policy reinsured by the Federal Crop Insurance Corporation under the provisions of the Federal Crop Insurance Act, as amended.

Farming operation means a business enterprise engaged in the production of agricultural products.

Fruit tree means a woody perennial plant having a single main trunk, commonly exceeding 10 feet in height and usually devoid of branches below, but bearing a head of branches and foliage or crown of leaves at the summit that is grown for the production of an annual crop, including nuts, for commercial market for human consumption.

Owner means one who had legal ownership of the trees, bushes, vines, or livestock for which benefits are being requested under subparts B through F, on the day such plant or livestock perished or suffered losses due to an eligible hurricane as set forth § 760.101.

Stand means a contiguous acreage of the same crop of trees, bushes, or vines, and excludes container-grown crops.

Tier means the geographic bands of damage generally correlating to the severity of damage caused by the maximum sustained winds of the applicable hurricanes.

Vine means a plant from which an annual fruit crop is produced for commercial market for human consumption, such as grape, kiwi, or passion fruit, that has a flexible stem supported by climbing, twining, or creeping along a surface.

§ 760.105 Application for payment.

(a) A producer who applies for any program under subparts B through F shall file an application and any required supporting documentation in the county FSA office serving the county where the eligible loss occurred; or in the case of FIP, where the eligible livestock were physically located on the applicable date.

(b) The application must be filed during the application period announced by FSA.

(c) Payments may be made for eligible losses suffered by an eligible producer who is now deceased or is a dissolved entity if a representative who currently has authority to enter into a contract for the producer signs the application for payment. Proof of authority to sign for the deceased producer or dissolved entity must be provided. If a producer is now a dissolved general partnership or joint venture, all members of the general partnership or joint venture at the time of dissolution or their duly authorized representatives must sign the application for payment.

(d) Data furnished by the applicant will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, without all required data program benefits will not be approved or provided.

(e) A minor child shall be eligible to apply for program benefits so long as all eligibility requirements are met and one of the following conditions exist:

(1) The right of majority has been conferred upon the minor by court proceedings or statute;

(2) A guardian has been appointed to manage the minor's property, and the applicable program documents are executed by the guardian; or

(3) A bond is furnished under which a surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 760.106 Limitations on payments and other benefits.

(a) Separate payment limitations apply to HIP, FIP, LIP, and TIP. No 'person' as determined under part 1400 of this title shall receive more than $80,000 under each of these programs.

(b) An individual or entity whose adjusted gross income is in excess of $2.5 million, as determined under part 1400 of this title, shall not be eligible to receive benefits under this part for HIP, FIP, LIP, and TIP.

(c) As a condition to receive benefits under subparts B through F, a producer must have been in compliance with the provisions of parts 12 and 718 of this title for the 2005 crop year and must not otherwise be barred from receiving benefits under any law.

(d) An individual or entity determined to be a foreign person under part 1400 of this title shall not be eligible to receive benefits under subparts B through F of this part.

§ 760.107 Appeals.

The appeal regulations set forth at parts 11 and 780 of this title apply to determinations made pursuant to subparts B through F of this part.

§ 760.108 Offsets, assignments, and debt settlement.

(a) Except as provided in paragraph (b) of this section, any payment or portion thereof to any producer shall be made without regard to questions of title under State law and without regard to any claim or lien against the commodity, and or proceeds thereof, in favor of the owner or any other creditor except agencies of the U.S. Government. The regulations governing offsets and withholdings found at part 792 of this chapter apply to payments made under subparts B through F of this part.

(b) Any producer entitled to any payment may assign any payments in accordance with regulations governing the assignment of payments found at part 1404 of this title.

§ 760.109 Records and inspection thereof.

Producers receiving payments under the programs in subparts B through F or any other person who furnishes information for the purposes of enabling such producer to receive a payment under subparts B through F of this part shall maintain any books, records, and accounts supporting any information so furnished for 3 years following the end of the year during which the application for payment was filed. Producers receiving payments or any other person who furnishes such information to FSA shall permit authorized representatives of USDA and the General Accounting Office during regular business hours to inspect, examine, and to allow such persons to make copies of such books, records, and to enter upon, inspect and verify all applicable livestock and acreage in which the applicant has an interest for the purpose of confirming the accuracy of the information provided by the applicant.

§ 760.110 Refunds; joint and several liability.

In the event there is a failure to comply with any term, requirement, or condition for payment or assistance arising under subparts B through F of this part, and if any refund of a payment to FSA shall otherwise become due in connection with this part, all payments made in regard to such matter shall be refunded to FSA together with interest and late-payment charges as provided for in part 792 of this chapter.

§ 760.111 Paperwork Reduction Act assigned number.

The information collection required to support the regulations of subparts B through F of this part has been approved by OMB and assigned OMB control number 0560–0257.

Subpart C—Hurricane Indemnity Program

§ 760.201 Applicability.

This subpart sets forth the terms and conditions applicable to the Hurricane

Indemnity Program (HIP). Benefits will be provided under this subpart to producers who have received a crop insurance indemnity from the Risk Management Agency (RMA) based on the associated loss criteria set forth in § 760.202(a)(1) as provided to FSA by RMA; and to producers who have received Noninsured Crop Disaster Assistance Program (NAP) payments under part 1437 of this title based on the provisions of § 760.202(a)(1). HIP benefits will be provided under this subpart to eligible producers who suffered losses due to hurricanes as set forth in § 760.101.

§ 760.202 Producer eligibility.

A producer who applies for benefits under this subpart will be eligible to receive a payment if both of the following apply:

(a) The producer received a crop insurance indemnity from RMA or a NAP payment under part 1437 of this title for crop losses:

(1) In an eligible county;

(2) Recorded by RMA or FSA as being due to an eligible hurricane and the loss occurred during a disaster period as set forth in § 760.101; and

(3) Were due to any of the following causes of loss:

(i) Excessive moisture, precipitation, and/or rain;

(ii) Flood;

(iii) Excessive wind;

(iv) Cyclone;

(v) Tornado;

(vi) Hurricane or tropical depression;

(vii) Storm surge; and/or(viii) Salinity due to salt water intrusion.

(b) An application is filed in accordance with § 760.105.

§ 760.203 Payment calculation.

The disaster benefits under this subpart will be equal to the smaller of:

(a) 30 percent of the RMA crop insurance indemnity or 30 percent of the NAP payment for eligible crop losses according to § 760.202(a)(1), and adding the crop insurance premium for the indemnity as outlined in § 760.202(a)(1); or

(b) 95 percent of the expected value of the crop in the absence of a disaster, as determined by RMA for insured crops, using information from the crop policy; and by FSA for NAP crops, using the producer's price and yield, minus the following:

(1) The value of the production as counted by RMA for insured crops to establish the indemnity and by FSA for NAP crops to establish the NAP payment,

(2) The crop's eligible indemnity or NAP payment for eligible crop losses determined in accordance with § 760.202(a)(1),

(3) And adding the crop insurance premium for the indemnity as outlined in § 760.202(a)(1).

Subpart D—Feed Indemnity Program

§ 760.301 Applicability.

This subpart sets forth the terms and conditions applicable to the Feed Indemnity Program (FIP). FIP benefits will be provided under this subpart to eligible owners and cash lessees, but not both, for the same livestock, for feed losses or increased feed costs that occurred in eligible counties during the disaster period as set forth in § 760.101.

§ 760.302 Definitions.

The following definitions are applicable for all purposes of administering FIP.

Adult beef bulls means male bovine animals that were at least 2 years old and used for breeding purposes on the beginning date of the applicable disaster period as set forth in § 760.101.

Adult beef cows means female bovine animals that had delivered one or more offspring before the beginning date of the applicable disaster period as set forth in § 760.101. A first-time bred beef heifer shall also be considered an adult beef cow if it was pregnant on the beginning date of the applicable disaster period as set forth in § 760.101.

Adult buffalo and beefalo bulls means male animals of those breeds that were at least 2 years old and used for breeding purposes on the beginning date of the applicable disaster period as set forth in § 760.101.

Adult buffalo and beefalo cows means female animals of those breeds that had delivered one or more offspring before the beginning date of the applicable disaster period as set forth in § 760.101. A first-time bred buffalo or beefalo heifer shall also be considered to be an adult buffalo or beefalo cow if it was pregnant on the beginning date of the applicable disaster period as set forth in § 760.101.

Adult dairy bulls means male bovine animals of a breed used for producing milk for human consumption that were at least 2 years old and used for breeding dairy cows on the beginning date of the applicable disaster period as set forth in § 760.101.

Adult dairy cows means female bovine animals used for the purpose of providing milk for human consumption, that had delivered one or more offspring before the beginning date of the applicable disaster period as set forth in § 760.101. A first-time bred dairy heifer shall also be considered an adult dairy cow if it was pregnant on the beginning date of the applicable disaster period as set forth in § 760.101.

Deer means domesticated ruminant mammals of the genus *Cervus* having two large and two small hooves on each foot.

Goats means domesticated, ruminant mammals of the genus Capra, including Angora goats.

Horses means domesticated horses, and does not include donkeys, mules or other large solid-hoofed herbivorous mammals.

Non-adult beef cattle means male, female or neutered male bovine animals that weighed 500 pounds or more on the beginning date of the applicable disaster period as set forth in § 760.101, but do not meet the definition of adult beef cows or bulls.

Non-adult buffalo/beefalo means male, female or neutered male animals of those breeds that weighed 500 pounds or more on the beginning date of the applicable disaster period as set forth in § 760.101, but do not meet the definition of an adult buffalo or beefalo cow or bull.

Non-adult dairy cattle means male, female or neutered male bovine livestock, of a breed used for the purpose of providing milk for human consumption, that weighed 500 pounds or more on the beginning date of the applicable disaster period as set forth in § 760.101, but do not meet the definition adult dairy cows or bulls.

Sheep means domesticated, ruminant mammals of the genus *Ovis*.

§ 760.303 Eligible livestock and producers.

(a) To be considered eligible, livestock must meet all the following conditions:

(1) Be adult or non-adult dairy cattle, beef cattle, buffalo, beefalo, horses, sheep, goats or deer as defined in § 760.302;

(2) Been physically located in an eligible county on the beginning date of the applicable disaster period as set forth in § 760.101;

(3) Been maintained for commercial use as part of a farming operation on the beginning date of the applicable disaster period as set forth in § 760.101;

(4) Not have been produced and maintained for reasons other than commercial use as part of a farming operation. Such excluded uses include, but are not limited to wild free roaming animals or animals used for recreational purposes, such as pleasure, hunting, pets, or for show.

(b) To be considered an eligible livestock producer, both of the following conditions must be met:

(1) Owned or cash-leased, but not both for the same livestock, eligible

livestock on the beginning date of the applicable disaster period as provided in § 760.101; and

(2) Suffered a feed loss or an increased feed cost during the applicable disaster period as set forth in § 760.101. The feed must have been for the eligible livestock.

§ 760.304 Application process.

(a) Applicants must submit a completed application certifying to the feed loss or increased feed cost, current physical location of livestock in inventory, physical location of claimed livestock on the beginning date of the applicable disaster period as set forth in § 760.101, and any other supporting documentation for FSA to determine the eligibility of the applicant.

(b) Supporting evidence may include quantity and kind of livestock for which benefits are being requested, including but not limited to, purchase records, veterinarian records, bank or other loan papers, rendering truck receipts, Federal Emergency Management Agency and National Guard records, written contracts, production records, Internal Revenue Service (IRS) records, property tax records, private insurance documents, and any other verifiable documents available to confirm the existence of the claimed livestock.

§ 760.305 Payment calculation.

(a) FIP payments are calculated by multiplying the national payment rate for each of the following livestock categories by the number of eligible livestock in each category. The payment rate represents the cost of the amount of corn needed to maintain 1 animal unit for a specified period of time.

(b) The eligible livestock categories are:

(1) Adult beef cows or bulls;

(2) Non-adult beef cattle;

(3) Adult buffalo or beefalo cows or bulls;

(4) Non-adult buffalo or beefalo;

(5) Adult dairy cows or bulls;

(6) Non-adult dairy cattle;

(7) Goats;

(8) Sheep;

(9) Horses; and

(10) Deer.

Subpart E—Livestock Indemnity Program

§ 760.401 Applicability.

(a) This subpart sets forth the terms and conditions applicable to the Livestock Indemnity Program (LIP). Benefits will be provided under this subpart to eligible livestock owners and contract growers, but not both for the same livestock loss, for certain livestock deaths that occurred in eligible counties during the disaster period as set forth in § 760.101.

(b) Eligible livestock owners and contract growers will be compensated in accordance with § 760.405 for eligible livestock deaths that occurred in eligible counties during the disaster period as set forth in § 760.101.

§ 760.402 Definitions.

The following definitions are applicable for all purposes of administering LIP.

Adult beef bull means a male bovine animal that was at least 2 years old and used for breeding purposes before it died.

Adult beef cow means a female bovine animal that had delivered one or more offspring before dying. A first-time bred beef heifer shall also be considered an adult beef cow if it was pregnant at the time it died.

Adult buffalo and beefalo bull means a male animal of those breeds that were at least 2 years old and used for breeding purposes before it died.

Adult buffalo and beefalo cow means a female animal of those breeds that had delivered one or more offspring before dying. A first-time bred buffalo or beefalo heifer shall also be considered an adult buffalo or beefalo cow if it was pregnant at the time it died.

Adult dairy bull means a male bovine animal of a breed used for producing milk for human consumption that was at least 2 years old and used for breeding dairy cows before it died.

Adult dairy cow means a female bovine animal used for the purpose of providing milk for human consumption that had delivered one or more offspring before dying. A first-time bred dairy heifer shall also be considered an adult dairy cow if it was pregnant at the time it died.

Buck means a male goat.

Contract means, with respect to contracts for the handling of livestock, a written agreement between a livestock owner and another individual or entity setting the specific terms, conditions and obligations of the parties involved regarding the production of livestock or livestock products.

Deer means a domesticated ruminant mammal of the genus *Cervus* having two large and two small hooves on each foot.

Doe means a female goat.

Equine animal means a domesticated horse, mule or donkey.

Ewe means a female sheep.

Goat means a domesticated, ruminant mammal of the genus *Capra*, including Angora goats. Goats will be further delineated by sex (bucks and does) and age (kids).

Kid means a goat less than 1 year old.

Lamb means a sheep less than 1 year old.

Non-adult beef cattle means male, female or neutered male bovines that do not meet the definition of adult beef cows or bulls. *Non-adult beef cattle* is further delineated by weight categories of less than 400 pounds, and 400 pounds or more at the time they died.

Non-adult buffalo or beefalo means a male, female or neutered male animal of those breeds that do not meet the definition of adult buffalo/beefalo cow or bull. *Non-adult buffalo or beefalo* is further delineated by weight categories of less than 400 pounds, and 400 pounds or more at the time of death.

Non-adult dairy cattle means male, female or neutered male bovine livestock, of a breed used for the purpose of providing milk for human consumption, that do not meet the definition of adult dairy cows or bulls. *Non-adult dairy cattle* is further delineated by weight categories of less than 400 pounds, and 400 pounds or more at the time they died.

Poultry means domesticated chickens, turkeys, ducks and geese. *Poultry* will be further delineated by sex, age and purpose of production, as determined by FSA.

Ram means a male sheep.

Sheep means domesticated, ruminant mammals of the genus *Ovis. Sheep* will be further delineated by sex (rams and ewes) and age (lambs).

Swine means domesticated omnivorous pigs, hogs, and boars. *Swine* will be further delineated by sex and weight as determined by FSA.

§ 760.403 Eligible owners, contract growers and livestock.

(a) To be considered eligible, a livestock owner must have had legal ownership of the eligible livestock on the day the livestock died.

(b) To be considered eligible, a contract grower on the day the livestock died must have had:

(1) A written agreement with the owner of eligible livestock setting the specific terms, conditions and obligations of the parties involved regarding the production of livestock; and

(2) Control of the livestock that died.

(c) To be considered eligible, livestock must meet all the following:

(1) Be adult or non-adult dairy cattle, beef cattle, buffalo, beefalo, equine, sheep, goats, swine, poultry or deer.

(2) Perished as a direct result of an applicable disaster, in an eligible county and during the applicable disaster period as set forth in § 760.101;

(3) Been maintained for commercial use as part of a farming operation on the day they died; and before dying;

(4) Not have been produced or maintained for reasons other than commercial use as part of a farming operation, including but not limited to wild free roaming animals or animals used for recreational purposes, such as pleasure, hunting, pets, or for show.

§ 760.404 Application process.

(a) Applicants must submit a completed application, documentary evidence of loss, current physical location of livestock in inventory, physical location of claimed livestock at the time of death, and any other supporting documentation necessary for FSA to determine eligibility.

(b) Applicants must provide adequate proof that the death of the eligible livestock occurred during the applicable disaster period, and the death was a direct result of the applicable disaster, as set forth in § 760.101.

(c) The quantity and kind of livestock that died as a direct result of the applicable disaster may be documented by purchase records, veterinarian records, bank or other loan papers, rendering truck receipts, Federal Emergency Management Agency and National Guard records, written contracts, production records, IRS records, property tax records, private insurance documents, and any other verifiable documents available to confirm the presence and subsequent death of the livestock.

(d) Certifications of livestock deaths by third parties may be accepted only if both the following conditions are met:

(1) The livestock owner or livestock contract grower, as applicable, certifies in writing:

(i) That there is no other documentation of death available; and

(ii) The number of livestock, by category as determined by the Deputy Administrator, in inventory at the time the applicable disaster occurred; and

(2) The third party certifying to the claimed deaths by the livestock owner or contract grower must provide their telephone number and address, and certify in writing to all the following:

(i) Specific details about their knowledge of the livestock deaths;

(ii) Their affiliation to the livestock owner or contract grower;

(iii) The accuracy of the deaths claimed by the livestock owner or contract grower; and

(iv) Other details necessary for FSA to determine the certification acceptable.

§ 760.405 Payment calculation.

(a) Under LIP, separate payment rates are established for eligible livestock owners and eligible contract growers in accordance with paragraphs (b) and (c) of this section. LIP payments are calculated by multiplying the national payment rate, as determined in paragraphs (b) and (c) of this section, by the number of eligible livestock in each category, as provided in paragraph (d) of this section. The payment calculated for an eligible contract grower for an eligible livestock category shall be reduced by the amount of any compensation received from the contractor for the loss of income from the dead livestock.

(b) The LIP payment rate for eligible livestock owners is based on 75 percent of the average fair market value of the livestock.

(c) The LIP payment rates for eligible contract growers is based on 75 percent of the average income loss sustained by the contract grower with respect to the dead livestock.

(d) The categories of eligible livestock are as follows:

(1) Adult beef cows;
(2) Adult beef bulls;
(3) Non-adult beef cattle;
(4) Adult buffalo or beefalo cows;
(5) Adult buffalo or beefalo bulls;
(6) Non-adult buffalo/beefalo;
(7) Adult dairy cows;
(8) Adult dairy bulls;
(9) Non-adult dairy cattle;
(10) Swine, sows, boars, barrows, gilts over 150 pounds;
(11) Swine, sows, boars, barrows, gilts 50 to 150 pounds;
(12) Swine, feeder pigs under 50 pounds;
(13) Goats, bucks;
(14) Goats, does;
(15) Goats, kids;
(16) Sheep, rams;
(17) Sheep, ewes;
(18) Sheep, lambs;
(19) Deer;
(20) Chickens, layers, roasters;
(21) Chickens, broilers, pullets;
(22) Chickens, chicks;
(23) Turkeys, toms, fryers, roasters;
(24) Turkeys, poults;
(25) Ducks;
(26) Ducks, ducklings;
(27) Geese, goose;
(28) Geese, gosling; and
(29) Equine.

Subpart F—Tree Indemnity Program

§ 760.501 Applicability.

(a) This subpart sets forth the terms and conditions applicable to the Tree Indemnity Program (TIP). Benefits will be provided under this subpart for eligible fruit trees, bushes, and vines that were lost or damaged during the disaster period as set forth in § 760.101.

(b) Compensation will be based on expenses incurred for replanting, rehabilitation, cleanup, and debris removal.

(c) No benefits shall be provided when the loss:

(1) Occurred in any county other than an eligible county, or

(2) Was not the result of an eligible disaster as set forth in § 760.101.

§ 760.502 Eligible producers and stands.

(a) An eligible fruit tree, bush, and/or vine producer is one who bears financial responsibility and who has incurred costs of at least $90 per acre for replanting, rehabilitation, cleanup, or debris removal, excluding crop production.

(b) An eligible stand must:

(1) Be physically located in an eligible county;

(2) Have been impacted during an eligible disaster as set forth in § 760.101; and

(3) Be grown for commercial use.

§ 760.503 Application process.

(a) Applicants must submit a completed application and report of acreage identifying the geographic location and number of acres in the disaster-affected stand of claimed fruit trees, bushes, and vines according to part 718 of this chapter, and any other supporting documentation for FSA to determine the eligibility of the applicant.

(b) Applicants must certify and provide adequate proof that the expenses incurred to eligible fruit trees, bushes, or vines occurred during the applicable disaster period and that the loss or damage was a direct result of the applicable disaster, as set forth in § 760.101.

(c) The quantity and kind of fruit trees, bushes, or vines that died or were damaged as a result of the applicable disaster may be documented by purchase records, bank or other loan papers, Federal Emergency Management Agency and National Guard records, IRS records, property tax records, private insurance documents, and any other verifiable documents available to confirm the presence and subsequent loss or expenses incurred of said fruit trees, bushes, or vines.

§ 760.504 Payment calculation.

(a) TIP payments shall be calculated by multiplying the following national payment rate for the applicable tier by the number of eligible acres, excluding but not limited to such things as drainage ditches and canals, in a stand of fruit trees, bushes, or vines by the producer's share in such crop:

(1) Tier I—$750;
(2) Tier II—$300;
(3) Tier III—$200; and
(4) Tier IV—$90.

(b) If the actual expenses incurred for damage are greater than the value associated with the tier based on the location of the stand, the applicant may submit documentation to FSA to request the stand be placed in the next lower-numbered tier which represents a greater level of loss and a higher payment rate. Regardless of the expenses incurred the stand can only be placed in the next lower-numbered tier.

Subpart G—Aquaculture Program

§ 760.601 Funds availability.

FSA will provide block grants to the states of Alabama, Florida, Louisiana, Mississippi, North Carolina and Texas where aquaculture was adversely affected by the hurricanes as set forth in § 760.201 for those States. Producers in eligible counties in those states who raise aquaculture species in a controlled environment as part of a farming operation and who have not received assistance under other disaster programs for the same aquaculture losses may be eligible for these funds. Funds provided by a State to a farming operation under such a grant shall not exceed $80,000.

Signed in Washington, DC, May 2, 2006.

Thomas B. Hofeller,

Acting Administrator, Farm Service Agency.

[FR Doc. 06–4278 Filed 5–9–06; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 594, 595 and 597

Global Terrorism Sanctions Regulations; Terrorism Sanctions Regulations; Foreign Terrorist Organizations Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is revising the Global Terrorism Sanctions Regulations, the Terrorism Sanctions Regulations, and the Foreign Terrorist Organizations Sanctions Regulations to add general licenses authorizing certain transactions with the Palestinian Authority (''PA'').

DATE: Effective May 10, 2006.

FOR FURTHER INFORMATION CONTACT: Assistant Director of Compliance, Outreach & Implementation, tel.: 202/622–2490, Assistant Director of Licensing, tel.: 202/622–2480, Assistant Director of Policy, tel.: 202/622–4855, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury, Washington, DC 20220 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning the programs of the Office of Foreign Assets Control are available for downloading from the Office's Internet Home Page: *http://www.treas.gov/ofac*, or via FTP at *ofacftp.treas.gov*.

Background

OFAC administers three sanctions programs with respect to terrorists and terrorist organizations. The Terrorism Sanctions Regulations, 31 CFR part 595 (''TSR''), implement Executive Order 12947 of January 23, 1995, in which the President declared a national emergency with respect to ''grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process''.'' The Global Terrorism Sanctions Regulations, 31 CFR part 594 (''GTSR''), implement Executive Order 13224 of September 23, 2001, in which the President declared an emergency more generally with respect to ''grave acts of terrorism and threats of terrorism committed by foreign terrorists''.'' The Foreign Terrorist Organizations Sanctions Regulations, 31 CFR part 597 (''FTOSR''), implement provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (''AEDPA'').

HAMAS, members of which now form the majority party within the Palestinian Legislative Council and hold positions of authority within the government including the position of Prime Minister, is a target of each of these sanctions programs, resulting in the blocking of any property and interests in property of HAMAS that are in the United States or hereafter come within the United States, or that are in or hereafter come within the possession or control of a United States person. These restrictions prohibit U.S. persons from dealing in property or interests in property of HAMAS. OFAC has determined that, as a result of the recent elections, HAMAS has a property interest in the transactions of the Palestinian Authority. Accordingly, pursuant to the TSR, the GTSR and the FTOSR, U.S. persons are prohibited from engaging in transactions with the Palestinian Authority unless authorized. Notwithstanding the prohibitions, OFAC, consistent with current foreign policy, is authorizing U.S. persons to engage in certain transactions in which the Palestinian Authority may have an interest. It should be noted that the prohibitions involving the Palestinian Authority do not bar all transactions involving individuals and entities in Palestinian territory.

Executive Order 12866, Administrative Procedure Act, Regulatory Flexibility Act, and Paperwork Reduction Act

Because the regulations at issue involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

The Paperwork Reduction Act does not apply because this rule does not impose information collection requirements that would require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects

31 CFR Part 594

Administrative practice and procedure, Banks, Banking, Penalties, Reporting and recordkeeping requirements, Terrorism.

31 CFR Part 595

Administrative practice and procedure, Banks, Banking, Currency, Foreign investments in United States, Penalties, Reporting and recordkeeping requirements, Securities, Terrorism.

31 CFR Part 597

Administrative practice and procedure, Banks, Banking, Currency, Foreign investments in United States, Penalties, Reporting and recordkeeping requirements, Securities, Terrorism.

■ For the reasons set forth in the preamble, and under the authority of IEEPA and AEDPA, 31 CFR chapter V is amended by amending the interpretations and licenses provisions in 31 CFR parts 594, 595, and 597 as set forth below.

PART 594—GLOBAL TERRORISM SANCTIONS REGULATIONS

■ 1. The authority citation for part 594 continues to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 13224, 66 FR 49079,

September 25, 2001; E.O. 13268, 67 FR 44751, July 3, 2002; 3 CFR, 2002 Comp., p. 240; E.O. 13284, 64 FR 4075, January 28, 2003.

Subpart D—Interpretations

■ 1. Add a new § 594.411 to subpart D to read as follows:

§ 594.411 Palestinian Authority.

Following the January 2006 Palestinian elections, Hamas, a designated terrorist entity whose property and interests in property are blocked pursuant to § 594.201, has been determined to have a property interest in the transactions of the Palestinian Authority. Accordingly, pursuant to §§ 594.201 and 594.204, U.S. persons are prohibited from engaging in transactions with the Palestinian Authority unless authorized. Certain transactions with the Palestinian Authority may be authorized by license, see subpart E of this part.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 2. Add a new § 594.510 to subpart E to read as follows:

§ 594.510 Official activities of certain international organizations; U.S. person employees of certain governments.

(a) Effective April 12, 2006, all transactions and activities with the Palestinian Authority otherwise prohibited under this part that are for the conduct of the official business of the United Nations are authorized, provided that no payment pursuant to this license may involve a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

(b) Effective April 12, 2006, U.S. persons who are employees of the governments of states bordering the West Bank or Gaza are authorized to engage in all transactions and activities outside of the United States with the Palestinian Authority that are otherwise prohibited under this part in support of the U.S. persons' official duties, provided that no payment pursuant to this license may involve a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

(c) For purposes of this section only, the term ''United Nations'' means its principal organs, including funds, bodies, commissions, agencies, departments and other entities of the Security Council, General Assembly, Economic and Social Council and Secretariat, specifically including, among others, the World Bank, the International Monetary Fund, the World Food Programme, and the World Health Organization.

■ 3. Add a new § 594.511 to subpart E to read as follows:

§ 594.511 Travel, employment, residence and maintenance transactions with the Palestinian Authority.

Effective April 12, 2006, U.S. persons are authorized to engage in all transactions with the Palestinian Authority otherwise prohibited under this part that are ordinarily incident to their travel to or from, or employment, residence or personal maintenance within, the jurisdiction of the Palestinian Authority, including, but not limited to, receipt of salaries, payment of living expenses and acquisition of goods or services for personal use. Nothing in this license authorizes any debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

■ 4. Add a new § 594.512 to subpart E to read as follows:

§ 594.512 Payment of taxes and incidental fees to the Palestinian Authority.

Effective April 12, 2006, U.S. persons are authorized to pay taxes or fees to, and purchase or receive permits or public utility services from, the Palestinian Authority where such transactions are necessary and ordinarily incident to such persons' day-to-day operations. Nothing in this license authorizes a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

■ 5. Add a new § 594.513 to subpart E to read as follows:

§ 594.513 Transactions with entities under the control of the Palestinian President and certain other entities.

(a) Effective April 12, 2006, U.S. persons are authorized to engage in all transactions otherwise prohibited under this part with the following entities and individuals:

(1) The Palestinian Authority Presidency, including only the Office of the President, Presidential Security, General Intelligence Apparatus, Governors and Governorate staff, the Attorney General's Office, the Palestine Investment Fund (PIF), the Border Crossings Administration, and the Palestine Broadcasting Corporation (including the Voice of Palestine, Wafa News Agency, and the General Public Information Agency/State Information Services);

(2) The Palestinian Judiciary, including the Higher Judicial Council;

(3) Members of the Palestinian Legislative Council (PLC) who were not elected to the PLC on the party slate of Hamas or any other Foreign Terrorist Organization (FTO), Specially Designated Terrorist (SDT), or Specially Designated Global Terrorist (SDGT); and

(4) The following independent agencies: The Central Elections Commission; the Independent Citizens Rights Commission; the General Audit Authority/External Audit Agency; and the Palestinian Monetary Authority.

(b) Effective April 12, 2006, U.S. financial institutions are authorized to reject transactions with members of the Palestinian Legislative Council (PLC) who were elected to the PLC on the party slate of Hamas or any other Foreign Terrorist Organization (FTO), Specially Designated Terrorist (SDT), or Specially Designated Global Terrorist (SDGT), provided that any such individuals are not named on OFAC's list of Specially Designated Nationals and Blocked Persons.

(c) Nothing in this license authorizes a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

■ 6. Add a new § 594.514 to subpart E to read as follows:

§ 594.514 Concluding activities with the Palestinian Authority.

Effective April 12, 2006, all transactions and activities with the Palestinian Authority otherwise prohibited under this part are authorized through May 12, 2006, provided that they are necessary to conclude ongoing contracts or programs with the Palestinian Authority, and further provided that no payment pursuant to this license may involve a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

■ 7. Add a new § 594.515 to subpart E to read as follows:

§ 594.515 In-kind donations of medicine.

Effective April 12, 2006, nongovernmental organizations that are U.S. persons are authorized to provide in-kind donations of medicine to the Palestinian Authority Ministry of Health, provided that such donations are strictly for distribution in the West Bank or Gaza and not intended for resale, and provided further that no payment pursuant to this license may involve a debit to an account of the

Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

PART 595—TERRORISM SANCTIONS REGULATIONS

■ 1. The authority citation for part 595 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12947, 60 FR 5079; 3 CFR, 1995 Comp., p. 319.

Subpart D—Interpretations

■ 1. Add a new § 595.409 to subpart D to read as follows:

§ 595.409 Palestinian Authority.

Following the January 2006 Palestinian elections, Hamas, a designated terrorist entity whose property and interests in property are blocked pursuant to §§ 595.201 and 595.204, has been determined to have a property interest in the transactions of the Palestinian Authority. Accordingly, pursuant to §§ 595.201 and 595.204, U.S. persons are prohibited from engaging in transactions with the Palestinian Authority unless authorized. Certain transactions with the Palestinian Authority may be authorized by license, see subpart E of this part.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 2. Add a new § 595.508 to subpart E to read as follows:

§ 595.508 Official activities of certain international organizations; U.S. person employees of certain governments.

(a) Effective April 12, 2006, all transactions and activities with the Palestinian Authority otherwise prohibited under this part that are for the conduct of the official business of the United Nations are authorized, provided that no payment pursuant to this license may involve a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

(b) Effective April 12, 2006, U.S. persons who are employees of the governments of states bordering the West Bank or Gaza are authorized to engage in all transactions and activities outside of the United States with the Palestinian Authority that are otherwise prohibited under this part in support of the U.S. persons' official duties, provided that no payment pursuant to this license may involve a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

(c) For purposes of this section only, the term ''United Nations'' means its principal organs, including funds, bodies, commissions, agencies, departments and other entities of the Security Council, General Assembly, Economic and Social Council and Secretariat, specifically including, among others, the World Bank, the International Monetary Fund, the World Food Programme, and the World Health Organization.

■ 3. Add a new § 595.509 to subpart E to read as follows:

§ 595.509 Travel, employment, residence and maintenance transactions with the Palestinian Authority.

Effective April 12, 2006, U.S. persons are authorized to engage in all transactions with the Palestinian Authority otherwise prohibited under this part that are ordinarily incident to their travel to or from, or employment, residence or personal maintenance within, the jurisdiction of the Palestinian Authority, including, but not limited to, receipt of salaries, payment of living expenses and acquisition of goods or services for personal use. Nothing in this license authorizes any debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

■ 4. Add a new § 595.510 to subpart E to read as follows:

§ 595.510 Payment of taxes and incidental fees to the Palestinian Authority.

Effective April 12, 2006, U.S. persons are authorized to pay taxes or fees to, and purchase or receive permits or public utility services from, the Palestinian Authority where such transactions are necessary and ordinarily incident to such persons' day-to-day operations. Nothing in this license authorizes a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

■ 5. Add a new § 595.511 to subpart E to read as follows:

§ 595.511 Transactions with entities under the control of the Palestinian President and certain other entities.

(a) Effective April 12, 2006, U.S. persons are authorized to engage in all transactions otherwise prohibited under this part with the following entities and individuals:

(1) The Palestinian Authority Presidency, including only the Office of the President, Presidential Security, General Intelligence Apparatus, Governors and Governorate staff, the Attorney General's Office, the Palestine Investment Fund (PIF), the Border Crossings Administration, and the Palestine Broadcasting Corporation (including the Voice of Palestine, Wafa News Agency, and the General Public Information Agency/State Information Services);

(2) The Palestinian Judiciary, including the Higher Judicial Council;

(3) Members of the Palestinian Legislative Council (PLC) who were not elected to the PLC on the party slate of Hamas or any other Foreign Terrorist Organization (FTO), Specially Designated Terrorist (SDT), or Specially Designated Global Terrorist (SDGT); and

(4) The following independent agencies: The Central Elections Commission; the Independent Citizens Rights Commission; the General Audit Authority/External Audit Agency; and the Palestinian Monetary Authority.

(b) Effective April 12, 2006, U.S. financial institutions are authorized to reject transactions with members of the Palestinian Legislative Council (PLC) who were elected to the PLC on the party slate of Hamas or any other Foreign Terrorist Organization (FTO), Specially Designated Terrorist (SDT), or Specially Designated Global Terrorist (SDGT), provided that any such individuals are not named on OFAC's list of Specially Designated Nationals and Blocked Persons.

(c) Nothing in this license authorizes a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

■ 6. Add a new § 595.512 to subpart E to read as follows:

§ 595.512 Concluding activities with the Palestinian Authority.

Effective April 12, 2006, all transactions and activities with the Palestinian Authority otherwise prohibited under this part are authorized through May 12, 2006, provided that they are necessary to conclude ongoing contracts or programs with the Palestinian Authority, and further provided that no payment pursuant to this license may involve a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

■ 7. Add a new § 595.513 to subpart E to read as follows:

§ 595.513 In-kind donations of medicine.

Effective April 12, 2006, nongovernmental organizations that are U.S. persons are authorized to provide

in-kind donations of medicine to the Palestinian Authority Ministry of Health, provided that such donations are strictly for distribution in the West Bank or Gaza and not intended for resale, and provided further that no payment pursuant to this license may involve a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or any account blocked pursuant to this part.

PART 597—FOREIGN TERRORIST ORGANIZATIONS SANCTIONS REGULATIONS

■ 1. The authority citation for part 597 continues to read as follows:

Authority: 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–132, 110 Stat. 1214, 1248–53 (8 U.S.C. 1189, 18 U.S.C. 2339B).

Subpart D—Interpretations

■ 2. Add a new § 597.407 to subpart D to read as follows:

§ 597.407 Palestinian Authority.

Following the January 2006 Palestinian elections, Hamas, a designated terrorist entity whose property and interests in property are blocked pursuant to § 597.201, has been determined to have a property interest in the transactions of the Palestinian Authority. Accordingly, pursuant to § 597.201, U.S. persons are prohibited from engaging in transactions with the Palestinian Authority unless authorized. Certain transactions with the Palestinian Authority may be authorized by license, see subpart E of this part.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 3. Add a new § 597.506 to subpart E to read as follows:

§ 597.506 Official activities of certain international organizations; U.S. person employees of certain governments.

(a) Effective April 12, 2006, U.S. financial institutions are authorized to engage in all financial transactions with the Palestinian Authority otherwise prohibited by this part that are for the conduct of the official business of the United Nations, provided that no payment pursuant to this license may involve a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

(b) For purposes of this section only, the term ''United Nations'' means its principal organs, including funds, bodies, commissions, agencies, departments and other entities of the Security Council, General Assembly, Economic and Social Council and Secretariat, specifically including, among others, the World Bank, the International Monetary Fund, the World Food Programme, and the World Health Organization.

(c) The retention and reporting provisions of § 597.201 shall not apply with respect to transactions authorized by paragraph (a) of this section.

■ 4. Add a new § 597.507 to subpart E to read as follows:

§ 597.507 Travel, employment, residence and maintenance transactions with the Palestinian Authority.

(a) Effective April 12, 2006, U.S. financial institutions are authorized to engage in all transactions that are ordinarily incident to U.S. persons' travel to or from, or employment, residence or personal maintenance within, the jurisdiction of the Palestinian Authority, including, but not limited to, receipt of salaries, payment of living expenses and acquisition of goods or services for personal use. Nothing in this license authorizes any debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

(b) The retention and reporting provisions of § 597.201 shall not apply with respect to transactions authorized by paragraph (a) of this section.

■ 5. Add a new § 597.508 to subpart E to read as follows:

§ 597.508 Payment of taxes and incidental fees to the Palestinian Authority.

(a) Effective April 12, 2006, U.S. financial institutions are authorized to conduct all transactions ordinarily incident to the following activities by U.S. persons: the payment of taxes or fees to, or the purchase or receipt of permits or public utility services from, the Palestinian Authority where such transactions are necessary and ordinarily incident to such persons' day-to-day operations. Nothing in this license authorizes a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

(b) The retention and reporting provisions of § 597.201 shall not apply with respect to transactions authorized by paragraph (a) of this section.

■ 6. Add a new § 597.509 to subpart E to read as follows:

§ 597.509 Transactions with entities under the control of the Palestinian President and certain other entities.

(a) Effective April 12, 2006, U.S. financial institutions are authorized to engage in all transactions otherwise prohibited under this part with the following entities and individuals:

(1) The Palestinian Authority Presidency, including only the Office of the President, Presidential Security, General Intelligence Apparatus, Governors and Governorate staff, the Attorney General's Office, the Palestine Investment Fund (PIF), the Border Crossings Administration, and the Palestine Broadcasting Corporation (including the Voice of Palestine, Wafa News Agency, and the General Public Information Agency/State Information Services);

(2) The Palestinian Judiciary, including the Higher Judicial Council;

(3) Members of the Palestinian Legislative Council (PLC) who were not elected to the PLC on the party slate of Hamas or any other Foreign Terrorist Organization (FTO), Specially Designated Terrorist (SDT), or Specially Designated Global Terrorist (SDGT); and

(4) The following independent agencies: The Central Elections Commission; the Independent Citizens Rights Commission; the General Audit Authority/External Audit Agency; and the Palestinian Monetary Authority.

(b) Effective April 12, 2006, U.S. financial institutions are authorized to reject transactions with members of the Palestinian Legislative Council (PLC) who were elected to the PLC on the party slate of Hamas or any other Foreign Terrorist Organization (FTO), Specially Designated Terrorist (SDT), or Specially Designated Global Terrorist (SDGT), provided that any such individuals are not named on OFAC's list of Specially Designated Nationals and Blocked Persons.

(c) Nothing in this license authorizes a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

(d) The retention and reporting provisions of § 597.201 shall not apply with respect to transactions authorized by paragraph (a) of this section. The retention provisions of § 597.201 shall not apply with respect to transactions authorized by paragraph (b) of this section.

■ 7. Add a new § 597.510 to subpart E to read as follows:

§ 597.510 Concluding activities with the Palestinian Authority.

(a) Effective April 12, 2006, all transactions and activities with the Palestinian Authority otherwise prohibited under this part are authorized through May 12, 2006, provided that they are necessary to conclude ongoing contracts or programs

with the Palestinian Authority, and further provided that no payment pursuant to this license may involve a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or to any account blocked pursuant to this part.

(b) The retention and reporting provisions of § 597.201 shall not apply with respect to transactions authorized by paragraph (a) of this section.

■ 8. Add a new § 597.511 to subpart E to read as follows:

§ 597.511 In-kind donations of medicine.

(a) Effective April 12, 2006, U.S. financial institutions are authorized to conduct all transactions ordinarily incident to the provision by nongovernmental organizations that are U.S. persons of in-kind donations of medicine to the Palestinian Authority Ministry of Health, provided that such donations are strictly for distribution in the West Bank or Gaza and not intended for resale, and provided further that no payment pursuant to this license may involve a debit to an account of the Palestinian Authority on the books of a U.S. financial institution or any account blocked pursuant to this part.

(b) The retention and reporting provisions of § 597.201 shall not apply with respect to transactions authorized by paragraph (a) of this section.

Dated: April 13, 2006.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

Stuart A. Levey,

Under Secretary, Terrorism and Financial Intelligence.

[FR Doc. 06–4351 Filed 5–9–06; 8:45 am]

BILLING CODE 4811–37–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 44

RIN 2900–AK16

Loan Guaranty: Governmentwide Debarment and Suspension (Nonprocurement) and Requirements for Drug-Free Workplace (Grants); Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; technical amendment.

SUMMARY: On November 26, 2003, the Department of Veterans Affairs (VA) published a final rule in the **Federal Register** at 68 FR 66534 (VA's portion at 66618) implementing changes to the governmentwide nonprocurement debarment and suspension common rule (NCR). The NCR sets forth the common policies and procedures that Federal Executive branch agencies must use in taking suspension or debarment actions. At that time, ''Subpart G—Limited Denial of Participation'' (LDP), was inadvertently eliminated instead of being redesignated as subpart J. This technical amendment reinstates the dropped regulatory text for former subpart G in the new subpart J of part 44.

DATES: *Effective Date:* This technical amendment is effective as of November 26, 2003, the date of the erroneous omission.

FOR FURTHER INFORMATION CONTACT: William White, Acting Assistant Director for Loan Policy and Valuation (262), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202–273–7368), *william.white@vba.va.gov*.

SUPPLEMENTARY INFORMATION: On November 26, 2003, the Department of Veterans Affairs (VA) joined in the publication of governmentwide debarment and suspension (nonprocurement) and governmentwide requirements for drug-free workplace (grants). Until that time, subpart G of 38 CFR part 44 had set forth VA's regulations governing limited denial of participation (LDP) authority for VA to deny participation in loan guaranty programs in certain limited geographic areas or for a certain period of time. The intent has been for VA to have at its disposal a lesser sanction than a governmentwide debarment for program participants.

Unfortunately, the regulatory language setting out how and when LPDs would be administered was omitted when part 44 was revised to include the new governmentwide sanctions. This document reinstates the dropped regulatory text for former subpart G and places it in the new subpart J with current cross-references. VA's administration of LDPs during this lapsed period remained unaffected.

List of Subjects in 38 CFR Part 44

Administrative practice and procedure, Condominiums, Debarment and suspension, Grant programs, Handicapped, Housing loan programs—housing and community development, Manufactured homes, Reporting and recordkeeping requirements, Veterans.

Approved: May 4, 2006.

Robert C. McFetridge,

Acting Assistant to the Secretary for Regulation Policy and Management.

■ Accordingly, 38 CFR part 44 is amended as follows:

PART 44—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

■ 1. The authority citation for part 44 continues to read as follows:

Authority: 38 U.S.C. 501 and 38 U.S.C. 3703(c); Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 11738 (3 CFR, 1973 Comp., p. 799); E.O. 12549 (3 CFR 1986 comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235.)

■ 2. Subpart J is added to part 44 to read as follows:

Subpart J—Limited Denial of Participation

Sec.

44.1100 General.
44.1105 Cause for a limited denial of participation.
44.1110 Scope and period of a limited denial of participation.
44.1111 Notice.
44.1112 Conference.
44.1113 Appeal.

Subpart J—Limited Denial of Participation

§ 44.1100 General.

Field Facility Directors are authorized to order a limited denial of participation affecting any participant or contractor and its affiliates except lenders and manufactured home manufacturers. In each case, even if the offense or violation is of a criminal, fraudulent or other serious nature, the decision to order a limited denial of participation shall be discretionary and in the best interests of the Government.

§ 44.1105 Cause for a limited denial of participation.

(a) *Causes.* A limited denial of participation shall be based upon adequate evidence of any of the following causes:

(1) Irregularities in a participant's or contractor's performance in the VA loan guaranty program;

(2) Denial of participation in programs administered by the Department of Housing and Urban Development or the Department of Agriculture, Rural Housing Service;

(3) Failure to satisfy contractual obligations or to proceed in accordance with contract specifications;

(4) Failure to proceed in accordance with VA requirements or to comply with VA regulations;

(5) Construction deficiencies deemed by VA to be the participant's responsibility;

(6) Falsely certifying in connection with any VA program, whether or not the certification was made directly to VA;

(7) Commission of an offense or other cause listed in § 44.800;

(8) Violation of any law, regulation, or procedure relating to the application for guaranty, or to the performance of the obligations incurred pursuant to a commitment to guaranty;

(9) Making or procuring to be made any false statement for the purpose of influencing in any way an action of the Department;

(10) Imposition of a limited denial of participation by any other VA field facility;

(b) *Indictment.* A criminal indictment or information shall constitute adequate evidence for the purpose of limited denial of participation actions.

(c) *Limited denial of participation.* Imposition of a limited denial of participation by a VA field facility shall, at the discretion of any other VA field facility, constitute adequate evidence for a concurrent limited denial of participation. Where such a concurrent limited denial of participation is imposed, participation may be restricted on the same basis without the need for an additional conference or further hearing.

§ 44.1110 Scope and period of a limited denial of participation.

(a) *Scope and period.* The scope of a limited denial of participation shall be as follows:

(1) A limited denial of participation extends only to participation in the VA Loan Guaranty Program and shall be effective only within the geographic jurisdiction of the office or offices imposing it.

(2) The sanction may be imposed for a period not to exceed 12 months except for unresolved construction deficiencies. In cases involving construction deficiencies, the builder may be excluded for either a period not to exceed 12 months or for an indeterminate period which ends when the deficiency has been corrected or otherwise resolved in a manner acceptable to VA.

(b) *Effectiveness.* The sanction shall be effective immediately upon issuance and shall remain effective for the prescribed period. If the cause for the limited denial of participation is resolved before the expiration of the prescribed period, the official who imposed the sanction may terminate it. The imposition of a limited denial of participation shall not affect the right of the Department to suspend or debar any person under this part.

(c) *Affiliates.* An affiliate or organizational element may be included in a limited denial of participation solely on the basis of its affiliation, and regardless of its knowledge of or participation in the acts providing cause for the sanction. The burden of proving that a particular affiliate or organizational element is capable of meeting VA requirements and is currently a responsible entity and not controlled by the primary sanctioned party (or by an entity that itself is controlled by the primary sanctioned party) is on the affiliate or organizational element.

§ 44.1111 Notice.

(a) *Generally.* A limited denial of participation shall be initiated by advising a participant or contractor, and any specifically named affiliate, by certified mail, return receipt requested:

(1) That the sanction is effective as of the date of the notice;

(2) Of the reasons for the sanction in terms sufficient to put the participant or contractor on notice of the conduct or transaction(s) upon which it is based;

(3) Of the cause(s) relied upon under § 44.1105 for imposing the sanction;

(4) Of the right to request in writing, within 30 days of receipt of the notice, a conference on the sanction, and the right to have such conference held within 10 business days of receipt of the request;

(5) Of the potential effect of the sanction and the impact on the participant's or contractor's participation in Departmental programs, specifying the program(s) involved and the geographical area affected by the action.

(b) *Notification of action.* After 30 days, if no conference has been requested, the official imposing the limited denial of participation will notify VA Central Office of the action taken and of the fact that no conference has been requested. If a conference is requested within the 30-day period, VA Central Office need not be notified unless a decision to affirm all or a portion of the remaining period of exclusion is issued. VA Central Office will notify all VA field offices of sanctions imposed and still in effect under this subpart.

§ 44.1112 Conference.

Upon receipt of a request for a conference, the official imposing the sanction shall arrange such a conference with the participant or contractor and may designate another official to conduct the conference. The participant shall be given the opportunity to be heard within 10 business days of receipt of the request. This conference precedes, and is in addition to, the formal hearing provided if an appeal is taken under § 44.1113. Although formal rules of procedure do not apply to the conference, the participant or contractor may be represented by counsel and may present all relevant information and materials to the official or designee. After consideration of the information and materials presented, the official shall, in writing, advise the participant or contractor of the decision to withdraw, modify or affirm the limited denial of participation. If the decision is made to affirm all or a portion of the remaining period of exclusion, the participant shall be advised of the right to request a formal hearing in writing within 30 days of receipt of the notice of decision. This decision shall be issued promptly, but in no event later than 20 days after the conference and receipt of materials.

§ 44.1113 Appeal.

Where the decision is made to affirm all or a portion of the remaining period of exclusion, any participant desiring an appeal shall file a written request for a hearing with the Under Secretary for Benefits, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. This request shall be filed within 30 days of receipt of the decision to affirm. If a hearing is requested, it shall be held in accordance with the procedures set forth at §§ 44.825 through 44.855. Where a limited denial of participation is followed by a suspension or debarment, the limited denial of participation shall be superseded and the appeal shall be heard solely as an appeal of the suspension or debarment.

[FR Doc. 06–4332 Filed 5–9–06; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R03–RCRA–2006–0381; FRL–8165–7]

Virginia: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Virginia has applied to EPA for final authorization of revisions to its

hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these revisions satisfy all requirements needed to qualify for final authorization and is authorizing Virginia's revisions through this immediate final action. EPA is publishing this rule to authorize the revisions without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we receive written comments that oppose this authorization during the comment period, the decision to authorize Virginia's revisions to its hazardous waste program will take effect. If we receive comments that oppose this action, we will publish a document in the **Federal Register** withdrawing the relevant amendments, section or paragraph of this rule before they take effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize revisions to Virginia's program that were the subject of adverse comments.

DATES: This final authorization will become effective on July 10, 2006, unless EPA receives adverse written comments by June 9, 2006. If EPA receives any such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization, or portions thereof, will not take effect as scheduled.

ADDRESSES: Submit your comments, identified by [EPA–R03–RCRA–2006–0381] by one of the following methods:

1. Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
2. E-mail: *ellerbe.lillie@epamail.epa.gov.*
3. Mail: Lillie Ellerbe, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029.
4. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

You may inspect and copy Virginia's application from 8:15 a.m. to 4:30 p.m., Monday through Friday at the following addresses: Virginia Department of Environmental Quality, Division of Waste Program Coordination, 629 East Main Street, Richmond, VA 23219, Phone number: (804) 698–4213, attn: Robert Wickline, and Virginia Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, Phone number: (540) 562–6872, attn: Aziz Farahmand, and EPA Region III, Library, 2nd Floor, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–5254.

Instructions: Direct your comments to [EPA–R03–RCRA–2006–0381]. EPA's policy is that all comments received will be included in the public file without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The federal www.regulations.gov Web site is an ''anonymous access'' system which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public file 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 and any form of encryption, and be free of any defects or viruses.

FOR FURTHER INFORMATION CONTACT: Lillie Ellerbe, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–5454.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States that have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. Program revision may be necessary when the controlling Federal or State statutory or regulatory authority is modified or supplemented. Most commonly, States must revise their programs because of revisions to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

EPA concludes that Virginia's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Virginia final authorization to operate its hazardous waste program with the revisions described in its application for program revisions, subject to the procedures described in section E, below. Virginia has responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program described in its application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those HSWA requirements and prohibitions for which Virginia has not been authorized, including issuing HSWA permits, until the State is granted authorization to do so.

C. What Is the Effect of This Authorization Decision?

This decision serves to authorize revisions to Virginia's authorized hazardous waste program. This action does not impose additional requirements on the regulated community because the regulations for which Virginia is being authorized by today's action are already effective and are not changed by today's action. Virginia has enforcement responsibilities under its state hazardous waste program for violations of its program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Perform inspections, and require monitoring, tests, analyses or reports;
- Enforce RCRA requirements and suspend or revoke permits; and
- Take enforcement actions regardless of whether Virginia has taken its own actions.

D. Why Wasn't There a Proposed Rule Before This Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In

addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize Virginia's program revisions. If EPA receives comments that oppose this authorization, or portions thereof, that document will serve as a proposal to authorize the revisions to Virginia's program that were the subject of adverse comment.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, or portions thereof, we will withdraw this rule, or portions thereof, by publishing a document in the **Federal Register** before the rule would become effective. EPA will base any further decision on the authorization of Virginia's program revisions on the proposal mentioned in the previous section. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose the authorization of a particular revision to Virginia's hazardous waste program, we will withdraw that part of this rule, but the authorization of the program revisions that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has Virginia Previously Been Authorized For?

Initially, Virginia received final authorization to implement its hazardous waste management program effective December 18, 1984 (49 FR 47391). EPA granted authorization for revisions to Virginia's regulatory program effective August 13, 1993 (58 FR 32855); September 29, 2000 (65 FR 46607); and June 20, 2003 (68 FR 36925).

G. What Revisions Are We Authorizing With This Action?

On May 6, 2005, Virginia submitted a program revision application, seeking authorization of additional revisions to its program in accordance with 40 CFR 271.21. Virginia's revision application includes various regulations that are equivalent to, and no less stringent than, revisions to the Federal hazardous waste program, as published in the **Federal Register** from July 1, 2001 through July 1, 2004, as well as miscellaneous changes to its previously authorized program. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Virginia's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Therefore, EPA grants Virginia's final authorization for the following program revisions:

1. Program Revision Changes for Federal Rules

Virginia seeks authority to administer the Federal requirements that are listed in Table 1. Virginia incorporates by reference these Federal provisions, in accordance with the dates specified in Title 9, Virginia Administrative Code (9 VAC 20–60–18). Table 1 lists Virginia's requirements that are being recognized as no less stringent than the analogous Federal requirements. The Virginia Waste Management Act (VWMA), enacted by the 1986 session of the Virginia's General Assembly and recodified in 1988 as Chapter 14, Title 10.1, Code of Virginia, forms the basis of the Virginia program. The regulatory references are to Title 9, Virginia Administrative Code (9 VAC) effective September 8, 2004.

TABLE 1.—VIRGINIA'S ANALOGS TO THE FEDERAL REQUIREMENTS

Description of Federal Requirement (Revision Checklists) [1]	**Federal Register**	Analogous Virginia Authority
RCRA Cluster XI [2], Non-HSWA		
Hazardous Air Pollutant Standards; Technical corrections, Checklist 188.	66 FR 35087, 7/3/01	Title 9, Virginia Administrative Code (9 VAC) §§ 20–60–18 and 20–60–264 A.
RCRA Cluster XII, HSWA/Non-HSWA		
Hazardous Waste Identification Rule Corrections: Revisions to Mixture and Derived-From Rules, Checklist 194.	66 FR 50332, 10/3/01 ...	9 VAC §§ 20–60–18 and 20–60–261 A.
Identification and Listing of Hazardous Waste: Inorganic Chemical Manufacturing Wastes; Land Disposal Restrictions for Newly Identified Wastes, Checklist 195.	66 FR 58258, 11/20/01; 67 FR 17119, 4/9/02.	9 VAC §§ 20–60–18, 20–60–261 A and 20–60–268 A.
RCRA Cluster XII, HSWA		
CAMU Amendments, Checklist 196	67 FR 2962, 1/22/02	9 VAC §§ 20–60–18, 20–60–260 A and 20–60–264 A.
RCRA Cluster XII, HSWA/Non-HSWA		
Interim Standards for Hazardous Air Pollutants for Hazardous Waste Combustors, Checklist 197.	67 FR 6792, 2/13/02	9 VAC §§ 20–60–18, 20–60–264 A, 20–60–265 A, 20–60–266 A and 20–60–270 A.
Hazardous Air Pollutant Standards for Hazardous Waste Combustors, Checklist 198.	67 FR 6968, 2/14/02	9 VAC §§ 20–60–18, 20–60–266 A and 20–60–270 A.
RCRA Cluster XII, Non-HSWA		
Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes and TCLP Use with MGP Waste, Checklist 199.	67 FR 11251, 3/13/02 ...	9 VAC §§ 20–60–18 and 20–60–261 A.

TABLE 1.—VIRGINIA'S ANALOGS TO THE FEDERAL REQUIREMENTS—Continued

Description of Federal Requirement (Revision Checklists) [1]	Federal Register	Analogous Virginia Authority
RCRA Cluster XIII, HSWA/Non-HSWA		
Zinc Fertilizers Made From Recycled Hazardous Secondary Materials, Checklist 200.	67 FR 48393, 7/24/02 ...	9 VAC §§ 20–60–18, 20–60–261 A, 266 A and 20–60–268 A.
RCRA Cluster XIII, HSWA		
Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver-, Containing Batteries, Checklist 201.	67 FR 62618, 10/7/02 ...	9 VAC §§ 20–60–18 and 20–60–268 A.
NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors-Corrections, Checklist 202.	67 FR 77687, 12/19/02	9 VAC §§ 20–60–18 and 20–60–270 A.
RCRA Cluster XIV, Non-HSWA		
Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Recycled Used Oil Standards, Checklist 203.	68 FR 44659, 7/30/03 ...	9 VAC §§ 20–60–8, 20–60–261 A and 20–60–279 A.
National Environmental Performance Track Program, Checklist 204.	69 FR 21737, 4/22/04 ...	9 VAC §§ 20–60–18 and 20–60–262A.
NESHAP: Surface Coating of Automobiles and Light-Duty Trucks, Checklist 205.	69 FR 22601, 4/26/04 ...	9 VAC §§ 20–60–18, 20–60–264A, and 20–60–265A.

[1] A Revision Checklist is a document that addresses the specific revisions made to the Federal regulations by one or more related final rules published in the **Federal Register**. EPA develops these checklists as tools to assist States in developing their authorization applications and in documenting specific State analogs to the Federal Regulations. For more information see EPA's RCRA State Authorization Web page at *http://www.epa.gov/epaoswer/hazwaste/state*.

[2] A RCRA ''Cluster'' is a set of Revision Checklists for Federal rules, typically promulgated over a 12-month period starting on July 1 and ending on June 30 of the following year.

2. Miscellaneous Changes

In addition to adopting the Federal program revisions discussed in Section G.1, Virginia has made various regulatory revisions to its authorized program. Virginia is seeking authorization for these miscellaneous changes. In a number of the revisions, Virginia has made wording changes and technical corrections in order to clarify its regulations. For example, ''director'' has been replaced by ''department'' in many provisions. Virginia has also removed a portion of the provision that was at 9 VAC § 20–60–70 B. The Commonwealth previously required that permits for hazardous waste management facilities, including permits by rule, be the subject of a public hearing. The provision was more stringent than the Federal requirements. By removing a portion of the 9 VAC § 20–60–70 B provision from its regulations, Virginia's requirement for public hearings is now the same as the analogous Federal regulation.

Finally, Virginia has made various additional regulatory revisions which are listed following this paragraph. While some of the changes clarify Virginia's regulations, others make the Virginia program more stringent or broader in scope than the Federal program. The broader-in-scope provisions are discussed in Section H.1 below. Regulatory citations annotated with an asterisk are deemed to be more stringent than the Federal program. EPA has evaluated the changes described in this section and has determined that they are consistent with and no less stringent than the corresponding Federal regulations.

Title 9, Virginia Administrative Code (9 VAC) §§ 20–60–264 B 8*, 20–60–264 B 9*, 20–60–264 B 10*, 20–60–264 B 11, 20–60–264 B 12, 20–60–264 B 13*, 20–60–264 B 14*, 20–60–264 B 15*, 20–60–264 B 16*, 20–60–264 B 17*, 20–60–264 B 18*, 20–60–264 B 19*, 20–60–264 B 20, 20–60–264 B 21, 20–60–264 B 22*, 20–60–265 B 8*, 20–60–270 B 15, 20–60–315 D and 20–60–420 A.

A further discussion of Virginia's miscellaneous regulatory changes is found in the following application document for Virginia: ''Demonstration of Adequate Authority for Virginia Hazardous Waste Program Revisions, Program Revision III, 2004.''

H. Where Are the Revised Virginia Rules Different From the Federal Rules?

1. Virginia Requirements That Are Broader in Scope Than the Federal Program

The Virginia hazardous waste program contains certain provisions that are beyond the scope of the Federal program. As part of the miscellaneous changes discussed in Section G.2, Virginia amended its hazardous waste regulations to (1) change the fee structure for permit applicants, (2) add annual fees for facilities and large quantity generators, and (3) shift the cost of certain public participation activities to applicants and petitioners. The requirements, which are listed below, are beyond the scope of the Federal program. These broader in scope provisions are not part of the program being authorized by today's action. EPA cannot enforce requirements that are broader in scope, although compliance with such provisions is required by Virginia law.

(a) Virginia's regulations at 9 VAC § 20–60–124 B9 now require the petitioners for variances to publish and announce the required public hearings at their expense.

(b) Virginia's regulations at 9 VAC §§ 20–60–262 B8, 20–60–270 B16 and 20–60–1260 through 9 VAC 20–60–1286 require that beginning July 1, 2004, large quantity generators, permitted facilities, interim status facilities and all facilities subject to an order or agreement, must pay an annual fee to help fund the regulatory programs.

2. Virginia Requirements That Are More Stringent Than the Federal Program

The Virginia hazardous waste program contains some provisions that are more stringent than those required by the RCRA program as codified in the July 1, 2004 edition of title 40 of the

Code of Federal Regulations (CFR). These more stringent provisions are hereby incorporated into the Federally-authorized program. The specific more stringent provisions are noted in Section G.2.

3. Virginia's Adoption of EPA's Site-Specific Delisting and Variance Decisions

In its regulations, Virginia has adopted EPA's decisions relative to the site-specific delistings published on July 30, 2003 (68 FR 44652), August 7, 2003 (68 FR 46951), September 11, 2003 (68 FR 53517), February 26, 2004 (69 FR 8828), April 22, 2004 (69 FR 21754), as well as the site-specific treatment variances from the Land Disposal Restrictions (LDR) treatment standards published on February 11, 2004 (69 FR 6567). EPA today is not authorizing Virginia to delist wastes or to grant treatment variances. With regard to waste delisted as a hazardous waste by EPA, the authority of the Department of Environmental Quality is limited to recognition of the waste as a delisted waste in Virginia, and the supervision of waste management activities for the delisted waste when the activities occur within the Commonwealth of Virginia. Virginia is not authorized to delist wastes on behalf of the EPA, or to otherwise administer any case decision to issue, revoke, or continue a delisting of a waste by EPA. Similarly, while Virginia is recognizing EPA's decision regarding the site-specific treatment variances, the authority to grant such variances remains with the EPA.

I. Who Handles Permits After This Authorization Takes Effect?

After authorization, Virginia will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits that we issued prior to the effective date of this authorization until the timing and process for effective transfer to the State are mutually agreed upon. Until such time as formal transfer of EPA permit responsibility to Virginia occurs and EPA terminates its permit, EPA and Virginia agree to coordinate the administration of permits in order to maintain consistency. We will not issue any more new permits or new portions of permits for the provisions listed in section G above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Virginia is not yet authorized.

J. How Does This Action Affect Indian Country (18 U.S.C. 115) in Virginia?

Virginia is not seeking authorization to operate the program on Indian lands, since there are no Federally-recognized Indian lands in Virginia.

K. What Is Codification and Is EPA Codifying Virginia's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart VV, for this authorization of Virginia's program revisions until a later date.

L. Statutory and Executive Order Reviews

This rule only authorizes hazardous waste requirements pursuant to RCRA section 3006 and imposes no requirements other than those imposed by State law (see Supplementary Information: section A. Why are Revisions to State Programs Necessary?). Therefore, this rule complies with applicable executive orders and statutory provisions as follows.

1. Executive Order 12866: Regulatory Planning Review

The Office of Management and Budget has exempted this rule from its review under Executive Order 12866.

2. Paperwork Reduction Act

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

3. Regulatory Flexibility Act

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

4. Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act.

5. Executive Order 13132: Federalism

Executive Order 13132 does not apply to this rule because it will not have federalism implications (*i.e.*, substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government).

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

Executive Order 13175 does not apply to this rule because it will not have tribal implications (*i.e.*, substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes).

7. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

This rule is not subject to Executive Order 13045 because it is not economically significant and it is not based on health or safety risks.

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

This rule is not subject to Executive Order 13211 because it is not a significant regulatory action as defined in Executive Order 12866.

9. National Technology Transfer and Advancement Act

EPA approves State programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a State program, to require the use of any particular voluntary consensus standard in place of another standard that meets the requirements of RCRA. Thus, section 12(d) of the National Technology Transfer and Advancement Act does not apply to this rule.

10. Congressional Review Act

EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This action will be effective on July 10, 2006.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste

transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: April 13, 2006.

Donald S. Welsh,

Regional Administrator, EPA Region III.

[FR Doc. 06–4200 Filed 5–9–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 050520139–6102–04; 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: Final rule.

SUMMARY: NMFS publishes this final 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 final 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: This final rule is effective June 9, 2006.

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 website 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.

On March 1, 2006, NMFS published a **Federal Register** document (71 FR 10459) proposing 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 and 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. The recipients of the CDQ allocations do not directly benefit from the crab buyback.

In addition, NMFS was 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 proposed that deposit principal disbursement shall be made to NMFS not later than the 7th calendar day of each month.

NMFS also proposed 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.

In this final rule, NMFS adopts the proposed provisions without change.

Summary of Comments and Responses

NMFS received one comment from an attorney representing the six CDQ groups as well as individual comments from each of the six CDQ groups.

Comment 1: Four of the comments agreed with the proposed rule. However, they asserted that NMFS wrongfully interpreted the program's enabling legislation to include CDQ crab.

Response: NMFS did not assert in the proposed rule that it was taking this action due to an incorrect interpretation of the program's enabling legislation. NMFS determined that the regulations should be changed because participants of the CDQ program 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 in the required formula for establishing the reduction loan sub-amounts for whose repayment the reduction fishery was responsible.

Comment 2: All of the seven comments strongly agree and support the exclusion of CDQ crab allocations from the definition of reduction fishery.

Response: NMFS concurs and accordingly publishes this final rule.

Comment 3: All of the comments requested that all fee collections from CDQ allocations be repaid to the CDQ groups and that NMFS interpret the rule as retroactive to the effective date.

Response: NMFS determined that CDQ landings should not be subject to the buyback fees and is amending the regulations accordingly. NMFS will issue full refunds to crab buyers of any fees paid on CDQ crab landings.

Comment 4: Four of the comments requested that interest be repaid on all fee collections from CDQ allocations.

Response: NMFS has no legal authority or appropriated funding for the payment of interest. Therefore, NMFS is unable to pay interest on the fees collected from CDQ allocations.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this final rule is consistent with the Magnuson-Stevens Act and other applicable laws.

This final 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 final 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 final rule revises 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 final 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 final rule.

List of Subjects in 50 CFR Part 600

Fisheries, Fishing capacity reduction, Fishing permits, Fishing vessels.

Dated: May 4, 2006.

James W. Balsiger,

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

■ For the reasons set out in the preamble, 50 CFR part 600 is 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. 06–4358 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 71, No. 90
Wednesday, May 10, 2006

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 390

[Docket No. FSIS–2005–0028]

Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule; reopening and extension of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is reopening and extending the comment period for the proposed rulemaking ''Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls,'' which closed on May 8, 2006. This action is based upon requests made by individuals who attended the Agency's April 24, 2006, public meeting to solicit comments on the proposal.

DATES: Comments are due by June 11, 2006.

ADDRESSES: Interested persons may submit comments on this proposed rule. 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. Go to *http://www.regulations.gov* and, in the ''Search for Open Regu1ations'' box, select ''Food Safety and Inspection Service'' from the agency drop-down menu, and then click on ''Submit.'' In the Docket ID column, select FDMS Docket Number FSIS–2005–0028 to submit or view public comments and to view supporting and related material available electronically. This docket can be viewed using the ''Advanced Search'' function in Regulations.gov.
- Mail, including floppy disks or CD–ROM's, and hand'' or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW, Room 102 Cotton Annex, Washington, DC 20250.
- Electronic mail: *FSIS.regulationscomments@fsis.usda.gov*.

All submissions received by mail and electronic mail must include the Agency name and docket number FSIS–2005–0028. All comments submitted in response to this notice will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 am. and 4:30 p.m., Monday through Friday. The comments also will be posted to the regulations.gov Web site and on the Agency's Web site at *http://www.fsis.usda.gov/regulations_&_policies/2006_Notices_Index/index.asp*.

FOR FURTHER INFORMATION CONTACT: Victoria A. Levine, Program Analyst, Regulations and Petitions Policy Staff, Office of Policy, Program, and Employee Development, Room 112, Cotton Annex, 300 12th Street, SW, Washington, DC 20250–3700; Telephone (202) 720–5627.

SUPPLEMENTARY INFORMATION: On March 7, 2006, FSIS published in the **Federal Register** a proposed rule titled *Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls* (71 FR 11326). FSIS proposed to amend the Federal meat and poultry products inspection regulations to provide that the Agency will make available to the public lists of the retail consignees of meat and poultry products that have been voluntarily recalled by a Federally inspected meat or poultry products establishment if product has been distributed to the retail level. In the preamble to the proposed rule, FSIS indicated that it would hold a public meeting to solicit comments on the issues raised in the proposal. The public meeting was held on April 24, 2006.

At the public meeting and in oral comments before the meeting and written requests after it, numerous interested persons requested that the comment period on the proposal be extended until 30 days after the transcript of the public meeting is publicly available. The requests stressed the usefulness of having the transcript available in formulating these written comments.

FSIS is reopening the comment period for an additional 30 days as the transcript of the April 24th public meeting is now posted on the FSIS Web site. These additional 30 days will provide time for interested persons to fully assess the information presented at the public meeting and to make written comments based upon their assessments. Informed comments should enhance the quality of the comments and the results of this rulemaking.

Additional Public Notification

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 proposal, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations_&_policies/2006_Notices_Index/index.asp.*

The Regulations.gov Web site is the central online rulemaking portal of the United States government. It is being offered as a public service to increase participation in the Federal government's regulatory activities. FSIS participates in Regulations.gov and will accept comments on documents published on the site. The site allows visitors to search by keyword or Department or Agency for rulemakings that allow for public comment. Each entry provides a quick link to a comment form so that visitors can type in their comments and submit them to FSIS. The Web site is located at *http://www.regulations.gov.*

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 meetings, 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 also 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 email subscription service which provides

automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/*. 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 in Washington, DC, May 8, 2006.

Barbara J. Masters,

Administrator.

[FR Doc. 06–4394 Filed 5–8–06; 12 pm]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24631; Directorate Identifier 2005–SW–01–AD]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes superseding an existing airworthiness directive (AD) for MD Helicopters, Inc. (MDHI) Model MD900 helicopters. That AD currently requires reducing the life limit of certain Notar fan system tension-torsion (TT) straps. That AD also requires, at a specified time interval, removing each affected TT strap from the helicopter, doing a visual and X-ray inspection, and replacing any unairworthy part before further flight. This AD would require the same actions as the existing AD, but would also require revising the life limit on the component history card or equivalent record, doing repetitive visual and X-ray inspections, and would remove reporting requirements. This proposal is prompted by two in-flight TT strap failures. The actions specified by the proposed AD are intended to prevent failure of a TT strap, loss of directional control, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before July 10, 2006.

ADDRESSES: Use one of the following addresses to submit comments 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;
- Fax: 202–493–2251; or
- 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.

You may get the service information identified in this proposed AD from MD Helicopters Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, Arizona 85215–9734, telephone 1–800–388–3378, fax 480–346–6813, or on the Web at *http://www.mdhelicopters.com.*

You may examine the comments to this proposed AD in the AD docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Roger Durbin, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627–5233, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES.** Include the docket number ''FAA–2006–24631, Directorate Identifier 2005–SW–01–AD'' at the beginning 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 rulemaking. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov.*

Examining the Docket

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Management System (DMS) Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5227) is located at the plaza level of the Department of Transportation Nassif Building in Room PL–401 at 400 Seventh Street, SW., Washington, DC. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

On November 10, 2004, we issued a Final Rule; Request for Comments. That AD, 2004–23–15, Amendment 39–13870 (69 FR 67805, November 22, 2004), requires reducing the life limit of certain TT straps. At a specified time interval, that AD also requires removing each affected TT strap from the helicopter, doing a visual and X-ray inspection, and replacing any unairworthy part before further flight. Reporting the discovery of any unairworthy TT strap is also required. That action was prompted by two in-flight TT strap failures. The requirements of that AD are intended to prevent failure of a TT strap resulting in loss of directional control and subsequent loss of control of the helicopter.

At the time we issued AD 2004–23–15, the cause of the failures was not known, and that AD was considered interim action. These proposals also are interim actions because the cause of the failures is still unknown and the investigation is ongoing. We will consider further rulemaking once our investigation is complete.

Before issuing that AD, we reviewed MD Helicopters Service Bulletin SB–900–095, dated November 3, 2004. The service bulletin advises of the reduction of the TT strap life limit and describes procedures for performing an inspection of each TT strap for nicks, cuts, cracks, or wear. Procedures for a Level II or higher X-Ray technician to do and interpret an X-ray inspection of each TT strap for progressive fiber fractures are also included in the service bulletin.

Since issuing AD 2004–23–15, we received several comments from the manufacturer and have given them due consideration. The following table lists requested changes and comments and our responses:

Requested change/comment	FAA response
1. Change the comments due date from January 21, 2004, to January 21, 2005.	We agree with this change and published a correction for this typographical error in the Federal Register on December 23, 2004 (69 FR 76979).
2. Correct the manufacturer's address and the fax number	We have corrected the address and fax number. This proposed AD contains the correct address and fax number.
3. The commenter suggests we clarify when the initial visual and X-ray inspections should begin. For example, instead of stating ''within 10 hours TIS for any TT strap that has accumulated 1190 or more hours TIS,'' write it as: ''For any TT strap that has accumulated 1190 or more hours TIS, within 10 hours TIS * * *'' The commenter suggests this change be made in the preamble as well as paragraphs (b) and (c) of the AD language.	The suggestion of first describing the part affected followed by the compliance time is an acceptable method of organizing an AD. The FAA has used that method. However, we believe that after determining if the AD applies to their product, operators generally want to know when they have to comply with the AD. Therefore, in general, we attempt to place the compliance times at the beginning of a paragraph. Each organizational approach has its merits. However, we have chosen to continue to use the same organization in this proposal as we used in AD 2004–23–15.
4. The commenter suggests that we use the word ''complete'' instead of ''do'' or ''doing'' in the AD where we state the compliance requirements.	Although these words have the same meaning, under plain-language concepts, the shorter, simpler word is preferred. Therefore, we are continuing to use ''do'' instead of ''accomplish'' or ''complete,''
5. The commenter suggests that we add the following language to the preamble discussion of the AD as well as add it as a note to the AD language: ''Although not part of this AD, the FAA has required a 300 repetitive hour visual and x-ray inspection of the straps after the initial inspection required by this AD. This requirement can be found as a note for each of the TT straps Part Numbers listed in the FAA Approved Airworthiness Limitations Section of the Maintenance Manual.''	We agree that the 300-hour TIS repetitive inspection needs to be mandated by AD. We issued AD 2004–23–15 as a Final Rule; Request for comments (an immediately adopted rule (IAR)) without prior public notice and comment because the inspections mandated by that AD were required within a very short time period. An IAR is an exception to the normal prior public notice and comment procedures of the Administrative Procedures Act (5 U.S.C. 553) and is based on a good-cause finding of impracticable, unnecessary, or contrary to the public interest. Likewise, 14 CFR part 11 and DOT Regulatory Policies and Procedures guide our rulemaking. Based on these rulemaking constraints, we could not justify inserting a long-term requirement, such as a 300-hour TIS inspection, into an IAR. However, we should have discussed our plan to implement the long-term repetitive requirements in the preamble discussions of the IAR. We plan to add the recurring 300-hour TIS inspection after issuing an NPRM and seeking public comments. We are doing that with this proposal. As to the comment that we add language to the AD in a note requiring a repetitive 300-hour TIS visual and X-ray inspection, it is inappropriate to place a mandatory requirement in an AD note. Notes in ADs are appropriate for providing helpful information, not required actions, to AD users. Thus far, we have not required a repetitive 300-hour TIS inspection of these affected TT strap part numbers. As to the comment that this requirement can be found as a note for each appropriate part number listed in the Limitation section of the maintenance manual, changes to the Airworthiness Limitations Section of the Instructions for Continued Airworthiness or Maintenance Manuals, even if FAA-approved, require compliance only if implemented through an AD. This action proposes to require the repetitive 300-hour TIS inspection sought by the commenter.
6. The commenter suggests the following editorial changes to the following sentence from paragraph (g) of the existing AD: ''This AD revises the Airworthiness Limitations section of the maintenance * * *'' to ''This AD revises the Airworthiness Limitations Section (ALS) of the maintenance * * *''	We do not agree that any editorial changes are necessary.
7. The commenter suggests that the new life limits be recorded on the Assembly Component Historical Record (CSP–RLB–L16 form).	We agree that the new life limit should be recorded and propose that change.
8. The commenter requests that the existing AD be superseded as soon as possible, but no later than February 7, 2005 ''due to the critical nature of the recommended AD changes'' and to ensure that operators do not overlook the 300-hour repetitive inspection.	We agree that the repetitive inspection is important. The comment period for AD 2004–23–15 that we are proposing to supersede in this NPRM closed January 21, 2005. Thus, the February 7, 2005, compliance date requested by the commenter was unrealistically short and has already past. Since the comment period closed, the FAA has been processing this NPRM that proposes requiring an additional 300-hour TIS inspection to the other requirements currently in AD 2004–23–15.

We have also received several reports from operators as required by AD 2004–23–13. We included this reporting requirement to obtain sufficient field data that would allow us to verify that the mandated inspection interval would be adequate to manage the immediate short-term safety concern. Since issuing the AD, we have reviewed a sufficient number of reports to determine that the current interim inspection actions are adequate to ensure safety. Accordingly, we are proposing the remove the reporting requirements. However, this action is interim until the investigation is complete and final terminating action can be generated.

The previously described unsafe condition is likely to exist or develop on other helicopters of the same type design. Therefore, the proposed AD would supersede AD 2004–23–15 and would require the following for MDHI Model MD900 helicopters with a TT strap, part number (P/N) 900R3442009–103, 900R6442009–103, 900R3442009–101, or 500N5311–5, installed:

• Before further flight, unless accomplished previously, for TT strap, P/N 900R3442009–103 and 900R6442009–103, reducing the life limit from 3,034 to 2,500 hours TIS and revising the life limit on the component history card or equivalent record;

• Within 10 hours TIS, unless accomplished previously, and then at intervals not to exceed 300 hours TIS, for any TT strap that has accumulated 1,190 or more hours TIS, doing a visual and X-ray inspection of each TT strap and replacing any unairworthy TT strap before further flight; and

• Before the TT strap accumulates 1,200 hours TIS, and then at intervals not to exceed 300 hours TIS, for any TT strap with less than 1,190 hours TIS, doing a visual and X-ray inspection of each strap and replacing any unairworthy TT strap before further flight.

The inspections would have to be accomplished by following portions of the service information previously described.

We estimate that this proposed AD would affect 31 helicopters of U.S. registry. It would take about 7 work hours for each visual inspection and replacement at an average labor rate of $65 per work hour. Because you must remove the TT strap to inspect it, there is no additional labor cost for replacing the TT strap. It would also cost $100 for each X-ray inspection. Required parts would cost about $757 to replace each strap. Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be $168,950 in the first year (assuming a total of 5 TT straps are replaced per helicopter and 3 visual inspections and 3 X-ray inspections are conducted the first year for each helicopter).

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. Additionally, 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. 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 draft economic evaluation of the estimated costs to comply with this proposed AD. See the DMS to examine the draft economic evaluation.

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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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. Section 39.13 is amended by removing Amendment 39–13870 (69 FR 67805, November 22, 2004), and by adding a new airworthiness directive (AD), to read as follows:

MD Helicopters, Inc.: Docket No. FAA–2006–24631; Directorate Identifier 2005–SW–01. Supersedes AD 2004–23–15, Amendment 39–13870, Docket No. FAA–2004–19613, Directorate Identifier 2004–SW–38–AD.

Applicability: Model MD900 helicopters, with a Notar fan system that has a tension-torsion (TT) strap, part number (P/N) 900R3442009–103, 900R6442009–103, 900R3442009–101, or 500N5311–5, installed, certificated in any category.

Compliance: Required as indicated.

To prevent failure of a TT strap in the Notar fan system, loss of directional control, and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight, unless accomplished previously, for TT Straps, P/N 900R3442009–103 and 900R6442009–103, reduce the life limit from 3,034 to 2,500 hours time-in-service (TIS) and revise the life limit on the component history card or equivalent record to reflect this reduced retirement life.

(b) Within 10 hours TIS, unless accomplished previously, for any TT strap that has accumulated 1,190 or more hours TIS, and then at intervals not to exceed 300 hours TIS, remove the TT strap from the helicopter and do a visual and an X-ray inspection in accordance with the Inspection Instructions, paragraph 2.B.(1). through (5)., and Figures 1 and 2 of MD Helicopters Service Bulletin SB900–095, dated November 3, 2004 (SB). Replace any unairworthy TT strap before further flight.

(c) Before the TT strap accumulates 1,200 hours TIS, for any TT strap with less than 1,190 hours TIS, and then at intervals not to exceed 300 hours TIS, remove the TT strap from the helicopter and do a visual and an X-ray inspection in accordance with the Inspection Instructions, paragraph 2.B.(1). through (5)., and Figures 1 and 2 of the SB. Replace any unairworthy TT strap before further flight.

(d) The X-ray inspection of the TT strap must be performed by a Level II or higher X-ray technician who is qualified under the guidelines established by MIL–STD– 410E, ATA Specification 105, AIA–NAS–410, or an FAA-accepted equivalent for qualification standards.

(e) This AD revises the Airworthiness Limitations section of the maintenance manual by reducing the life limit of the TT straps, P/N 900R3442009–103 and 900R6442009–103, from 3,034 hours TIS to 2,500 hours TIS. Additionally, this AD revises the Airworthiness Limitations section of the maintenance manual by adding repetitive inspection requirements at intervals not to exceed 300 hours TIS for TT straps, P/N 900R3442009–103, 900R6442009–103, 900R3442009–101, and 500N5311–5, that have 1,200 or more hours TIS until the TT strap reaches its retirement life.

(f) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Los Angeles Aircraft Certification, Transport Airplane Directorate, FAA, for information about previously approved alternative methods of compliance.

Issued in Fort Worth, Texas, on May 1, 2006.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E6–7092 Filed 5–9–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24733; Directorate Identifier 2005–SW–08–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model SA341G, SA342J, and SA–360C Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This amendment proposes superseding an existing airworthiness directive (AD) for the specified Eurocopter France (ECF) model helicopters that currently requires replacing each affected main rotor head torsion tie bar (tie bar) with an airworthy tie bar and revising the limitations section of the maintenance manual by adding life limits for certain tie bars. This action would retain the current requirements and reduce life limits of another part-numbered tie bar. This proposal is prompted by the FAA determination, after reviewing the manufacturer's data, that another part-numbered tie bar should be included in the applicability of the AD. The actions specified by the proposed AD are intended to prevent failure of a tie bar, loss of a main rotor blade, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before July 10, 2006.

ADDRESSES: Use one of the following addresses to submit comments 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;
- Fax: 202–493–2251; or
- 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.

You may get the service information identified in this proposed AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527.

You may examine the comments to this proposed AD in the AD docket on the Internet at *http://dms.dot.gov.*

Examining the Docket

You may examine the docket that contains this AD, any comments, and other information on the Internet at *http://dms.dot.gov,* or at the Docket Management System (DMS), U.S. Department of Transportation, 400 Seventh Street SW., Room PL–401, on the plaza level of the Nassif Building, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Gary Roach, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0111, telephone (817) 222–5130, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES**. Include the docket number ''FAA–2006–24733, Directorate Identifier 2005–SW–08–AD'' at the beginning 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 rulemaking. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. 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.*

Discussion

On April 11, 2002, we issued AD 2002–08–16 (67 FR 19640, April 23, 2002), Amendment 39–12725, to supersede AD 2001–19–51 (66 FR 58663, November 23, 2001), Amendment 39–12508. AD 2001–19–51 was published after we issued Emergency AD 2001–19–51 on September 21, 2001. AD 2001–19–51 requires removal of certain part-numbered tie bars and adds a life limit for other part-numbered tie bars. AD 2002–08–16 retained requirements removing certain part-numbered tie bars and further reduced the life of the tie bars. Those actions were prompted by an accident involving an ECF Model SA341G helicopter due to the failure of a tie bar. The ECF Model SA342J and SA–360C helicopters have tie bars identical to the one that failed on the ECF Model SA341G helicopter. The requirements of the current AD are intended to prevent failure of a tie bar, loss of a main rotor blade, and subsequent loss of control of the helicopter.

Since issuing that AD, the Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA of another affected tie-bar, part number (P/N) 704A33–633–270, and additional flight restrictions for the new-affected tie bar.

Also, since issuing that AD, ECF has issued Alert Service Bulletin No. 01.29, dated December 4, 2002 (ASB), for the Models SA341G and SA342J helicopters. The ASB cancels Alert Telex (AT) No. 01.28, dated August 7, 2001, and supersedes AT 01.29 R1, dated December 11, 2001. The ASB specifies additional flight restrictions for the affected tie bars and adds tie bar, P/N 704A33–633–270, to the ASB effectivity. The DGAC classified this ASB as mandatory and issued AD 2001–587–041(A) R2, dated January 8, 2003, for the Model SA341/342 helicopters to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

This previously described unsafe condition is likely to exist or develop on other helicopters of these same type designs. Therefore, the proposed AD would supersede AD 2002–08–16 to retain the same requirements and would add tie bar, P/N 704A33–633–270, to the applicability, remove it from service within 600 hours TIS or 2 years, whichever occurs first, and revise the limitations section of the maintenance manual accordingly.

We estimate that this proposed AD would affect 33 helicopters of U.S. registry. The proposed actions would take about 8 work hours per helicopter to replace the tie bars at an average labor rate of $65 per work hour. Required parts would cost about $13,335 per helicopter, assuming all 3 tie bars are replaced. Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be $457,215 ($13,855 per helicopter).

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. Additionally, 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. 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 draft economic evaluation of the estimated costs to comply with this proposed AD. See the DMS to examine the draft economic evaluation.

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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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. Section 39.13 is amended by removing Amendment 39–12725 (67 FR 19640, April 23, 2002), and by adding a new airworthiness directive (AD), to read as follows:

Eurocopter France: Docket No. FAA–2006–24733; Directorate Identifier 2005–SW–08–AD. Supersedes AD 2002–08–16, Amendment 39–12725, Docket No. 2001–SW–72–AD.

Applicability: Model SA341G, SA342J, and SA–360C helicopters with a main rotor head torsion tie bar (tie bar), part number (P/N) 341A31–4904–00, –01, –02, –03; 341A31–4933–00, –01; 360A31–1097–02, –03; or 704A33–633–270, installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of a tie bar, loss of a main rotor blade, and subsequent loss of control of the aircraft, do the following:

(a) Before further flight, remove each tie bar, P/N 341A31–4904–00, –01, –02, or –03; and 360A31–1097–02 or –03; from service.

(b) For each tie bar, P/N 341A31–4933–00 or –01:

(1) Before further flight, determine the date of initial installation on any helicopter using the date of manufacture if the date of installation cannot be determined.

(2) For each tie bar with 7 or more years time-in-service (TIS) since initial installation on any helicopter, remove within 5 hours TIS.

(3) For each tie bar manufactured before 1995 with less than 7 years TIS since initial installation on any helicopter, remove before accumulating 7 years TIS, within 300 hours TIS, or within 1 year, whichever occurs first.

(4) For each tie bar manufactured in 1995 or subsequent years with less than 7 years TIS since initial installation on any helicopter, remove before accumulating 7 years TIS since initial installation, within 600 hours TIS, or within 2 years, whichever occurs first.

Note 1: Eurocopter France (ECF) Alert Telex AT 01.39 R1, dated December 11, 2001, pertains to the subject of this AD for the Model SA–360C helicopters.

(c) Remove each tie bar, P/N 704A33–633–270, within 600 hours TIS, or within 2 years, whichever occurs first.

Note 2: ECF Alert Service Bulletin 01.29, dated December 4, 2002, pertains to the subject of this AD for the Models SA341G and SA342J helicopters.

(d) This AD revises the Limitations section of the maintenance manual by adding to the current life limit of 5000 hours TIS for tie bars, P/N 341A31–4933–00 and –01 the following additional alternative life limits:

(1) Seven years TIS from initial installation on any helicopter, or

(2) For tie bars manufactured before 1995, a life limit of 300 hours TIS or 1 year, or

(3) For P/N 341A31–4933–00 and –01, for tie bars manufactured in 1995 or subsequent years, a life limit of 600 hours TIS or 2 years, whichever occurs first.

(e) This AD revises the Limitations section of the maintenance manual by reducing the current life limit of 1000 hours TIS for tie bar, P/N 704A33–633–270, to a life limit of 600 hours TIS or 2 years, whichever occurs first.

(f) Special flight permits will not be issued.

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) ADs 2001–588–047(A) R1, dated December 26, 2001, and 2001–587–041(A) R2, dated January 8, 2003.

Issued in Fort Worth, Texas, on April 28, 2006.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E6–7096 Filed 5–9–06; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R03–RCRA–2006–0381; FRL–8165–6]

Virginia: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Virginia has applied to EPA for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Virginia. In the ''Rules

and Regulations'' section of this **Federal Register**, EPA is authorizing the revisions by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we receive written comments that oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. However, if we receive comments that oppose this action, we will withdraw the relevant amendments, section or paragraph of the immediate final rule, and they will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by June 9, 2006.

ADDRESSES: Submit your comments, identified by [EPA–R03–RCRA–2006–0381] by one of the following methods:

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

2. E-mail: *ellerbe.lillie@epamail.epa.gov.*

3. Mail: Lillie Ellerbe, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029.

4. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

You may inspect and copy Virginia's application from 8:15 a.m. to 4:30 p.m., Monday through Friday at the following addresses: Virginia Department of Environmental Quality, Division of Waste Program Coordination, 629 East Main Street, Richmond, VA 23219, Phone number: (804) 698–4213, attn: Robert Wickline, and Virginia Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24015, Phone number: (540) 562–6872, attn: Aziz Farahmand, and EPA Region III, Library, 2nd Floor, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–5254.

Instructions: Direct your comments to [EPA–R03–RCRA–2006–0381]. EPA's policy is that all comments received will be included in the public file without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The federal *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,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public file 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 FURTHER INFORMATION CONTACT: Lillie Ellerbe, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone Number: (215) 814–5454.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: April 13, 2006.

Donald S. Welsh,

Regional Administrator, EPA Region III.

[FR Doc. 06–4201 Filed 5–9–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2005–0015; FRL–8068–8]

RIN 2070–AJ18

Perfluoroalkyl Sulfonates; Proposed Significant New Use Rule; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the public comment period for the proposed Significant New Use Rule for certain Perfluoroalkyl Sulfonates issued under the authority of section 5(a)(2) of the Toxic Substances Control Act (TSCA) that was published in the **Federal Register** on March 10, 2006 (71 FR 12311) (FRL–7740–6). On April 10, 2006 (71 FR 18055) (FRL–7779–7), EPA extended the end of the public comment period from April 10, 2006 to May 10, 2006. In this action, EPA is further extending the end of the comment period from May 10, 2006 to August 8, 2006.

DATES: Comments must be received on or before August 8, 2006.

ADDRESSES: Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of March 10, 2006 (71 FR 12311).

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Amy Breedlove, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–9823; e-mail address: *breedlove.amy@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

The Agency included in the proposed rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

II. What Action is EPA Taking?

This document extends the public comment period for the proposed SNUR for certain perfluoroalkyl sulfonates issued under the authority of section 5(a)(2) of TSCA that was published in the **Federal Register** on March 10, 2006 (71 FR 12311). On April 10, 2006 (71 FR 18055), EPA extended the end of the public comment period from April 10, 2006 to May 10, 2006. In today's action,

EPA is further extending the end of the comment period from May 10, 2006, to August 8, 2006. The Agency is taking this action because EPA has received a request from certain stakeholders in the semiconductor industry to extend the comment period on the proposed SNUR, citing that 90 days is the minimum extension period they would require to provide EPA with the necessary information it needs to finalize the SNUR. Without this extension, the Semiconductor Industry Association (SIA) and Semiconductor Equipment and Materials International (SEMI) believe they would not have an adequate opportunity to comment on the proposed SNUR.

III. What is the Agency's Authority for Taking this Action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by promulgating a rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). These factors include the projected production volume of a chemical substance; the extent to which a use changes or increases the type, form, magnitude, or duration of exposure to the substance; and the reasonably anticipated manner of producing, processing, distributing, or disposing of the substance. EPA construes the statute to allow consideration of any other relevant factors, in addition to those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, and promulgates a SNUR, section 5(a)(1)(B) of TSCA requires persons to submit a Significant New Use Notice (SNUN) to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use.

IV. Do Any Statutory and Executive Order Reviews Apply to this Action?

No. This action is not a rulemaking, it merely extends the date by which public comments on a proposed rule must be submitted to EPA on a proposed rule that previously published in the **Federal Register** of March 10, 2006 (71 FR 12311). For information about the applicability of the statutory and executive order reviews to the proposed rule, please refer to the discussion in Unit XII. of that document (71 FR 12311).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 4, 2006.

Charles M. Auer,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 06–4353 Filed 5–5–06; 1:01 pm]

BILLING CODE 6560–50–S

Notices

Federal Register
Vol. 71, No. 90
Wednesday, May 10, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Bureau for Democracy, Conflict and Humanitarian Assistance; Office of Food for Peace; Announcement of Food for Peace Public Law 480 Title II Program Policies and Proposal Guidelines (FY07)

Pursuant to the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 480, as amended), notice is hereby given that the final Food for Peace Public Law 480 Title II Program Policies and Proposal Guidelines (FY 07) are available to interested parties for general viewing.

Individuals who wish to access the current guidelines should visit the Food for Peace Web site at *http://www.usaid.gov/our_work/humanitarian_assistance/ffp/*, or contact the Office of Food for Peace, U.S. Agency for International Development, RRB 7.06–102, 1300 Pennsylvania Avenue, NW., Washington, DC 20523–7600.

Lisa Witte,

Acting Chief, Policy and Technical Division, Office of Food for Peace, Bureau for Democracy, Conflict and Humanitarian Assistance.

[FR Doc. E6–7148 Filed 5–9–06; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 4, 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) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: 7 CFR 4287–B, Servicing Business and Industry Guaranteed Loans.

OMB Control Number: 0570–0016.

Summary of Collection: The Business and Industry (B&I) program was legislated in 1972 under section 310B of the Consolidated Farm and Rural Development Act, as amended (the Act). The purpose of the B&I program, as authorized by the Act, is to improve economic and environmental climate in rural communities, including pollution abatement and control. This purpose is achieved through bolstering the existing private credit structure through the guaranteeing of quality loans, which will provide lasting community benefits. The B&I program is administered by the Rural Business Service (RBS) through Rural Development State and sub-State offices serving each State. RBS will collect information using various forms from the lender and the borrower. This information is vital for making prudent financial decisions.

Need and Use of the Information: RBS will collect information to monitor the guaranteed loan portfolio to ensure that the lenders are adequately servicing the loans. RBS through its respective Business Programs Divisions in Washington, DC, and its 47 State Offices throughout the United States will be the primary users of the information collected. If the information is not collected, RBS would not be able to make prudent credit decisions nor would the Agency be able to effectively monitor the lender's servicing activities and thus minimize losses under the program.

Description of Respondents: Business or other for-profit; State, local or tribal Government.

Number of Respondents: 12,530.

Frequency of Responses: Reporting: On occasion; Quarterly; Annually.

Total Burden Hours: 18,041.

Rural Business Service-Cooperative Service

Title: 7 CFR 4279–A, Guaranteed Loanmaking General.

OMB Control Number: 0570–0018.

Summary of Collection: The Business and Industry (B&I) program was legislated in 1972 under section 310B of the Consolidated Farm and Rural Development Act, as amended. The purpose of the program is to improve, develop, or finance businesses, industries, and employment and improve the economic and environmental climate in rural communities. This purpose is achieved through bolstering the existing private credit structure through the guaranteeing of quality loans made by lending institutions, thereby providing lasting community benefits. The B&I program is administered by the RBS through Rural Development State and sub-State offices serving each State.

Need and Use of the Information: RBS will collect information to determine eligibility and credit worthiness for a lender or borrower. The information is used by Agency loan officers and approval officials to determine lender program eligibility and for program monitoring.

Description of Respondents: Business or other for-profit; State, local or tribal Government.

Number of Respondents: 1,037.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,494.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–7065 Filed 5–9–06; 8:45 am]

BILLING CODE 3410–XT–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 4, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: A Study of Modernization of the Food Stamp Program in Florida.

OMB Control Number: 0584–NEW.

Summary of Collection: Congress has allocated funds for the purpose of evaluating and collecting data on the Food Stamp Program (FSP) as part of section 17(a)(1) of the Food Stamp Act of 1977, as amended through Public Law 106–171, February 11, 2000. The authorizing legislation states that ''the Secretary may, by way of making contracts with or grants to public or private organizations or agencies, undertake research that will help improve the administration and effectiveness of the food stamp program in delivering nutrition-relating benefits.'' The Study of Modernization of the Food Stamp Program in Florida has been approved under the FY 2006 research funds authorized by the Congress. The Food and Nutrition Service (FNS) is funding a case study of ACCESS Florida to assess whether these changes can be transferred to other states, and to examine how these changes might affect clients. The study will look at outcomes associated with ACCESS Florida and document the process of modernizing the FSP in Florida.

Need and Use of the Information: This case study will identify all the components of ACCESS Florida and investigate the types of impact these changes may have on program access and costs. By collecting detailed information from staff and clients, the case study can explore each change's individual impact. Primary data collection activities will include: (1) In-person interviews with district and local DCF officials, community partners, and call center staff, along with observations of program operations in three DCF districts; (2) Telephone interviews with district and local office staff and with community partners in six districts; (3) Four discussion groups with FSP applicants, participants, and eligible non-participants in each of the three districts where in-person interviews are conducted; (4) Reviews of administrative data from state and federal sources to identify potential FSP performance impacts. Not conducting this data collection would significantly impede the USDA's ability to understand how ACCESS Florida is affecting participant access, program costs and errors in benefit determination.

Description of Respondents: State, local, or tribal government; Individual or housholds; Not for-profit institutions.

Number of Respondents: 247.

Frequency of Responses: Report: other (one collection).

Total Burden Hours: 332.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–7066 Filed 5–9–06; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 4, 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) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: Telecommunications System Construction Policies and Procedures.

OMB Control Number: 0572–0059.

Summary of Collection: The Rural Electrification Act of 1936 (RE Act), 7 U.S.C. 901 *et seq.*, was amended in 2002 by Title IV, Rural Broadband Access, by Farm Security and Rural Investment Act, which authorizes Rural Utilities Service (RUS) to provide loans and loan guarantees to fund the cost of construction, improvement, or acquisition for facilities and equipment for the provision of broadband service in eligible rural communities in the States and territories of the United States. Title VI of the RE Act requires that loans are granted only to borrowers who demonstrated that they will be able to repay in full within the time agreed. RUS has established certain standards and specification for materials, equipment and construction to assure that standards are maintained; loans are not adversely affected, and loans are used for intended purposes.

Need and Use of the Information: RUS has developed specific forms for borrowers to use when entering into contracts for goods or services. The information collected is used to implement certain provisions of loan documents about the borrower's purchase of materials and equipment and the construction of its broadband system and is provided on an as needed basis or when the individual borrower undertakes certain projects. The standardization of the forms has resulted in substantial savings to borrowers by reducing preparation of the documentation and the costly review by the government.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 255.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 3,147.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–7067 Filed 5–9–06; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2005–0085]

Content of Bilateral Workplans

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: This notice is intended to provide background information about, and solicit public comments on, the use of bilateral workplans by the Animal and Plant Health Inspection Service's Plant Protection and Quarantine program. Bilateral workplans are agreements between Plant Protection and Quarantine, officials of the national plant protection organizations of foreign governments, and, when necessary, foreign commercial entities that specify in detail the phytosanitary measures that will comply with our regulations governing the import or export of a specific commodity.

DATES: We will consider all comments that we receive on or before July 10, 2006.

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and, in the ''Search for Open Regulations'' box, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select APHIS–2005–0085 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2005–0085, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2005–0085.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

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

FOR FURTHER INFORMATION CONTACT: Mr. Narcy G. Klag, Program Director, International Standards, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236; (301) 734–6799.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is responsible for protecting the health of U.S. agriculture. As part of this responsibility, APHIS' Plant Protection and Quarantine (PPQ) program, the national plant protection organization (NPPO) of the United States, regulates the importation, exportation, and interstate movement of plants, plant products, biological control organisms, noxious weeds, and articles that could harbor plant pests or noxious weeds to prevent the introduction into or the dissemination within the United States of plant pests or noxious weeds.

This notice is intended to provide background about, and solicit public comments on, PPQ's use of bilateral workplans. A bilateral workplan is an agreement between PPQ, officials of the NPPO of a foreign government, and, when necessary, foreign commercial entities that specifies in detail the phytosanitary measures that will comply with our regulations governing the import or export of a specific commodity. Bilateral workplans apply only to the signatory parties and establish detailed procedures and guidance for the day-to-day operations of specific import/export programs. Bilateral workplans also establish how specific phytosanitary issues are dealt with in the exporting country and make clear who is responsible for dealing with those issues. The content of bilateral workplans is described in detail later in this document.

Need for Bilateral Workplans

PPQ enters into bilateral workplans to implement both U.S. import and export programs. There is no universal rule for when a bilateral workplan is needed. A workplan may be requested by PPQ, by a foreign cooperator, or by U.S. importers or exporters. Typically, when importing a commodity that involves specific inspections, treatments, or mitigations to be conducted or applied in a foreign country, a bilateral workplan is executed between the importing and exporting countries. A bilateral workplan is usually not required when an import is authorized entry into the United States subject only to general requirements, such as inspection and/or treatment upon arrival in the United States. Bilateral workplans for U.S. exports may be required as a condition of importation or at the request of the importing

country to facilitate the entry of the commodity.

Negotiations with a foreign country or other region regarding the content of bilateral workplans generally cannot take place until the importing country has determined what risk mitigation measures must be applied to the import in question. These determinations are based on the best available science, experience, and other evidence, including the findings of a pest risk analysis or analyses and inspection and observation of imports that have occurred in the past.

Negotiations regarding the content of bilateral workplans take place between PPQ and the NPPO of the importing/exporting country.

Each bilateral workplan is unique to the commodity being imported or exported and its country or region of origin. Although one bilateral workplan may be substantially the same as another, or even identical, bilateral workplans cannot be transferred from one commodity to another or from one country or region to another; agreement must be reached separately for each commodity, country, or region. Bilateral workplans are valid for the period of time specified in the workplan, which is typically 1 to 2 calendar years.

Basis for Use of Bilateral Workplans in International Trade Agreements

Bilateral workplans are used by importing and exporting countries to clarify and assign responsibilities and to establish and formalize phytosanitary import/export program operations. The United States is a member of the World Trade Organization (WTO). Created by the Uruguay Round of negotiations under the General Agreement on Tariffs and Trade, the WTO is the international institutional framework for governing trade relations among its members in all matters for which a final agreement has been reached, including non-tariff barriers, natural resource products, agriculture, dispute settlement, and other topics. Among other things, the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) obligates members to base any phytosanitary measures they may require on an assessment of risk as appropriate to the circumstances and to make those requirements transparent.

In the Uruguay Round Agreements Act of 1994, Congress approved U.S. membership in the WTO. This Act also amended title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2531, *et seq.*) to require the President to designate an agency to be responsible for informing the public of the sanitary and phytosanitary standard-setting activities of various international standard-setting organizations.

''International standard'' is defined in 19 U.S.C. 2578b as any standard, guideline, or recommendation: (1) Adopted by the Codex Alimentarius Commission regarding food safety; (2) developed under the auspices of the Office International des Epizooties regarding animal health and zoonoses; (3) developed under the auspices of the Secretariat of the International Plant Protection Convention (IPPC) in cooperation with the North American Plant Protection Organization (NAPPO) regarding plant health; or (4) established by or developed under any other international organization agreed to by the member countries of the North American Free Trade Agreement or the member countries of the WTO.

The IPPC is a multilateral convention intended to secure effective action to prevent the spread and introduction of plant pests and noxious weeds and to promote appropriate measures for their control. The IPPC operates under the authority of the Food and Agriculture Organization (FAO) of the United Nations, and the members of the Secretariat of the IPPC are appointed by the FAO. The IPPC is implemented by NPPOs in cooperation with regional plant protection organizations, the Interim Commission on Phytosanitary Measures, and the Secretariat of the IPPC. The IPPC is administered at the national level by plant quarantine officials, whose primary objective is to safeguard plant resources from injurious pests and noxious weeds.

NAPPO, a regional plant protection organization created in 1976 under the IPPC, coordinates the efforts among the NPPOs of Canada, the United States, and Mexico to protect their plant resources from the entry, establishment, and spread of harmful plant pests and noxious weeds, while facilitating intra- and inter-regional trade.

NAPPO established guidelines for bilateral workplans in October 2003. Copies of the guidelines, titled ''Regional Standards for Phytosanitary Measures No. 19, Guidelines for Bilateral Workplans'' (October 19, 2003), may be obtained on the Internet at *http://www.nappo.org/Standards/NEW/RSPM19-e.pdf,* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

PPQ has developed guidelines for the content of bilateral workplans, which are listed and discussed in detail below. These guidelines are harmonized with the NAPPO guidelines and the principles of the SPS Agreement. It is not necessary to include every item listed in the guidelines in every bilateral workplan. Only items designated by an asterisk must be included. However, all the items listed below must be considered for inclusion and must be made part of a final bilateral workplan if they apply to the particular situation being addressed by that workplan. Each included item should be dealt with in a separate section of the workplan.

Guidelines for Bilateral Workplans

** 1. Title*

Each workplan must have a title. The title should accurately and succinctly describe the subject of the workplan, for example: Operational Workplan for [commodity] from [country]. In some cases, the title may describe requirements for two-way trade between the United States and another country.

** 2. Pests of Concern*

Each workplan must include a list of pests or noxious weeds of concern. The list must specify the regulated pests or noxious weeds for the importing country for the commodity covered by the workplan.

** 3. Definitions, Abbreviations, and Acronyms*

All significant terms used in the workplan must be defined in order to prevent confusion and disagreements later when the workplan is in effect. As much as possible, the workplan should define terms the same way they are defined in the FAO Glossary of Phytosanitary Terms, International Standards for Phytosanitary Measures (ISPM) Publication No. 5,[1] and the NAPPO Glossary of Phytosanitary Terms.[2] Any deviations and differences from those terms should be made clear and explained in the workplan.

** 4. Participants*

All participants in the importing and exporting country must be clearly identified in the workplan. Participants may include:

- Public authorities who will apply phytosanitary measures, including phytosanitary certification;
- Parties who will be involved with any aspect of trade in the commodity, including packinghouses, storage facilities, transportation companies, etc.; and
- Non-public parties who will participate in applying phytosanitary measures or related activities.

[1] ISPMs may be viewed on the World Wide Web at *https://www.ippc.int/IPP/En/default.jsp;* click on the ''Standards'' link.

[2] See *http://www.nappo.org/Standards/REVIEW/RSPM5-e.pdf.*

** 5. Responsibilities of the Participants*

The workplan must specify each participant's responsibilities, including financial obligations, that contribute to meeting the goals of the workplan.

** 6. Relevant Authority*

All legislation, regulations, directives, and policies that are relevant to the workplan must be specifically identified. Provisions of ISPMs and Regional Standards for Phytosanitary Measures that are relevant to the workplan must be specifically identified and followed wherever possible.

** 7. Implementation of Phytosanitary Measures*

Phytosanitary measures should ensure that the exported commodity is free of regulated pests specified by the importing country and meets the entry requirements of the importing country. How the phytosanitary measures in the workplan will be implemented must be described in detail. There are many possible phytosanitary measures. Measures identified in bilateral workplans may include pre-harvest measures, post-harvest measures, and safeguarding.

7.1 Pre-Harvest Measures

Pre-harvest measures are taken at the production site or surrounding areas, before a crop is harvested. Pre-harvest measures may include selection of plants for planting, surveys, inspections, treatments, tests, and other phytosanitary measures. A description of all required pre-harvest measures and how they are to be implemented must be included in the workplan.

If any required pre-harvest measures relate to pest-free places or production sites, they must meet the requirements of the appropriate ISPM. The appropriate standards are usually ISPM No. 4, ''Requirements for the establishment of pest free areas'' and/or ISPM No. 10, ''Requirements for the establishment of pest free places of production and pest free production sites.'' If any pre-harvest measures involve sampling and testing, the appropriate procedures must be specified in the workplan.

7.2 Post-Harvest Measures

Post-harvest measures are measures taken after a crop is harvested, but prior to shipment. Post-harvest measures may include inspections, treatments, tests, and other phytosanitary measures. Inspections can be visual and/or samples can be taken and diagnostically analyzed when appropriate. Regardless of the measures chosen, if post-harvest measures are included in the workplan, they must be explained in detail. For example, if sampling is required for inspection, the sampling methodology and sample size must be specified in the workplan.

7.3 Safeguarding

If safeguarding is required, the workplan must specify the type of safeguarding required and when it must be applied. Safeguarding measures may include, but are not limited to, special packaging, storage requirements, sealing, and limited ports of entry.

8. Point of Entry

If entry into the importing country is limited to specific points of entry, whether for biological or operational reasons, they must be listed in the workplan.

9. Documentation and Labeling for Phytosanitary Purposes

If any specific documentation and/or labeling is required for phytosanitary purposes, the requirements must be specified, in detail, in the workplan. Documentation and labeling for phytosanitary purposes includes phytosanitary certificates (with or without additional declarations), labels of all types, and other specified documents. If a phytosanitary certificate is required, the workplan must specify that issuance of the certificate must comply with ISPM No. 12, ''Guidelines for phytosanitary certificates.''

If an additional declaration is necessary, the required language must be specified in the workplan. If any label is necessary, the requirements must be explained in detail in the workplan. For example, any required sizes, colors, content, or layout must be explained.

10. Auditing

The NPPO of the importing country may undertake audits of the procedures and the certification of phytosanitary measures applied in the exporting country. The process for requesting access and the frequency and characteristics of the audit should be specified. Auditing can take place in either the exporting country or at ports of entry in the importing country.

11. Review

If it is anticipated that the workplan will be reviewed periodically, this should be specified in the workplan. The timing and/or frequency of reviews should be specified if possible.

**12. Unanticipated Situations/ Disagreements*

Unanticipated situations and disagreements can arise during the course of operating import/export programs. The workplan must include, at a minimum, a communication plan to address these problems.

**13. Effective Dates*

The exact date the workplan becomes effective must be included. If the workplan will be effective for a limited time, that information must also be included, with specific dates if possible.

**14. Noncompliance and Resulting Actions*

14.1 Examples of Noncompliance

There are many types of noncompliance. Examples include detection of quarantine pests, presence of regulated nonquarantine pests above specified tolerances, inadequate or missing documentation, misapplication of required phytosanitary measures, and failure to comply with the workplan in any particulars. The workplan must categorize occurrences that could result in noncompliance with regard to how severely they impact the confidence of the signatories to the workplan that the requirements of the workplan are being appropriately implemented and followed. The workplan must also state the specific occurrences that are included in each of the categories. For example, a workplan might include critical, major, and minor categories for occurrences that could result in noncompliance. That workplan would also provide lists of the occurrences that would constitute a critical violation of the workplan, the occurrences that would constitute a major violation, and the occurrences that would constitute a minor violation.

*14.2 Actions Taken for Noncompliance

The workplan must specify actions to be taken for noncompliance with phytosanitary requirements contained in the workplan. Actions should be proportionate to the seriousness of the noncompliance. The strongest action—terminating the workplan or excluding a participant—should be reserved for the most serious noncompliance. Possible actions include terminating the workplan, suspending or excluding a participant, suspending the workplan, and other appropriate actions. Actions taken for noncompliance must be specified and fully explained in the workplan, so that all participants are aware of the consequences for noncompliance.

*14.3 Notification of noncompliance

The workplan must include procedures for notifying participants of any noncompliance and the proposed action to be taken as a result. Timelines for notification and for responses may be specified in the workplan, and must comply with ISPM No. 13, ''Guidelines for the notification of noncompliance and emergency action.''

*14.4 Suspension and Reinstatement

The workplan must include requirements for reinstating a participant who has been suspended for noncompliance and requirements for reinstating a workplan that has been suspended. The requirements must be specified and fully explained in the workplan.

15. Additional Documentation

Examples of additional documents, such as treatment certificates and inspection reports, should be attached to the workplan as appendices if they are necessary.

We are inviting public comment on the guidelines provided above, as well as comments or queries on any other aspect of APHIS' use of bilateral workplans.

Done in Washington, DC, this 4th day of May 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–7114 Filed 5–9–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Intergovernmental Advisory Committee Meeting, Northwest Forest Plan

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee (IAC), Northwest Forest Plan (NWFP), has scheduled an advisory meeting on June 1, 2006. The advisory meeting will begin at approximately 8 a.m. and end at 12 noon at the Red Lion Hotel, in the Juan de Fuca Conference room, 221 N. Lincoln Street, Port Angeles, Washington 98362, 877–333–2733. The purpose of the meeting is to review topics related to key findings and trends from the April 19–20, 2005 *Science and the Northwest Forest Plan, Knowledge Gained Over a Decade* conference hosted by the USDA, Forest Service, Pacific Northwest Research Station, and to collect advice regarding the implementation improvement strategies being drafted.

The meeting is open to the public and fully accessible for people with disabilities. A 10-minute time slot is reserved for public comments at 8:30 a.m. Interpreters are available upon request at least 10 days prior to the meeting. Written comments may be submitted for the meeting record. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Kath Collier, Management Analyst, Regional Ecosystem Office, 333 SW First Avenue, P.O. Box 3623, Portland, OR 97208 (telephone: 503–808–2165).

Dated: April 19, 2006.

Anne Badgley,

Designated Federal Official.

[FR Doc. E6–7101 Filed 5–9–06; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Shasta County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Shasta County Resource Advisory Committee (RAC) will meet at the USDA Service Center in Redding, California, May 30 and 31, 2006. The purpose of this meeting is to discuss proposed projects under Title II of the Secure Rural Schools and Community Self-Determination Act of 2000.

DATES: May 30 and 31, 2006.

ADDRESSES: The meetings will be held at the USDA Service Center, 3644 Avtech Parkway, Redding, California 96002.

FOR FURTHER INFORMATION CONTACT: Michael R. Odle at (530) 226–2494 or *modle@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meetings are open to the public. Public input sessions will be provided and individuals will have the opportunity to address the Shasta County Resource Advisory Committee.

Dated: May 4, 2006.

Michael R. Odle,

Public Affairs Officer.

[FR Doc. 06–4344 Filed 5–9–06; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Funding Opportunity: Section 525 Technical and Supervisory Assistance (TSA) Grants

AGENCY: Rural Housing Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Rural Housing Service is correcting a notice published in the **Federal Register** on Monday, April 17, 2006. This action is taken to correct a State Office address referenced in the contact information of the application and submission portion of the notice. This correction will insure that the applicant receives the most current and accurate information necessary for the submission of the proposal packages.

Accordingly, the notice published on April 17, 2006 (71 FR 19682–19690), is corrected as follows:

On page 19685, in the third column under the heading, ''Where to file,'' the Delaware & Maryland State Office address is corrected to read as follows: Delaware & Maryland State Office, 1221 College Park Drive, Suite 200, Dover, DE 19904–8724. (302) 857–3600, TDD (302) 857–3585, W. Drew Clendaniel.

FOR FURTHER INFORMATION CONTACT: Nica Mathes, Senior Loan Specialist, USDA Rural Development, Single Family Housing Direct Loan Division, Special Programs and New Initiatives Branch, Mail Stop 0783, Room 2206–S, 1400 Independence Avenue, SW., Washington, DC 20250–0783, Phone: (202) 205–3656 or (202) 720–1474, e-mail: *nica.mathes@wdc.usda.gov*, or FAX: (202) 720–2232.

Dated: May 5, 2006.

David J. Villano,

Acting Administrator, Rural Housing Service.

[FR Doc. E6–7151 Filed 5–9–06; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Limits on Application of Take Prohibitions.

Form Number(s): None.

OMB Approval Number: 0648–0399.

Type of Request: Regular submission.
Burden Hours: 1,705.
Number of Respondents: 301.
Average Hours per Response: Plans, 12 hours; and annual reports, 2 hours.
Needs and Uses: In accordance with Section 4(d) of the Endangered Species Act (ESA), NOAA promulgates regulations that would prohibit ''take'' (*e.g.*, harassment or harm) of threatened salmonids. These regulations identify conservation-oriented programs or circumstances in which the ESA's take prohibitions would not apply. States, local governments, and other entities may submit information to demonstrate that a program qualifies to be within those specified programs or circumstances (and therefore would not be subject to the prohibitions).
Affected Public: State, Local or tribal government; business or other for-profit organizations.
Frequency: Annually and on occasion.
Respondent's Obligation: Mandatory.
OMB Desk Officer: David Rostker, (202) 395–3897.
Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).
Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: May 4, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–7070 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).
Agency: National Oceanic and Atmospheric Administration (NOAA).
Title: Designation of Fishery Management Council Members and Application for Reinstatement of State Authority.
Form Number(s): None.
OMB Approval Number: 0648–0314.
Type of Request: Regular submission.
Burden Hours: 4,607.
Number of Respondents: 275.
Average Hours per Response: Designation of state official, 1 hour; nomination for council appointments, 80 hours; nominees' background documents submission, 16 hours; and application for reinstatement of state authority, 2 hours.
Needs and Uses: The Magnuson-Stevens Fishery Conservation and Management Act, as amended in 1996, provides for the nomination for members of Fishery Management Councils by state governors and Indian treaty tribes, for the designation of a principle state fishery official for the purposes of the Act, and for a request by a state for reinstatement of state authority over a managed fishery. The information submitted with these actions will be used to ensure that the requirements of the Act are being met.
Affected Public: State, local or tribal government.
Frequency: Annually and on occasion.
Respondent's Obligation: Mandatory.
OMB Desk Officer: David Rostker, (202) 395–3897.
Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).
Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: May 4, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–7071 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).
Agency: National Oceanic and Atmospheric Administration (NOAA).
Title: Northeast Multispecies Days-at-Sea Leasing Program.
Form Number(s): None.
OMB Approval Number: 0648–0475.
Type of Request: Regular submission.
Burden Hours: 550.
Number of Respondents: 1,400.
Average Hours Per Response: Days-at-sea (DAS) leasing program application, 5 minutes; one-time application to downgrade DAS leasing baseline, 1 hour.
Needs and Uses: The submission renews an information request that allows Northeast multispecies fishermen to lease allocated days-at-sea. This request is a renewal for a program in the Northeast Multispecies Fishery Management Plan under Amendment 13 to the Fishery Management Plan.
Affected Public: Business or other for-profit organizations; individuals or households.
Frequency: Annually and on occasion.
Respondent's Obligation: Required to obtain or retain benefits.
OMB Desk Officer: David Rostker, (202) 395–3897.
Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).
Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: May 4, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–7072 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).
Agency: National Oceanic and Atmospheric Administration (NOAA).
Title: StormReady and TsunamiReady/StormReady Application Forms.

Form Number(s): None.
OMB Approval Number: 0648–0419.
Type of Request: Regular submission.
Burden Hours: 200.
Number of Respondents: 100.
Average Hours per Response: 2.
Needs and Uses: StormReady and TsunamiReady are voluntary programs offered to provide guidance and incentive to officials who wish to improve their respective hazardous weather operations. Officials will use the applications to apply for initial StormReady or TsunamiReady/StormReady recognition and renewal of that recognition every three years.

A typical StormReady/TsunamiReady community would use this form 1 time every 10 years. The government will use application forms to determine whether a community has met all of the guidelines to receive StormReady and/or TsunamiReady recognition.

Affected Public: State, local or tribal government.
Frequency: Every six years.
Respondent's Obligation: Voluntary.
OMB Desk Officer: David Rostker, (202) 395–3897.

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

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

Dated: May 5, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–7073 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Survey of State Research and Development

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continued 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 July 10, 2006.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to James R. Berry, Jr., U.S. Census Bureau, Governments Division, Washington, DC 20233–6800 (or via the Internet at *james.r.berry.jr@census.gov*).

SUPPLEMENTARY INFORMATION

I. Abstract

The U.S. Census Bureau plans to conduct a new survey to measure research and development supported and performed by state governments in the United States. This survey will be a joint effort between the Census Bureau and the National Science Foundation (NSF).

The NSF Act of 1950 includes a statutory charge to ''provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formulation by other agencies in the Federal Government.'' Under the aegis of this legislative mandate, NSF and its predecessors have sponsored surveys of research and development since 1953, including the Survey of Industrial Research and Development. This new survey will expand the scope of research and development collections to include state governments, for which there are no established collection efforts.

Items on the survey form will include research and development expenditures according to the source of funding, by performer of the work (internal and external to state agencies), and by character (*i.e.*, basic, applied, or developmental). Final results produced by NSF will contain state and national estimates useful to a variety of data users interested in research and development performance including: the National Science Board; the Office of Management and Budget; the Office of Science and Technology Policy and other science policy makers; institutional researchers; and private organizations.

II. Method of Collection

All data will be collected electronically via an Internet Web form. The approximately 1,000 state government agencies surveyed will be assisted during the collection period by central state coordinators. This methodology of employing central contacts is used successfully in other government finance surveys conducted by the Census Bureau.

III. Data

OMB Number: None.

Form Number: SRD–1.

Type of Review: Regular submission

Affected Public: State government agencies.

Estimated Number of Respondents: 1,000.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 1,000.

Estimated Total Cost: $19,000.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 United States Code, Sections 8(b), 161, and 182. Title 15 United States Code, Section 1525.

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 included in the request for OMB approval of this information collection. These comments will also become a matter of public record.

Dated: May 5, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–7074 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–822, A–583–820]

Certain Helical Spring Lock Washers from the People's Republic of China and Taiwan: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On January 3, 2006, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty orders on certain helical spring lock washers from the People's Republic of China (''PRC'') and Taiwan, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of the notice of intent to participate and adequate substantive responses filed on behalf of the domestic interested parties, and inadequate responses from respondent interested parties, the Department conducted expedited sunset reviews. As a result of these sunset reviews, the Department finds that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping at the levels listed below in the section entitled ''Final Results of Reviews.''

EFFECTIVE DATE: May 10, 2006.

FOR FURTHER INFORMATION CONTACT: Jim Nunno, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230; telephone: (202) 482–0783.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2006, the Department initiated sunset reviews of the antidumping duty orders on certain helical spring lock washers (''HSLWs'') from the PRC and Taiwan pursuant to section 751(c) of the Act. *See Initiation of Five-year (''Sunset'') Reviews*, 70 FR 91 (January 3, 2006). The Department received notices of intent to participate from a domestic interested party, Shakeproof Assembly Components Division of Illinois Tool Works Inc. (''Shakeproof''), within the deadline specified in section 351.218(d)(1)(i) of the Department's regulations. Shakeproof claimed interested party status pursuant to section 771(9)(C) of the Act as a U.S. producer of the domestic like product. We received a submission from the domestic interested party within the 30-day deadline specified in section 351.218(d)(3)(i) of the Department's regulations. However, we did not receive submissions from any respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations, the Department conducted expedited sunset reviews of these orders.

Scope of the Orders

The products covered by both antidumping duty orders are HSLWs of carbon steel, of carbon alloy steel, or of stainless steel, heat–treated or non–heat-treated, plated or non–plated, with ends that are off–line. HSLWs are designed to: (1) Function as a spring to compensate for developed looseness between the component parts of a fastened assembly; (2) distribute the load over a larger area for screws or bolts; and (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other metals, such as copper.

HSLWs subject to the order are currently classifiable under subheading 7318.21.0030 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

On September 30, 1997, the Department determined that HSLWs which are imported into the United States in an uncut, coil form are within the scope of the orders. *See Notice of Scope Rulings*, 62 FR 62288 (November 21, 1997).

Analysis of Comments Received

All issues raised in these cases are addressed in the ''Issues and Decision Memorandum'' from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated May 3, 2006 (''Decision Memorandum''), which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these sunset reviews and the corresponding recommendations in this public memorandum, which is on file in room B–099 of the main Department of Commerce building.

In addition, a complete version of the Decision Memorandum can be accessed directly on our Web site at http://ia.ita.doc.gov/. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Reviews

We determine that revocation of the antidumping duty orders on HSLWs from the PRC and Taiwan would likely lead to continuation or recurrence of dumping at the following weighted–average percentage margins:

Manufacturers/Exporters/Producers	Weighted–Average Margin (Percent)
PRC.	
Zhejiang Wanxin Group Co., Ltd.a/k/a Hangzhou Spring Washer Plant (''HSWP'')	69.88
HSWP via IFI Morgan Limited	69.88
HSWP via Carway Development Ltd.	69.88
HSWP via Midway Fasteners Ltd.	69.88
HSWP via Linkwell Industry Co., Ltd.	69.88
HSWP via Fastwell Industry Co., Ltd.	69.88
HSWP via Sunfast International Corp.	69.88
HSWP via Winner Standard Parts Co., Ltd.	69.88
PRC–wide Rate	128.63
Taiwan.	
Spring Lake Enterprises Co., Ltd.	31.93
Ceimiko Industrial Co., Ltd.	31.93
Par Excellence Industrial Co., Ltd	31.93
All Others Rate	31.93

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with section 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: May 3, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6–7131 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Notice of Open Meeting

The Exporters' Textile Advisory Committee (ETAC) will meet on May 24, 2006. The meeting will be held at 10:00 a.m at the U.S. Department of Commerce, Main Commerce Building, Room 6029, 1401 Constitution Avenue, NW, Washington, DC.

This document amends the one published on March 28, 2006 (71 FR 15384) to include the room number, which was not available at the time of publication. All other information remains the same.

The Committee provides information on overseas requirements and regulations, works with U.S. companies to eliminate trade barriers, and promotes U.S. textile and apparel products overseas.

Tentative Agenda: Review of export data, report on conditions in the export market; update on FTA's; export expansion activities; U.S. Customs and Border Protection's ''Customs-Trade Partnership Against Terrorism'' Initiative, and other business.

The meeting will be open to the public with a limited number of seats available. For further information call Rachel Anne Alarid at (202) 482-5154.

Dated: May 4, 2006.

James C. Leonard III,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. E6–7133 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904; NAFTA Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of First Request for Panel Review.

SUMMARY: On May 1, 2006, Corn Products International, Inc. And Casco, Inc./Canada Starch Operating Company, Inc; filed a First Request for Panel Review with the Canadian Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final dumping and countervailing duty determinations made by the Canada Border Services Agency, respecting Unprocessed Grain Corn, excluding Seed Corn (for Reproductive Purposes), Sweet Corn, and Popping Corn, Originating in or Exported from the United States of America. Second and third requests were received on May 1, 2006 from Maple Leaf Foods Inc. and its Affiliates; and Commercial Alcohols Inc. This determination was published in the *Canada Gazette,* Part I, (Vol. 140, No. 13, pp. 673) on April 1, 2006. The NAFTA Secretariat has assigned Case Number CDA–USA–2006–1904–01 to this request.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the Canadian Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on May 1, 2006, requesting panel review of the final determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is May 31, 2006);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is June 15, 2006); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: May 4, 2006.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

[FR Doc. E6–7110 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050306C]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meetings of its Scientific and Statistical (SSC) Committee in June, 2006 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Thursday, June 1, 2006 at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, 225 McClellan Highway, E. Boston, MA 02128; telephone: (617) 569–5250.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Committee will review the Scallop Plan Development (PDT) Teams estimates of management reference points including maximum sustainable yield (MSY) for the scallop fishery resource and make recommendations about the appropriate scallop management reference points for adoption by the Council.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: May 5, 2006.

Tracey L. Thompson,

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

[FR Doc. E6–7112 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050506A]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting of the North Pacific Fishery Management Council's Pacific Northwest Crab Industry Advisory Committee (PNCIAC).

SUMMARY: The PNCIAC will hold a public meeting.

DATES: The meeting will be held on May 23, 2006, 9 a.m. until noon.

ADDRESSES: The meeting will be held at the Leif Erickson Lodge Hall, 2245 NW 57th Street, in Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Diana Stram, Council staff, telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda:

(1) Review Alaska Department of Fish & Game analysis of observer data defining the extent of the problem of discarding in Bristol Bay king crab fishery; and (2) Initiate discussion about mechanisms, issues and incentives to improve retention of king crab and snow crab in the Bering Sea rationalized fisheries.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: May 5, 2006.

Tracey L. Thompson,

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

[FR Doc. E6–7143 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071105F]

Marine Mammals; File No. 948–1692–00

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that D. Ann Pabst, Ph.D., Biological Sciences and Center for Marine Science, University of North Carolina at Wilmington, 601 S. College Road, Wilmington, North Carolina 28403 has been issued a permit to conduct scientific research.

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

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

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9200; fax (978)281–9371; and

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

FOR FURTHER INFORMATION CONTACT: Carrie Hubard or Dr. Tammy Adams, (301)713–2289.

SUPPLEMENTARY INFORMATION: On April 7, 2004, notice was published in the **Federal Register** (69 FR 18358) that a request for a scientific research permit to take Northern right whales (*Balaena glacialis*), humpback whales (*Megaptera novaeangliae*) and other non-listed cetaceans had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 948–1692–00 authorizes the Holder to conduct aerial and shipboard surveys of North Atlantic right whales and humpback whales in coastal and offshore waters of the mid-

Atlantic, from Florida to Delaware Bay. When located, right whales, humpback whales and Atlantic bottlenose dolphins (*Tursiops truncatus*) will be approached for photo-identification and thermal imaging. Various other species of cetaceans may be incidentally harassed as a result of the surveys. The permit has been issued for a five-year period.

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

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

Dated: May 5, 2006.

Stephen L. Leathery,

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

[FR Doc. E6–7145 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042406D]

Endangered Species; File Nos. 1574 and 1575

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

ACTION: Receipt of applications.

SUMMARY: NMFS has received applications from the following entities for permits for scientific research on shortnose sturgeon (*Acipenser brevirostrum*):

Dr. Frank A. Chapman, Department of Fisheries & Aquatic Sciences, University of Florida, 7922 NW 71st Street, Gainesville, Florida 32653 (File No. 1574); and

Earth Tech Northeast, Inc. (Joseph Falbo, Principal Investigator), One World Financial Center, 200 Liberty Street, 25th Floor, New York, New York 10281 (File No. 1575).

DATES: Written, telefaxed, or e-mail comments must be received on or before June 9, 2006.

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

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

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9328; fax (978)281–9394; and

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

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 1574 or File No. 1575.

FOR FURTHER INFORMATION CONTACT: Kelsey Abbott or Shane Guan, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permits are requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

File No. 1574: Dr. Frank A. Chapman requests a 5–year permit to authorize the continued maintenance and scientific research of domestic stocks of shortnose sturgeon presently held at the University of Florida. The research would use captive shortnose sturgeon to meet the following objectives: (1) identify physical, chemical, and biological parameters required to maintain optimal survival and growth of larvae and juvenile shortnose sturgeon; (2) describe embryonic development and metamorphosis; (3) monitor gonadal development of domestically raised shortnose sturgeon; (4) develop chemical assays to identify the sex and monitor the sexual development of shortnose sturgeon; and (5) understand the physiology of the sperm and egg to develop short and long-term storage of sperm as well as optimum fertilization techniques. This project would not require any takes from the wild or any release of domestic sturgeon into the wild.

File No. 1575: Earth Tech Northeast, Inc. requests a 5–year permit to document the usage of the existing Tappan Zee Bridge piers by shortnose sturgeon. The objectives of this research would be to document: (1) the use of the existing Tappan Zee Bridge structure as significant habitat by fisheries resources; and (2) the relative abundance and spatial and temporal patterns of shortnose sturgeon, if these fish are present. The applicants propose to use anchored gill nets and traps to capture a maximum of 120 juvenile and adult shortnose sturgeon for visual examination, measurement, and release. The proposed research would occur at six stations alongside and under the existing Tappan Zee Bridge and at three reference locations within 700 feet north of the existing bridge.

Dated: May 4, 2006.

Stephen L. Leathery,

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

[FR Doc. E6–7149 Filed 5–9–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0149]

Federal Acquisition Regulation; Submission for OMB Review; Subcontract Consent

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

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0149).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a

request to review and approve an extension of a currently approved information collection requirement concerning subcontract consent. A request for public comments was published in the **Federal Register** at 71 FR 7547, on February 13, 2006. No comments were received.

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

DATES: Submit comments on or before June 9, 2006.

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

FOR FURTHER INFORMATION CONTACT: Rhonda Cundiff, Acquisition Policy Division, GSA (202) 501–0044.

SUPPLEMENTARY INFORMATION:

A. Purpose

The objective to consent to subcontract, as discussed in FAR Part 44, is to evaluate the efficiency and effectiveness with which the contractor spends Government funds, and complies with Government policy when subcontracting. The consent package provides the administrative contracting officer a basis for granting, or withholding consent to subcontract.

B. Annual Reporting Burden

Number of Respondents: 4,252.
Responses Per Respondent: 3.61.
Total Responses: 15,349.
Average Burden Hours Per Response: .87.
Total Burden Hours: 13,353.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VIR), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control Number 9000–0149, Subcontract Consent, in all correspondence.

Dated: May 4, 2006.

Ralph De Stefano,

Director, Contract Policy Division.

[FR Doc. E6–7081 Filed 5–9–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Naval Support Activity ''East Bank'', New Orleans, LA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Naval Support Activity ''East Bank'', New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Mr. James E. Anderson, Director, Base Realignment and Closure Management Office, 2144 Eagle Drive, North Charleston, SC 29406, telephone 843–820–5809.

SUPPLEMENTARY INFORMATION: In 2005, Naval Support Activity ''East Bank'', New Orleans was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of Section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at Naval Support Activity ''East Bank'', New Orleans, Louisiana is published in the **Federal Register**.

Surplus Property Description. The following is a list of the land and facilities at Naval Support Activity ''East Bank'', New Orleans that are surplus to the needs of the Federal Government.

a. *Land.* Naval Support Activity ''East Bank'', New Orleans consists of approximately 25 acres of improved fee simple land located within Orleans parish and the City of New Orleans. In general, this area will be available when the installation closes in March 2011.

b. *Buildings.* The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(1) *Administrative/Communication facilities (7 structures).* Comments: Approximately 1,512,629 square feet.

(2) *Miscellaneous facilities (2 structures).* Comments: Includes Gas Station and Switching Building.

(3) *Paved areas (roads and surface areas).* Comments: Approximately 1,640 square yards consisting of roads, sidewalks, parking lots, etc.

(4) *Recreational facilities.* Comments: Indoor and outdoor playing courts.

(5) *Utility facilities.* Comments: Measuring systems vary; gas and water distribution.

Disposal Procedures. At such time as a Local Redevelopment Authority (LRA) is recognized in accordance with Section 2905(b)(7)(B) of the Act, the Department of Defense will publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the LRA. The LRA will commence a community outreach effort with respect to the surplus property and will publish in a newspaper of general circulation in the communities within the vicinity of Naval Support Activity, New Orleans, a notice of the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. That publication will include the name, address, telephone number, and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. 06–4350 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Navy-Marine Corps Reserve Center, Tacoma, WA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Navy-Marine Corps Reserve Center Tacoma, WA.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Ms. Laura Duchnak, Director, Base Realignment and Closure Program Management Office West, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0994.

SUPPLEMENTARY INFORMATION: In 2005, Navy-Marine Corps Reserve Center Tacoma was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other Federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of Section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the surplus property at Navy-Marine Corps Reserve Center Tacoma, WA is published in the **Federal Register**.

Surplus Property Description. The following is a list of the land and facilities at Navy-Marine Corps Reserve Center Tacoma, WA that are surplus to the needs of the Federal Government.

a. Land. Navy-Marine Corps Reserve Center Tacoma, WA consists of approximately 9.03 acres of improved and unimproved land located within Pierce County and the City of Tacoma. In general, all areas will be available when the installation closes in 2010.

b. Buildings. The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(1) Reserve Training Building that includes administrative & office facilities. Comments: Approximately 35,622 square feet.

(2) Reserve Training Building (Cargo Handling Unit). Comments: Approximately 19,610 square feet.

(3) Garage and Shops. Comments: Approximately 6,120 square feet.

(4) Berthing Pier Facilities that provide access to the Hylebos Waterway. Comments: Approximately 6,304 square feet.

(5) Miscellaneous facilities including heating plant, damage control building, antennas, paved roads and parking areas, sidewalks, fencing, and utility infrastructure.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. E6–7075 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Navy Reserve Center, Duluth, MN

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Navy Reserve Center, Duluth, Minnesota.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Mr. David Drozd, Director, Base Realignment and Closure Program Management Office, Northeast, 4911 South Broad Street, Philadelphia, PA 19112–1303, telephone 215–897–4909.

SUPPLEMENTARY INFORMATION: In 2005, Navy Reserve Center, Duluth was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other Federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the surplus property at Navy Reserve Center, Duluth, Minnesota is published in the **Federal Register**.

Surplus Property Description. The following is a list of the land and facilities at Navy Reserve Center, Duluth that are surplus to the needs of the Federal Government.

a. *Land.* Navy Reserve Center, Duluth consists of approximately 1.15 acres of improved and unimproved fee simple land located within St. Louis County and the City of Duluth. An additional 5.27 acres of land are leased from the City of Duluth for air base purposes, and currently utilized as a parking area. In general, all areas will be available when the installation closes in September 2009.

b. *Buildings.* The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(1) Administrative/office facility (2 structures). *Comments:* Approximately 13,482 square feet.

(2) Maintenance production facility (1 structure). *Comments:* Approximately 841 square feet, Garage.

(3) Paved areas (other surface areas). *Comments:* Approximately 6,293 square yards consisting of parking lots, and open storage/vehicle laydown area.

(4) Utility facilities (approximately 4 structures). *Comments:* measuring systems vary; combined sewer, sanitary sewer, electric, and water.

Disposal Procedures. At such time as a Local Redevelopment Authority (LRA) is recognized in accordance with section 2905(b)(7)(B) of the Act, the Department of Defense will publish in the **Federal Register** and in a newspaper of general circulation in the communities in the vicinity of the installation information on the LRA.

The LRA will commence a community outreach effort with respect to the surplus property and will publish in a newspaper of general circulation in the communities within the vicinity of Naval Reserve Center Duluth, a notice of the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and

other interested parties. That publication will include the name, address, telephone number, and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. E6–7079 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Naval Station Ingleside, Texas Electro Magnetic Reduction Facility

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Naval Station Ingleside, TX Electro Magnetic Reduction Facility.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Mr. James E. Anderson, Director, Base Realignment and Closure Management Office, Southeast, 2144 Eagle Drive, North Charleston, SC 29406, telephone 843–820–5809.

SUPPLEMENTARY INFORMATION: In 2005, Naval Station Ingleside, TX Electro Magnetic Reduction Facility was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other Federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of Section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at Naval Station Ingleside, TX Electro Magnetic Reduction Facility is published in the **Federal Register**.

Surplus Property Description. The following is a list of the land and facilities at Naval Station Ingleside, TX Electro Magnetic Reduction Facility that are surplus to the needs of the Federal Government.

a. Land. Naval Station Ingleside, TX Electro Magnetic Reduction Facility consists of approximately 46.35 acres of highland, with a 3.6 access road easement, located within San Patricio County and the City of Ingleside. An additional 105.48 acres of abutting submerged land is located within Nueces County and the City of Corpus Christi. In general, these areas will be available when the installation closes in September 2010.

b. Buildings. The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(1) Operations facilities (3 structures). Comments: Approximately 4,500 square feet.

(2) Maintenance facility (1 structure). Comments: Approximately 1,060 square feet.

(3) Paved areas (roads and surface areas). Comments: Approximately 15,510 square yards consisting of roads, sidewalks, parking lots, etc.

(4) Pier. Comments: Approximately 1,530 square yards.

Disposal Procedures. At such time as a Local Redevelopment Authority (LRA) is recognized in accordance with Section 2905(b)(7)(B) of the Act, the Department of Defense will publish in the **Federal Register** and in a newspaper of general circulation in the communities in the vicinity of the installation information on the LRA. The LRA will commence a community outreach effort with respect to the surplus property and will publish in a newspaper of general circulation in the communities within the vicinity of Naval Station Ingleside, TX Electro Magnetic Reduction Facility, a notice of the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. That publication will include the name, address, telephone number, and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. E6–7080 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Inspector-Instructor Facility, West Trenton, NJ

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Inspector-Instructor Facility, West Trenton, NJ.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Mr. David Drozd, Director, Base Realignment and Closure Program Management Office, Northeast, 4911 South Broad Street, Philadelphia, PA 19112–1303, telephone 215–897–4909.

SUPPLEMENTARY INFORMATION: In 2005, Inspector-Instructor Facility, West Trenton, NJ was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other Federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at Inspector-Instructor Facility, West Trenton, NJ is published in the **Federal Register.**

Redevelopment Authority. The local redevelopment authority for Inspector-Instructor Facility, West Trenton, NJ is the Ewing Township Local Redevelopment Authority. The point of contact is Mr. Anthony P. Carabelli, Jr., Chief Aide to the Mayor, City of Ewing,

Municipal Complex, 2 Jake Garzio Drive, Ewing, NJ 08626, telephone 609–883–2900, ext. 7648.

Surplus Property Description. The following is a list of the land and facilities at Inspector-Instructor Facility, West Trenton that are surplus to the needs of the Federal Government.

a. *Land.* Inspector-Instructor Facility, West Trenton, NJ consists of approximately 8.23 acres of improved and unimproved land located within Mercer County and the City of Trenton. In general, all areas will be available when the installation closes in September 2009.

b. *Buildings.* The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(1) Administrative/office facility (1 structure). *Comments:* Approximately 42,140 square feet.

(2) Maintenance production facility (1 structure). *Comments:* Approximately 3,280 square feet, Garage.

(3) Paved areas (roads and surface areas). *Comments:* Approximately 2,381 square yards consisting of roads and other similar pavements. Approximately 33,492 square yards consisting of other surface areas, *i.e.*, parking area, and sidewalks.

(4) Utility facilities (approximately 5 structures). *Comments:* Measuring systems vary; electric, steam, water, storm sewer, and sanitary sewer.

Redevelopment Planning. Pursuant to section 2905(b)(7)(F) of the Act, the Ewing Township Local Redevelopment Authority (the LRA) will conduct a community outreach effort with respect to the surplus property and will publish, within 30 days of the date of this notice, in a newspaper of general circulation in the communities within the vicinity of Inspector-Instructor Facility, West Trenton, NJ the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, and telephone number of the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. E6–7086 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Navy Reserve Center, Orange, TX

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Navy Reserve Center, Orange, TX.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Mr. James E. Anderson, Director, Base Realignment and Closure Management Office, Southeast, 2144 Eagle Drive, North Charleston, SC 29406, telephone 843–820–5809.

SUPPLEMENTARY INFORMATION: In 2005, Navy Reserve Center, Orange, TX was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other Federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of Section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at Naval Reserve Center, Orange, TX is published in the **Federal Register**.

Redevelopment Authority. The local redevelopment authority for the Navy Reserve Center, Orange, TX is the Orange NRC Local Redevelopment Authority, Orange County Navigation and Port District. The point of contact is Mr. Gene Bouillion, Port Director & CEO, 1201 Childers Rd., P.O. Box 2410, Orange, TX 77631–2410, telephone 409–883–4363.

Surplus Property Description. The following is a list of the land and facilities at Navy Reserve Center, Orange, Texas, that are surplus to the needs of the Federal Government.

a. Land. Navy Reserve Center, Orange, TX consists of approximately 13.73 acres of improved fee simple land located within Orange County and the City of Orange. In general, the entire area will be available when the installation closes in September 2008.

b. Buildings. The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(1) Administrative/Training facilities (6 structures). Comments: Approximately 55,700 square feet.

(2) Storage Facility (1 structure). Comments: Approximately 500 square feet.

(3) Paved areas (roads and surface areas). Comments: Approximately 12,600 square yards consisting of roads and other surface areas, i.e., sidewalks, parking lots, etc).

(4) Pier. Comments: Approximately 1300 square yards.

Redevelopment Planning. Pursuant to Section 2905(b)(7)(F) of the Act, the Orange NRC Local Redevelopment Authority (the LRA) will conduct a community outreach effort with respect to the surplus property and will publish, within 30 days of the date of this notice, in a newspaper of general circulation in the communities within the vicinity of Navy Reserve Center, Orange, TX the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, telephone number, and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. E6–7089 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Navy-Marine Corps Reserve Center, Akron, OH

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at

Navy-Marine Corps Reserve Center, Akron, OH.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Mr. David Drozd, Director, Base Realignment and Closure Program Management Office, Northeast, 4911 South Broad Street, Philadelphia, PA 19112–1303, telephone 215–897–4909.

SUPPLEMENTARY INFORMATION: In 2005, Navy-Marine Corps Reserve Center, Akron, OH was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of Section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at Navy-Marine Corps Reserve Center, Akron, OH is published in the **Federal Register**.

Redevelopment Authority. The local redevelopment authority for Navy-Marine Corps Reserve Center, Akron, OH is the Akron Local Redevelopment Authority. The point of contact is Mr. Warren Woolford, Planning Director, City of Akron, Room 401 Municipal Building, 166 South High Street, Akron, OH 44308; telephone 330–375–2770.

Surplus Property Description. The following is a list of the land and facilities at Navy-Marine Corps Reserve Center, Akron, OH that are surplus to the needs of the Federal Government.

a. Land. Navy-Marine Corps Reserve Center, Akron consists of approximately 3.31 acres of improved and unimproved fee simple land located within Summit County and the City of Akron. In general, all areas will be available when the installation closes in September 2010.

b. Buildings. The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(1) Administrative/office facility (1 structure). Comments: Approximately 34,636 square feet.

(2) Maintenance production facility (1 structure). Comments: Approximately 5,551 square feet, Garage.

(3) Paved areas (roads and surface areas). Comments: Approximately 888 square yards consisting of roads and other similar pavements. Approximately 5,216 square yards consisting of other surface areas, i.e., sidewalks, and parking areas.

(4) Utility facilities (approximately 3 structures). Comments: measuring systems vary; gas, storm sewer, and combined sewer.

Redevelopment Planning. Pursuant to Section 2905(b)(7)(F) of the Act, the Akron Local Redevelopment Authority (the LRA) will conduct a community outreach effort with respect to the surplus property and will publish, within 30 days of the date of this notice, in a newspaper of general circulation in the communities within the vicinity of Navy-Marine Corps Reserve Center, Akron, OH the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, telephone number, and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. E6–7090 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Navy-Marine Corps Reserve Center, Tulsa, OK

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Navy-Marine Corps Reserve Center (NMCRC), Tulsa, OK.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Mr. James E. Anderson, Director, Base Realignment and Closure Office, Southeast, 2144 Eagle Drive, North Charleston, SC 29604, telephone 843–820–5809.

SUPPLEMENTARY INFORMATION: In 2005, NMCRC Tulsa, OK was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other Federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of Section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at NMCRC Tulsa, OK is published in the **Federal Register**.

Redevelopment Authority. The local redevelopment authority for NMCRC Tulsa, OK is the Armed Forces Reserve Center (AFRC) Broken Arrow Local Redevelopment Authority (LRA). The point of contact is Mr. Dave Wooden, Assistant City Manager, City of Broken Arrow, City Hall, P.O. Box 610, 220 South 1st Street, Broken Arrow, OK 74013, telephone 918–259–2400, ext. 5332.

Surplus Property Description. The following is a list of the land and facilities at NMCRC Tulsa, OK that are surplus to the needs of the Federal Government.

a. Land. NMCRC Tulsa, OK consists of approximately 11.40 acres of improved land located within Tulsa County and the City of Broken Arrow. In general, this area will be available when the installation closes in September 2011.

b. Buildings. The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(1) Administrative/Training facilities (2 structures). Comments: Approximately 63,650 square feet.

(2) Paved areas (roads and surface areas). Comments: Approximately 20,400 square yards consisting of roads and other similar surface areas, i.e., sidewalks, parking lots, etc.

Redevelopment Planning. Pursuant to Section 2905(b)(7)(F) of the Act, the AFRC Broken Arrow LRA will conduct

a community outreach effort with respect to the surplus property and will publish, within 30 days of the date of this notice, in a newspaper within the vicinity of the NMCRC Tulsa, OK the time period during which the LRA will receive interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name address, telephone number, and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. E6–7091 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Naval Supply Corps School, Athens, GA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Naval Supply Corps School, Athens, GA.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Mr. James E. Anderson, Director, Base Realignment and Closure Program Management Office, Southeast, 2144 Eagle Drive, North Charleston, SC 29406, telephone 843–820–5809.

SUPPLEMENTARY INFORMATION: In 2005, Naval Supply Corps School, Athens, GA was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other Federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at Naval Supply Corps School, Athens, GA, is published in the **Federal Register**.

Redevelopment Authority. The local redevelopment authority for Naval Supply Corps School, Athens, GA is the Navy Supply Corps School Local Redevelopment Authority. The point of contact is Mr. Buddy Allen, Chairman, 2595 Atlanta Highway, Athens, GA 30604, telephone 706–549–0706.

Surplus Property Description. The following is a list of the land and facilities at Naval Supply Corps School, Athens, that are surplus to the needs of the Federal Government.

a. *Land.* Naval Supply Corps School, Athens, GA consists of approximately 58 acres of improved land located within Clarke County and the City of Athens. In general, all areas will be available when the installation closes in March 2011.

b. *Buildings.* The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(1) Administrative/office/training facilities (33 structures). *Comments:* Approximately 142,000 square feet.

(2) Bachelor quarters housing (9 structures). *Comments:* Approximately 95,000 square feet.

(3) Medical and Dental facilities (2 structures). *Comments:* Approximately 10,000 square feet.

(4) Family Housing units (56 units with Garages). *Comments:* Approximately 101,000 square feet.

(5) Miscellaneous facilities (27 structures). *Comments:* Approximately 69,000 square feet. Includes post office, bank, commissary, chapel, library, exchange, mess, storage, etc.

(6) Paved areas. *Comments:* Approximately 58,482 square yards of roads, parking lots, sidewalks, and bridges.

(7) Recreational facilities include pools, ball fields, and playing fields. *Comments:* Measuring systems vary.

(8) Utility facilities (approximately 11 structures) *Comments:* Approximately 13,000 square feet, measuring systems vary; gas, telephone, electric, storm drainage, water, sewer, fire protection systems, etc.

Redevelopment Planning. Pursuant to section 2905(b)(7)(F) of the Act, the Navy Supply Corps School Local Redevelopment Authority (the LRA) will conduct a community outreach effort with respect to the surplus property and will publish, within 30 days of the date of this notice, in a newspaper of general circulation in the communities within the vicinity of Naval Supply Corps School, Athens, GA the time period for during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, telephone number, and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. E6–7093 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Navy-Marine Corps Reserve Center, Reading, PA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Navy-Marine Corps Reserve Center, Reading, PA.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Mr. David Drozd, Director, Base Realignment and Closure Program Management Office, Northeast, 4911 South Broad Street, Philadelphia, PA 19112–1303, telephone 215–897–4909.

SUPPLEMENTARY INFORMATION: In 2005, Navy-Marine Corps Reserve Center, Reading, PA was designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other Federal agencies. The Navy has evaluated all timely Federal requests and has made a

decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for surplus property at Navy-Marine Corps Reserve Center, Reading, PA is published in the **Federal Register**.

Redevelopment Authority. The local redevelopment authority for Navy-Marine Corps Reserve Center, Reading, PA is the Reading Berks Public Safety Local Redevelopment Authority. The point of contact is Judith L. Schwank, County Commissioner Chair, County of Berks, Office of the Commissioners, Berks County Services Center—13th Floor, 633 Court Street, Reading, PA 19601–4310, telephone 610–478–6100.

Surplus Property Description. The following is a list of the land and facilities at Navy-Marine Corps Reserve Center, Reading, PA that are surplus to the needs of the Federal Government.

a. *Land*. Navy-Marine Corps Reserve Center, Reading consists of approximately 7.06 acres of improved and unimproved land located within Berks County and the City of Reading. In general, all areas will be available when the installation closes in September 2010.

b. *Buildings*. The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(1) Administrative/office facility (1 structure). *Comments:* Approximately 34,736 square feet.

(2) Maintenance production facility (4 structures). *Comments:* Approximately 8,116 square feet. Includes gun shed-garage, garage, paint locker, and howitzer shed.

(3) Paved areas (roads and surface areas). *Comments:* Approximately 1,935 square yards consisting of roads and other similar pavements. Approximately 15,042 square yards consisting of other surface areas, i.e., parking lots, sidewalks-areaways, and walks-areaways.

(4) Utility facilities (approx 4 structures). *Comments:* measuring systems vary; sanitary sewer, storm sewer, gas, swale/drainage ditch.

Redevelopment Planning. Pursuant to section 2905(b)(7)(F) of the Act, Reading Berks Public Safety Local Redevelopment Authority (the LRA) will conduct a community outreach effort with respect to the surplus property and will publish, within 30 days of the date of this notice, in a newspaper of general circulation in the communities within the vicinity of Navy-Marine Corps Reserve Center, Reading, PA the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, telephone number, and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. E6–7095 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Information on Surplus Land at a Military Installation Designated for Disposal: Naval Station Pascagoula, MS, Lakeside Manor and Sandhill Housing Areas

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: This notice provides information on the surplus property at Naval Station Pascagoula, MS, Lakeside Manor and Sandhill Housing areas.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kesler, Director, Base Realignment and Closure Program Management Office, 1455 Frazee Road, San Diego, CA 92108–4310, telephone 619–532–0993; or Mr. James E. Anderson, Base Realignment and Closure Program Management Office, Southeast, 2144 Eagle Drive, North Charleston, SC 29406, telephone 843–820–5809.

SUPPLEMENTARY INFORMATION: In 2005, Naval Station Pascagoula, Lakeside Manor and Sandhill Housing areas were designated for closure under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended (the Act). Pursuant to this designation, on January 23, 2006, land and facilities at this installation were declared excess to the Department of Navy (Navy) and available to other Department of Defense components and other federal agencies. The Navy has evaluated all timely Federal requests and has made a decision on property required by the Federal Government.

Notice of Surplus Property. Pursuant to paragraph (7)(B) of Section 2905(b) of the Act, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the surplus property at Naval Station Pascagoula, MS, Lakeside Manor and Sandhill Housing areas is published in the **Federal Register.**

Redevelopment Authority. The local redevelopment authority for Naval Station Pascagoula, Lakeside Manor and Sandhill Housing areas is the Naval Station Pascagoula Local Redevelopment Planning Authority, 3033 Pascagoula Street, P.O. Drawer 1558, Pascagoula, MS 39568. The point of contact is Mr. George Freeland, telephone 228–769–6263.

Surplus Property Description. The following is a list of the land and facilities at Naval Station Pascagoula, Lakeside Manor and Sandhill Housing areas that are surplus to the needs of the Federal Government.

a. Lakeside Manor Housing Area.

(1) Land. Naval Station Pascagoula, Lakeside Manor consists of approximately 33 acres of improved land located within Jackson County and the City of Pascagoula. In general, this area will be available in September 2011.

(2) Buildings. The following is a summary of the buildings and other improvements located on the above-described land that will also be available when the installation closes. Property numbers are available on request.

(a) Bachelor quarters housing (2 structures).

Comments: Approximately 186,400 square feet.

(b) Maintenance facility (1 structure).

Comments: Approximately 2,500 square feet.

(c) Miscellaneous facilities (4 structures).

Comments: Approximately 2,000 square feet. Includes guard shack, auto hobby shop, wash rack and restroom.

(d) Paved areas (roads and surface areas).

Comments: Approximately 13,300 square yards of roads, sidewalks, parking lots, etc).

(e) Recreational facilities include ball fields, playgrounds, and indoor recreation areas.

b. Sandhill Housing area.

(1) Land. Naval Station Pascagoula, MS, Sandhill Landing consists of approximately 73 acres of improved land located within Jackson County, MS and the City of Gautier, MS. In general,

this area will be available in September 2011.

(2) Buildings. The following is a summary of the buildings and other improvements located on the above-described land that will also be available after the installation closes. Property numbers are available on request.

(a) Housing units (160 units). Comments: 94 three-bedroom townhouse apartments and 66 four-bedroom apartments.

(b) Paved areas (roads and surface areas). Comments: Approximately 16,443 square yards consisting of roads and other surface areas, i.e., sidewalks, parking lots, etc).

(c) Recreational facilities. Comments: Measuring systems vary; basketball and tennis courts, tot lots, picnic, and playgrounds.

Redevelopment Planning. Pursuant to Section 2905(b)(7)(F) of the Act, the Naval Station Pascagoula Redevelopment Planning Authority (the LRA) will conduct a community outreach effort with respect to the surplus property and will publish, within 30 days of the date of this notice, in a newspaper within the vicinity of the Naval Station Pascagoula, MS, Lakeside Manor and Sandhill Housing areas, the time period during which the LRA will receive interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, telephone number, and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest.

Dated: May 3, 2006.

Eric McDonald,

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

[FR Doc. E6–7098 Filed 5–9–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Open Meeting of the National Advisory Council on Indian Education

AGENCY: National Advisory Council on Indian Education (NACIE), U.S. Department of Education.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the National Advisory Council on Indian Education (the Council) and is intended to notify the general public of their opportunity to attend. This notice also describes the functions of the Council. Notice of the Council's meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act and by the Council's charter. This notice is appearing in the **Federal Register** less than 15 days before the date of the meeting due to scheduling issues.

Agenda: The Council will discuss their development of the Council's Annual Report to Congress, subcommittee work activities and updates on Executive Order 13336.

Date and Time: May 23, 2006; 9 a.m. to 4 p.m.

Location: Hilton Washington Dulles Airport, 13869 Park Center Road, Herndon, VA 20171.

FOR FURTHER INFORMATION CONTACT: Bernard Garcia, Group Leader, Office of Indian Education, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: 202–260–1454. Fax: 202–260–7779.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of Education on the funding and administration (including the development of regulations, and administrative policies and practices) of any program over which the Secretary has jurisdiction and includes Indian children or adults as participants or programs that may benefit Indian children or adults, including any program established under Title VII, Part A of the ESEA. The Council submits to the Congress, not later than June 30 of each year, a report on the activities of the Council that includes recommendations the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants or that may benefit Indian children or adults, and recommendations concerning the funding of any such program.

The general public is welcome to attend the May 23, 2006 meeting to be held from 9 a.m. to 4 p.m. in Herndon, Virginia. Individuals who need accommodations for a disability in order to participate (*i.e.,* interpreting services, assistive listening devices, materials in alternative format) should notify Bernard Garcia at 202–260–1454 by May 12, 2006. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

Records are kept of all Council proceedings and are available for public inspection at the Office of Indian Education, United States Department of Education, Room 5C141, 400 Maryland Avenue, SW., Washington, DC 20202.

Henry L. Johnson,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 06–4389 Filed 5–9–06; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open teleconference meeting.

SUMMARY: This notice announces an open teleconference meeting of the Secretary of Energy Advisory Board. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), requires that agencies publish these notices in the **Federal Register** to allow for public participation.

DATES: Friday, May 19, 2006, 1:30 p.m.–2:30 p.m., eastern daylight standard time.

ADDRESSES: Participants may call the Office of the Secretary of Energy Advisory Board at (202) 586–7092 to reserve a teleconference line and receive a call-in number, or to pre-register for public comment. Public participation is welcome. The number of teleconference lines is limited and will be available on a first come basis.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Richard, Executive Director, Secretary of Energy Advisory Board (AB–1), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8877 or (202) 586–6279 (fax).

Note: Copies of the draft final report of the Science and Mathematics Education Task Force may be obtained from the following Internet address *http://www.seab.energy.gov/news.htm* or by contacting the Office of the Secretary of Energy Advisory Board at (202) 586–7092.

SUPPLEMENTARY INFORMATION: Purpose of the board: The purpose of the Secretary of Energy Advisory Board is to provide the Secretary of Energy with essential independent advice and recommendations on issues of national importance. The Board and its subcommittees provide timely, balanced, and authoritative advice to the Secretary of Energy on the Department's management reforms, research, development, and technology activities, energy and national security responsibilities, environmental cleanup activities, and economic issues relating to energy. During the open

teleconference meeting the Board will discuss the draft findings and recommendations of the Science and Mathematics Education (SME) Task Force. The Task Force is a subcommittee of the Secretary of Energy Advisory Board. It was formed to provide the Board and the Secretary of Energy with advice on how the DOE could most effectively utilize its scientific and technical resources, including its national laboratories, to inspire, educate, and encourage a new generation of career scientists and engineers to meet the challenges of the future and to enhance the scientific literacy of the nation. The Task Force was also asked to recommend short-term and long-term initiatives that the Department and its national laboratories should pursue to leverage their resources to address the need for skilled scientists, engineers and technicians, and to achieve the scientific and technical advances essential to our future and the security of the nation. The Task Force's recommendations were requested to complement the major efforts of the National Science Foundation, National Aeronautics and Space Administration, Department of Education, and other federal agencies.

On May 19th, the Board will conduct a teleconference to discuss the findings and recommendations contained in the draft final report of the Science and Mathematics Education Task Force.

Tentative Agenda

Friday, May 19, 2006

1:30 p.m.–1:40 p.m. Welcome & Opening Remarks—Mr. M. Peter McPherson, Chairman of the Secretary of Energy Advisory Board

1:40 p.m.–1:55 p.m. Overview of the Science and Mathematics Education Task Force's draft Findings and Recommendations—Dr. Louis Proenza, Task Force Chairman

1:55 p.m.–2:15 p.m. Public Comment Period

2:15 p.m.–2:30 p.m. Board Review & Comment and Action—Mr. M. Peter McPherson, Chairman of the Secretary of Energy Advisory Board

2:30 p.m. Adjourn

This agenda is tentative and subject to change.

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Secretary of Energy Advisory Board and submit advance written comments or comment during the scheduled public comment period. The Chairman of the Board is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business. During its open teleconference meeting, the Board welcomes public comment. Members of the public will be heard in the order in which they have registered for public comment at the beginning of the meeting. The Board will make every effort to hear the views of all interested parties. You may also submit written comments in advance of the meeting to Michael Richard, Executive Director, Secretary of Energy Advisory Board, AB–1, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. The Board should receive advance written comments no later than 1 p.m., May 16, 2006. This notice is being published less than 15 days before the date of the meeting due to the late resolution of scheduling issues.

Minutes: A copy of the minutes and a transcript of the open teleconference meeting will be made available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m.. and 4 p.m., Monday through Friday except Federal holidays. Further information on the Secretary of Energy Advisory Board and its subcommittees may be found at the Board's Web site, located at *http://www.seab.energy.gov/.*

Issued at Washington, DC, on May 4, 2006.

Carol Matthews,

Acting Advisory Committee Management Officer.

[FR Doc. E6–7132 Filed 5–9–06; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2005–0509, FRL 8168–2]

Agency Information Collection Activities: Submission to OMB for Review and Approval; Comment Request; Acid Rain Program Under Title IV of the CAA Amendments of 1990 (Renewal), EPA ICR Number 1633.14, OMB Control Number 2060–0258

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.), this document announces that an Information Collection Request (ICF) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments must be submitted on or before June 9, 2006.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2005–0509, to (1) EPA online using *www.regulations.gov* (our preferred method), by e-mail to *a-and-r-docket@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kenon Smith, Clean Air Markets Division, Office of Air and Radiation, (6204J), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: 202–343–9164; fax number: 202–343–2361; e-mail address: *smith.kenon@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OBM for review and approval according to the procedures prescribed in 5 CFR 1320.12. On January 5, 2006 (71 FR 597), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received 1 comment during the comment period, which is addressed in the ICR. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–OAR–2005–0509, which is available for online viewing at *www.regulations.gov*, or in person viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 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 Air and Radiation Docket and Information Center is 202–566–1742.

Use EPA's electronic docket and comment system at *www.regulations.gov*, to submit or view public comments, access the index

listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comment, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov*.

Title: Acid Rain Program.

ICR numbers: EPA ICR No. 1633.14, OMB Control No. 2060–0258.

ICR status: This ICR is currently scheduled to expire on June 30, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a current valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The Acid Rain Program was established under Title IV of the 1990 Clean Air Act Amendments. The program calls for major reductions of the pollutants that cause acid rain while establishing a new approach to environmental management. This information collection is necessary to implement the Acid Rain Program. It includes burden hours associated with developing and modifying permits, transferring allowances, obtaining allowances from the conservation and renewable energy reserve, monitoring emissions, participating in the annual auctions, completing annual compliance certifications, participating in the Opt-in program, and complying with NO_X permitting requirements. Most of this information collection is mandatory under 40 CFR parts 72–78. Some parts of it are voluntary or to obtain a benefit, such as participation in the annual auctions under 40 CFR part 73, subpart E.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 110 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Electric Utilities, Industrial Sources, and other persons.

Estimated Number of Respondents: 1,700.

Frequency of Response: On occasion, quarterly, and annually.

Estimated Total Annual Hour Burden: 1,971,276.

Estimated Total Annual Cost: $262,369,989, which includes $71,307,000 annualized capital/startup costs, $70,951,000 annual O&M costs, and $120,111,989 annual labor costs.

Changes in the Estimates: There is an increase of 370,469 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is due to adjustments (379,044 hours), with changes in program requirements decreasing the burden (8,575 hours).

Dated: April 27, 2006.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 06–4352 Filed 5–9–06; 8:45am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0311; FRL–7775–4]

Agency Information Collection Activities; Proposed Collection; Comment Request; Notice of Supplemental Distribution of a Registered Pesticide Product; EPA ICR No. 0278.09, OMB Control No. 2070–0044

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR, entitled: ''Notice of Supplemental Distribution of a Registered Pesticide Product'' and identified by EPA ICR No. 0278.09 and OMB Control No. 2070–0044, is scheduled to expire on January 31, 2007. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection.

DATES: Comments must be received on or before July 10, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2006–0311, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Building); 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2006–0311. EPA's policy is that all comments received will be included in the 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 or e-mail. The Federal 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 regulations.gov, your e-mail

address will be automatically captured and included as part of the comment that is placed in the 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 docket 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation for this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT:

Nathanael R. Martin, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6475; fax number: (703) 305–5884; e-mail address: *martin.nathanael@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What Should I Consider when I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the collection activity.

7. Make sure to submit your comments by the deadline identified under **DATES**.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

III. What Information Collection Activity or ICR Does this Action Apply to?

Affected entities: Entities potentially affected by this action are pesticide registrants.

Title: Notice of Supplemental Distribution of a Registered Pesticide Product.

ICR numbers: EPA ICR No. 0278.09, OMB Control No. 2070–0044.

ICR status: This ICR is currently scheduled to expire on January 31, 2007. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This collection activity provides the Agency with notification of supplemental registration of distributors of pesticide products. EPA is responsible for the regulation of pesticides as mandated by Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Section 3(e) of FIFRA allows pesticide registrants to distribute or sell a registered pesticide product under a different name instead of or in addition to their own. Such distribution and sale is termed ''supplemental distribution'' and the product is termed a ''distributor product.'' EPA requires the pesticide registrant to submit a supplemental statement (EPA Form 8570–5, Notice of Supplemental Distribution of a Registered Pesticide Product) when the registrant has entered into an agreement with a second company that will distribute the registrant's product under the second company's name and product name.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.25 hours per response, or 15 minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 2,479.

Frequency of response: As needed.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 620 hours.

Estimated total annual costs: $ 63,066.

IV. Are There Changes in the Estimates from the Last Approval?

There is a decrease of 380 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA's revised estimates based on changes in tracking methodology. This change is an adjustment.

V. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: April 21, 2006.

Susan B. Hazen,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. E6–6920 Filed 5–9–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0324; FRL–8058–2]

Notice of Filing of a Pesticide Petition for Establishment of Regulations for Residues of Metrafenone (BAS 560 F) in or on Table and Wine Grapes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of metrafenone (3-bromo-6-methoxy-2-methylphenyl)(2,3,4-trimethoxy-6-methylphenyl)methanone (BAS 560 F) in or on table and wine grapes.

DATES: Comments must be received on or before June 9, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2006–0324 and pesticide petition number (PP) 4E6884 by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2006–0324. EPA's policy is that all comments received will be included in the 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 or e-mail. The Federal 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*,or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Janet Whitehurst, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6129; e-mail address: *whitehurst.janet@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then

identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket 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 Tolerance

PP 4E6884. BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709, proposes to establish a tolerance for residues of the fungicide metrafenone (3-bromo-6-methoxy-2-methylphenyl)(2,3,4-trimethoxy-6-methylphenyl) methanone) (BAS 560 F) in or on food commodities table and wine grapes at 0.5 parts per million (ppm). BASF Analytical Methods No. FAMS 105-01 and No. FAMS 106-01 were developed to determine residues of BAS 560 F in grapes and wine, respectively.

In Method FAMS 105-01, BAS 560 F residues are extracted from the sample with n-heptane/acetone 8/2 (v/v). This is followed by liquid/liquid partition with ethyl acetate/water to remove sugar coextractives and the organic phase is then dried with sodium sulfate. The extract is subjected to further cleanup using high performance liquid chromatography (HPLC) Quantitation determination of BAS 560 F is carried out by capillary gas chromatography with an electron capture detector (GC/ECD). In Method FAMS 106-01, BAS 560 F residues are extracted from the sample by means of an Extrelut cartridge (Extrelut NT 20, pre-packed columns for extraction of lipophilic compounds from aqueous solutions). The extract is subjected to further cleanup using HPLC. Quantitative determination of BAS 560 F is carried out by GC/ECD. An independent laboratory validation demonstrated good performance of these methods.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 26, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6–7124 Filed 5–9–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0372; FRL–8067–8]

Notice of Filing of Pesticide Petition for Establishment of Regulations for Residues of Zeta Cypermethrin in or on Turnip Greens and Cilantro

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of zeta cypermethrin in or on turnip greens and cilantro.

DATES: Comments must be received on or before June 9, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2006–0372 and pesticide petition number PP 3E6677, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2006–0372. EPA's policy is that all comments received will be included in the 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 or e-mail. The Federal 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*,or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Shaja R. Brothers, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-3194; e-mail address: *brothers.shaja@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket 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 of regulations in 40 CFR 180.418 for residues of zeta cypermethrin in or on turnip greens and cilantro. 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 Tolerances

PP 3E6677. Interregional Research Project Number 4 (IR-4), 681 Highway 1 South, North Brunswick, NJ 08902-3390, proposes to establish tolerances for residues of the insecticide zeta cypermethrin(±)-Cyano(3-phenoxyphenyl)methyl (±) cis, trans 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate and its inactive isomers in or on turnip greens at 14.0 parts per million (ppm) and cilantro at 10.0 ppm. There is a practical analytical method for detecting and measuring levels of cypermethrin in or on food with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances (Gas Chromatography with Electron Capture Detection).

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 28, 2006.

Lois Rossi

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6–6863 Filed 5–9–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0334; FRL–8067–7]

Notice of Filing of a Pesticide Petition for Establishment of Regulations for Residues of Pirimiphos-methyl in or on Sunflower Seeds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of pirimiphos-methyl in or on Sunflower Seeds.

DATES: Comments must be received on or before June 9, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2006–0334 and pesticide petition number PP 6E7056, by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2006–0334. EPA's policy is that all comments received will be included in the 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 or e-mail. The Federal 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*,or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Shaja R. Brothers, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-3194; e-mail address: *brothers.shaja@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket 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 of regulations in 40 CFR 180.409 for residues of pirimiphos-methyl in or on sunflower seeds. 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 6E7056. Interregional Research Project Number 4 (IR-4), 681 Highway 1 South, North Brunswick, NJ 08902-3390, proposes to establish a tolerance for residues of the insecticide pirimiphos-methyl in or on sunflower seeds at 10 parts per million (ppm). The samples were analyzed using the working method titled ''Pirimiphos-Methyl: Magnitude of the Residue on Sunflower'', a method very similar to the reference method, ''Determination of Residues of Pirimiphos-methyl and its Phosphorus-containing metabolites in Crops, Water and Animal Tissues. Residue Analytical Method No. 11A, ICI Plant Protection Limited.'' No analysis of metabolites was conducted.

Sunflower seeds are blended with 20% acetone/hexane, filtered, and then partitioned with hexane/acetonitrile to remove the oil. Sunflower oil samples are dissolved in hexane and partitioned with hexane/acetonitrile to remove the oil. The combined acetonitrile layers are concentrated prior to cleanup. Processed meal samples are homogenized with 20% acetone/hexane, filtered, and then concentrated. Oil is removed via a hexane/acetonitrile partition. Samples from all matrices are then cleaned up by a Florisil cleanup procedure. All samples are analyzed for pirimiphos-methyl using a Hewlett-Packard 5890 gas chromatograph with a flame photometric (FPD) operated in the phosphorus mode (526 nm filter).

Method suitability was evaluated both prior to sample analysis and concurrently with sample analysis. The method was validated prior to sample analysis using commercially obtained dried sunflower root. The method validation recoveries ranged from 81 to 92% in seeds, 85 to 106% in meal, and 80 to 93% in oil. Concurrent recoveries obtained during sample analysis ranged from 85 to 106% in seeds, 78 to 92% in meal, and 86 to 94% in oil.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 28, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6–6922 Filed 5–9–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0366; FRL–8067–4]

Notice of Filing of Pesticide Petitions for Establishment to Regulations for Residues of Bifenthrin in or on Leafy Brassica Greens, Subgroup 5B; Turnip Greens; Tuberous and Corm Vegetables, Subgroup 1C; Okra; Dried Shelled Pea and Bean (Except Soybean), Subgroup 6C; and Cilantro

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of Bifenthrin in or on Leafy Brassica Greens, Subgroup 5B; Turnip Greens; Tuberous and Corm Vegetables, Subgroup 1C; Okra; Dried Shelled Pea and Bean (Except Soybean), Subgroup 6C; and Cilantro.

DATES: Comments must be received on or before June 9, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2006–0366, by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 pm., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2006–0366. EPA's policy is that all comments received will be included in the 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 or e-mail. The Federal 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are 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: Shaja R. Brothers, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-3194; e-mail address: *brothers.shaja@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket 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.

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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 each pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment of regulations in 40 CFR part 180.442 for residues of bifenthrin in or on leafy brassica greens, subgroup 5B; turnip greens; tuberous and corm vegetables, subgroup 1C; okra; dried shelled pea and bean (except soybean), subgroup 6C; and cilantro. EPA has determined that this pesticide petitions contain 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 petitions. Additional data may be needed before EPA rules on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of the petitions included in this notice, prepared by the petitioner 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 2E6451, 3E6882, 2E6492, 2E6423, and 4E6843. Interregional Research Project No. 4 (IR-4), 681 Highway 1 South, North Brunswick, NJ 08902-33901, proposes to establish tolerances for residues of the insecticide bifenthrin, ((2-methyl 1,1 -biphenyl-3-yl) methyl-3-(2-chloro-3,3,3,-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate) in or on leafy brassica greens, subgroup 5B at 3.0 parts per million (ppm) (2E6451); turnip greens at 3.0 ppm (2E6451); tuberous and corm vegetables, subgroup 1C at 0.1 ppm (3E2688), okra at 0.5 ppm (2E2649); dried shelled pea and bean (except soybean), subgroup 6C at 0.1 ppm (2E6423); and cilantro at 5.0 ppm (4E6843). There is a practical analytical method for detecting and measuring levels of bifenthrin in or on food with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances Gas Chromatography with Electron Capture Detection (GC/ECD).

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 28, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6–6932 Filed 5–9–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0331; FRL–8067–5]

Notice of Filing of Pesticide Petition for Establishment to Regulations for Residues of Cymoxanil in or on Grapes and Hops

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of cymoxanil in or on grapes and hops.

DATES: Comments must be received on or before June 9, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2006–0331, by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 pm., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2006–0331. EPA's policy is that all comments received will be included in the 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 or e-mail. The Federal 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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.

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FOR FURTHER INFORMATION CONTACT: Shaja R. Brothers, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-3194; e-mail address: *brothers.shaja@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).

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B. What Should I Consider as I Prepare My Comments for EPA?

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2. *Tips for preparing your comments*. When submitting comments, remember to:

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. 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 of regulations in 40 CFR part 18.503 for residues of cymoxanil in or on grapes and hops. 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 5E7000. Interregional Research Project No. 4 (IR-4), 681 Highway 1 South, North Brunswick, NJ 08902-3390, proposes to establish tolerances for residues of the fungicide cymoxanil; 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino)acetamide, in or on the following raw agricultural commodities: grapes (east of the Rockies) at 0.1 parts per million (ppm); and hops, dried at 5.0 ppm.. An analytical enforcement method is available for determining these plant residues by high performance level chromotography (HPLC) with ultraviolet (UV) detection. The limit of quantitation allows monitoring of crops with cymoxanil residues at or above the levels proposed in these tolerances.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 27, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6–6933 Filed 5–9–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0332; FRL–8067–6]

Notice of Filing of Pesticide Petition for Establishment to Regulations for Residues of Famoxadone in or on Grapes and Hops

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of famoxadone in or on grapes and hops.

DATES: Comments must be received on or before June 9, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2006–0332, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.
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Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2006–0332. EPA's policy is that all comments received will be included in the 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 or e-mail. The Federal 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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.

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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 of regulations in 40 CFR part 180.593 for residues of famoxadone in or on grapes and hops. 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 5E7001. Interregional Research Project No. 4 (IR-4), 681 Highway 1 South, North Brunswick, NJ 08902-3390, proposes to establish tolerances for residues of the fungicide, famoxadone in or on the following raw agricultural commodities: Grapes (east of the Rockies) at 2.50 parts per million (ppm); and hops, dried at 60 ppm. An analytical enforcement method is available for determining famoxadone plant residues in or on potatoes, cucurbit vegetables (cucumbers, melons, and squash), fruiting vegetables (tomatoes, peppers), and head lettuce using gas-liquid chromatography (GC) with nitrogen phosphorus detection (NPD). The method is applicable to high and medium moisture, oily and non-oily crops, and related matrices. The limit of quantitation (LOQ) is 0.02 ppm.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 28, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6–6934 Filed 5–9–06; 8:45 am]

BILLING CODE 6560–50–S

Equal Employment Opportunity Commission

Notice of Meeting; Sunshine Act

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Wednesday, May 17, 2006, 10 a.m. Eastern Time.

PLACE: Clarence M. Mitchell, Jr. Conference Room on the Ninth Floor of the EEOC Office Building, 1801 ''L'' Street, NW., Washington, DC 20507.

STATUS: The Meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes, and
2. Continued Dialogue: Race and Color Discrimination.

Note: In accordance with the Sunshine act, the meeting will be open to public observation of the Commission's deliberations and voting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.)

Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings.

FOR FURTHER INFORMATION CONTACT: Stephen Llewellyn, Acting Executive Officer on (202) 663–4070.

This notice issued May 5, 2006.

Stephen Llewellyn,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 06–4392 Filed 5–8–06; 10:15 am]

BILLING CODE 6570–06–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Requirement Submitted to OMB for Emergency Review and Approval

May 2, 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: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 9, 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 contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Kristy L. LaLonde, Office of Management and Budget, Room 10234 NEOB, Washington, DC 20503, (202) 395–3087, or via fax at 202–395–5167 or via internet at *Kristy_L._LaLonde@omb.eop.gov*. and to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or an e-mail to *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/pra*.

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 *JudithB.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Commission is requesting emergency OMB processing of this revised information collection and has requested OMB approval by May 16, 2006.

OMB Control Number: 3060–0600.

Title: Application to Participate in an FCC Auction.

Form No.: FCC Form 175.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, state, local and tribal government.

Number of Respondents: 560.

Estimated Time Per Response: .25—1.5 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 765 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: The Commission is seeking emergency processing of this revised information collection by May 16, 2006.

On April 25, 2006, the Commission adopted and released a *Second Report and Order and Second Further Notice of Proposed Rulemaking* in FCC 06–52, WT Docket No. 05–211. This rulemaking will become effective thirty days after publication in the **Federal Register**. The Commission adopted this rulemaking governing whether applicants to participate in Commission auctions are eligible to receive designated entity (DE) benefits. Applicants to participate in the auction that claim to qualify as designated entities must so certify on FCC Form 175, the short-form application to participate in the auction. In order to allow time for the Commission to review and process their FCC Form 175, as well as to allow applicants time to correct and supplement FCC Form 175 as necessary, parties seeking to participate in the AWS 1 auction must file the form by May 10. Given that designated entity applicants will have filed FCC Form 175 prior to the effective date of any designated entity rule changes adopted pursuant to the *Second Report and Order,* the Commission will require each such applicant to amend its FCC Form 175 on or after the effective date of the rule changes with a statement declaring, under penalty of perjury, that the applicant is qualified as a designated entity pursuant to § 1.2110 of the Commission's rules effective as of the date of the statement. Therefore, this information collection is being modified by requiring a one-time additional declaration from a limited number of respondents.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E6–7037 Filed 5–9–06; 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

May 2, 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 June 9, 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 an e-mail to *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/pra.*

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.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0979.

Title: Spectrum Audit Letter.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit; not-for-profit institutions and state, local or tribal government.

Number of Respondents: 310,000.

Estimated Time Per Response: .5 hours.

Frequency of Response: One-time reporting requirement.

Total Annual Burden: 155,000 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: Yes.

Needs and Uses: The Commission is submitting this information collection to OMB as an extension (no change in reporting requirements) in order to obtain the full three-year clearance from them.

The Commission conducts an audit of the construction and/or operational status of various wireless radio stations in its licensing database that are subject to rule-based construction and operational requirements. The Commission's rules for these wireless services require construction within a specified time frame and require a station to remain operational in order for the license to remain valid. The Commission uses this information to ensure that licensees' stations are constructed and currently operating in accordance with the parameters of the current FCC authorization and rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E6–7138 Filed 5–9–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 03–123; DA 06–970]

National Exchange Carrier Association Submits the Payment Formula and Fund Size Estimate for Interstate Telecommunications Relay Services Fund for the July 2006 Through June 2007 Fund Year

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission seeks comment on the National Exchange Carrier Association (NECA), the Interstate Telecommunications Relay Service (TRS) Fund Administrator, annual payment formula and fund size estimate for the Interstate TRS Fund.

DATES: Comments are due on or before May 17, 2006. Reply comments are due on or before May 24, 2006.

ADDRESSES: You may submit comments, identified by [CG Docket No. 03–123], by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: *http://www.fcc.gov/cgb/ecfs/*. Follow the instructions for submitting comments.
- Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted, along with three paper copies, to: Dana Jackson, Consumer & Governmental Affairs Bureau, Disability Rights Office, 445 12th Street, SW., Room 3–C418, Washington, DC 20554. Such submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Word 97 or a compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labeled with the filers name, proceeding (including the lead docket number in the case (CG Docket No. 03–123), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, comments must send diskette copies to the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY–CB402, Washington, DC, 20554.
- A copy of this document, NECA's submission and any subsequently file documents in this matter will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554, (202) 418–0270. This document, NECA's submission and any subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at their Web site, *http://www.bcpiweb.com*, or call 1–800–378–3160. A Copy of the submission may also be found by searching on the Commission's Electronic Comment Filing System (ECFS) at *http://www.fcc.gov.cgb/ecfs* (insert CG Docket No. 03–123 into the Proceeding block).
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone (202) 418–0539 or TTY: (202) 418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Thomas Chandler, Consumer & Governmental Affairs Bureau, Disability Rights Office at (202) 418–1475 (voice), (202) 418–0597 (TTY), or e-mail at *Thomas.Chandler@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document DA 06–970, released May 2, 2006, in CG Docket No. 03–123.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/cgb/ecfs/* or the Federal eRulemaking Portal: *http://www.regulations.gov.* Filers should follow the instructions provided on the Web site for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, which in this instance is CG Docket No. 03–123. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@*fcc.gov,* and include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption in this proceeding, filers must submit two additional copies of each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together

with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

• Commercial mail sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

On May 1, 2006, pursuant to 47 CFR 64.604(c)(5)(iii)(H), the National Exchange Carrier Association (NECA), the Interstate Telecommunications Relay Services (TRS) Fund Administrator, submitted its annual payment formula and fund size estimate for the Interstate TRS Fund for the period July 1, 2006, through June 30, 2007. *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990,* Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate (filed May 1, 2006) (*2006 TRS Rate Filing*).

NECA proposes per completed minute compensation rates of $1.257 for traditional TRS (compared to $1.440 for the 2005–2006 fund year); $1.219 for Internet Protocol (IP) Relay (compared to $1.278 for the 2005–2006 fund year); $1.352 for Speech-to-speech (STS) (compared to $1.579 for the 2005–2006 fund year); and $6.116 for Video Relay Service (VRS) (compared to $6.644 for the 2005–2006 fund year). NECA proposes a carrier contribution factor of 0.00492 (compared to 0.00564 for the 2005–2006 fund year) and a fund size requirement of $386.3 million (compared to $441.5 million for the 2005–2006 fund year).

Federal Communications Commission.

Jay Keithley,

Deputy Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. E6–7140 Filed 5–9–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–06–65-G (Auction No. 65); DA 06–984]

Auction of 800 MHz Air-Ground Radiotelephone Service Licenses Scheduled for May 10, 2006; Clarification of Treatment of Bids by Bidders Sharing a Controlling Interest

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the procedures for the upcoming auction of new nationwide commercial Air-Ground Radiotelephone Service licenses in the 800 MHz band scheduled for May 10, 2006.

FOR FURTHER INFORMATION CONTACT: Auctions and Spectrum Access Division, WTB: *For legal questions:* Howard Davenport at (202) 418–0660. *For general auction questions:* Jeff Crooks at (202) 418–0660 or Barbara Sibert at (717) 338–2888. Mobility Division, WTB: *For service questions:* Erin McGrath or Richard Arsenault (legal) or Jay Jackson or Moslem Sawez (technical) at (202) 418–0620.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 65 Supplemental Procedures Public Notice* released on May 4, 2006. The complete text of the *Auction No. 65 Supplemental Procedures Public Notice,* and related documents are available for public inspection and copying from 8 a.m. to 4:30 p.m. Monday through Thursday or from 8 a.m. to 11:30 a.m. on Friday at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The *Auction No. 65 Supplemental Procedures Public Notice* and related Commission documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, facsimile 202–488–5563, or you may contact BCPI at its Web site: *http://www.BCPIWEB.com.* When ordering documents from BCPI please provide the appropriate FCC document number for example, DA 06–984. The *Auction No. 65 Supplemental Procedures Public Notice* and related documents are also available on the Internet at the Commission's Web site: *http://wireless.fcc.gov/auctions/65/.*

I. Background

1. On February 21, 2006, the Wireless Telecommunications Bureau (Bureau) announced the procedures for the upcoming auction of new nationwide commercial Air-Ground Radiotelephone Service licenses in the 800 MHz band scheduled for May 10, 2006 (Auction No. 65). The Bureau clarifies how previously-announced procedures will take into account the Commission's requirement that no individual or entity may hold, directly or indirectly, a controlling interest in licenses authorizing the use of more than three megahertz of spectrum.

2. Two nationwide commercial licenses in the 800 MHz band will be assigned based on the results of Auction No. 65. Due to the restriction on any party holding a controlling interest in licenses authorizing the use of more than three megahertz of spectrum, no party may hold a controlling interest in more than one license to be assigned by Auction No. 65. Accordingly, the procedures of Auction No. 65 will not assign both licenses to any single applicant or to multiple applicants that, based on their short-form auction applications (FCC Form 175), share a common controlling interest.

A. Provisionally Winning Bids

3. In the *Auction No. 65 Procedures Public Notice,* 71 FR 11645 (March 8, 2006), the Commission stated that, at the end of each bidding round, the FCC Auction System will determine the provisionally winning bids by determining which combination of licenses comprising a single band plan has the highest aggregate gross bid amount by considering all of the bids that have been placed in the auction subject to the restriction that a single bidder cannot have more than one provisionally winning bid. Given that the restriction on holding more than one license applies not only to a single bidder but also to multiple bidders sharing a common controlling interest, the following more comprehensively describes how provisionally winning bids will be determined. At the end of each bidding round, the FCC Auction System will determine which combination of licenses comprising a single band plan has the highest aggregate gross bid amount by considering all of the bids that have been placed in the auction subject to the restriction that neither a single bidder nor multiple bidders sharing a common controlling interest, as disclosed on their short-form auction applications, can have more than one provisionally winning bid.

4. The restrictions used in the process of determining provisionally winning bids will not impose any restriction on bids that otherwise may be placed. That

is, a single bidder, or multiple bidders sharing a common controlling interest, may place bids on multiple licenses, including licenses that comprise a single band plan. The process of determining provisionally winning bids will not select two such bids (*i.e.*, two bids on two licenses in a single band plan placed by a single bidder or by multiple bidders sharing a common controlling interest) as the provisionally winning bids on both licenses. Nevertheless, one of the bids placed by a bidder, or by multiple bidders that together may not hold more than one license, may be selected as a provisionally winning bid.

5. The FCC Auction System's selection of provisionally winning bids does not constitute a Commission determination that winning bidders are eligible to hold a license pursuant to § 22.853 or any other Commission rule. The restriction against selecting more than one provisionally winning bid from bids by multiple bidders with a shared controlling interest will be implemented based on information the applicants provided in short-form applications to participate in the auction. Each winning bidder remains responsible for compliance with all applicable Commission rules governing applications for a license and licensees, including § 22.853. Winning bidders that are ineligible to hold a license for any reason are subject to default payments under § 1.2104(g)(2).

B. Minimum Acceptable Bids

6. The Commission's prohibition against assigning more than one license to multiple bidders sharing common controlling interests also will be taken into account in the procedures for determining minimum acceptable bid amounts in Auction No. 65. *The Auction No. 65 Procedures Public Notice* included an explanation of how the process for determining minimum acceptable bid amounts. This process includes setting a price for each license described as follows: For licenses with provisionally winning bids, this price will be equal to the amount of the provisionally winning bid. For non-provisionally winning licenses, the price will be equal to the amount of the highest bid placed on the license by any non-provisionally winning bidder.

7. The process for determining the minimum acceptable bid for non-provisionally winning licenses reflects the fact that multiple bidders sharing a common controlling interest cannot win more than one license. For non-provisionally winning licenses, the price used to determine the minimum acceptable bid will be equal to the amount of the highest bid placed on the license by any bidder that does not hold a provisionally winning bid and does not share a common controlling interest with another bidder that holds a provisionally winning bid.

8. The FCC Auction System will not permit a bidder to place a new bid that is equal to or less than a bid the bidder placed previously. A bidder may have placed bids that are not considered in setting the minimum acceptable bid for a license. Those bids may be higher than the minimum acceptable bid amount or one or more of the additional acceptable bid amounts. That bidder will be limited to bidding only in amounts that exceed the bids that bidder placed previously on the license. As a result, some bidders may have fewer than nine acceptable bid amounts available on each license. The FCC Auction System will list acceptable bid amounts for a given bidder consistent with this limitation and only offer bid amounts greater that the bidder's previous bid on the license.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. E6–7134 Filed 5–9–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 06–951]

Notice of Suspension and of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission (''FCC'' or ''Commission'') has received notice of the conviction of NextiraOne, LLC (''NextiraOne'') for wire fraud in violation of 18 U.S.C. 1343. Consequently, pursuant to 47 CFR 54.521, this letter constitutes official notice of NextiraOne suspension from the schools and libraries universal service support mechanism (''E-rate program''). In addition, the Enforcement Bureau (''Bureau'') hereby notifies NextiraOne that were are commencing debarment proceeding against it.

DATES: Within 90 days of receipt of any opposition to NextiraOne's suspension and proposed debarment, the Bureau or the Commission, in the absence of extraordinary circumstances, will provide NextiraOne with notice of its decision to debar. If the Bureau or the Commission decides to debar NextiraOne, its decision will become effective upon the earlier of NextiraOne's receipt of a debarment notice or publication of the decision in the **Federal Register**. May 10, 2006, NextiraOne's request must be received within 30 days after it receives this letter or after notice is published in the **Federal Register**, whichever comes first.

FOR FURTHER INFORMATION CONTACT: Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street, SW., Washington, DC 20554, Diana Lee may be contacted by phone at (202) 418–0843 or e-mail at *diana.lee@fcc.gov.* If Ms. Lee is unavailable, you may contact Eric Bash by telephone at (202) 418–1188 and by e-mail at *eric.bash@fcc.gov.*

SUPPLEMENTARY INFORMATION: These actions constitute the conduct or transactions upon which this debarment proceeding is based. Moreover, NextiraOne conviction on the basis of these acts falls within the categories of causes for debarment defined in section 54.521 of the Commission rules. The complete text of the suspension letter is available for public inspections and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554, In addition the complete text is available on the FCC's Web site at *http://www.fcc.gov.* The text may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 488–5300 or (800) 378–3160, facsimile (202) 488–5563, or via e-mail *http://www.bcpiweb.com.*

Federal Communications Commission.

William H. Davenport,

Chief, Investigations and Hearings Division, Enforcement Bureau.

The suspension letter follows:

April 28, 2006.

[DA 06–951]

Via Certified Mail

Return Receipt Requested

Robert J. Buhay, Chief Financial Officer,
NextiraOne, LLC.,
c/o Robert A. Salerno, Esq.,
Morrison & Foerster LLP,
2000 Pennsylvania Avenue, NW.,
Washington, DC 20006–1888.

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB–06–IH–1392

Dear Mr. Buhay:

The Federal Communications Commission (''FCC'' or ''Commission'') has received notice of the conviction of NextiraOne, LLC (''NextiraOne'') for wire fraud in violation of 18 U.S.C. 1343 in connection with NextiraOne's participation in the schools and libraries universal service support mechanism (''E-rate program'').[1] Consequently, pursuant to 47 CFR 54.521, this letter constitutes official notice of NextiraOne's suspension from the E-rate program. In addition, the Enforcement Bureau (''Bureau'') hereby notifies NextiraOne that we are commencing debarment proceedings against it.[2]

Although we suspend NextiraOne and initiate debarment proceedings, we acknowledge that NextiraOne has submitted a petition to waive the debarment rules (''Waiver Petition'').[3] We further note that the Department of Justice submitted a letter in reference to that petition. We emphasize that the arguments and evidence presented in both submissions will be evaluated and considered during the debarment proceeding.[4]

I. Notice of Suspension

The Commission has established procedures to prevent persons who have ''defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism'' from receiving the benefits associated with that program.[5] NextiraOne pled guilty to wire fraud for activities in connection with its participation in the E-rate program with the Oglala Nation Education Coalition (''ONEC'') schools in the District of South Dakota.

According to the plea, in December 2000, NextiraOne (known as Williams Communications Services, Inc. at that time) falsely promised ONEC schools that they could participate in the E-rate program for free; in January 2001, a member of the Oglala tribe, under Williams' guidance, submitted to the administrator of the E-rate program, the Universal Service Administrative Company (''USAC''), E-rate applications that contained non-competitive manufacturer ''list'' prices; in December 2001, NextiraOne filed an invoice with USAC even though no equipment had been delivered to ONEC schools; and beginning in December 2001, NextiraOne re-engineered the ONEC networks such that the costs decreased, but failed to notify ONEC. In January 2002, a billing employee at NextiraOne submitted an invoice by facsimile to USAC that made it falsely appear that ONEC had been billed for non-discounted portions of the equipment and services funded by E-rate, as well as certain ineligible items, and as a result, NextiraOne over-billed the E-rate program in excess of $1 million.

Pursuant to section 54.521(a)(4) of the Commission's rules[6], NextiraOne's conviction requires the Bureau to suspend it from participating in any activities associated with or related to the schools and libraries support mechanism, including the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.[7] NextiraOne's suspension becomes effective upon the earlier of its receipt of this letter or publication of notice in the **Federal Register**.[8]

Suspension is immediate pending the Bureau's final debarment determination. In accordance with the Commission's debarment rules, NextiraOne may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation. NextiraOne's request must be received within 30 days after it receives this letter or after notice is published in the **Federal Register**, whichever comes first.[9] Such requests, however, will not ordinarily be granted.[10] The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.[11] Absent extraordinary circumstances, the Bureau or the Commission will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.[12]

NextiraOne asks us to toll its mandated suspension from the E-rate program. NextiraOne offers no justification, however, for its request that we depart from our mandated suspension procedure. We will consider NextiraOne's arguments regarding the appropriateness of debarment at the debarment stage of the proceeding. Accordingly, we deny NextiraOne's request that we toll the suspension.

II. Initiation of Debarment Proceedings

NextiraOne's guilty plea to criminal conduct in connection with the E-rate program, in addition to serving as a basis for immediate suspension from the program, also serves as a basis for the initiation of debarment proceedings against the company. NextiraOne's conviction falls within the categories of causes for debarment expressly contained in section 54.521(c) of the Commission's rules.[13] Therefore, pursuant to section 54.521(a)(4) of the Commission's rules, we initiate debarment proceedings against NextiraOne.

As with its suspension, NextiraOne may contest debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**.[14] During this debarment phase of the proceeding, we will consider the arguments NextiraOne presents in its Waiver Petition. We will also weigh the views of the Department of Justice in considering NextiraOne's debarment.

Absent extraordinary circumstances, the Bureau or the Commission will debar NextiraOne.[15] Within 90 days of receipt of any opposition to NextiraOne's suspension and proposed debarment, the Bureau or the Commission, in the absence of extraordinary circumstances, will provide NextiraOne with notice of its decision to debar.[16] If the Bureau or the Commission decides to debar NextiraOne, its decision will become effective upon the earlier of NextiraOne's receipt of a debarment notice or publication of the decision in the **Federal Register**.[17]

If and when NextiraOne's debarment becomes effective, it will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for some period of time.[18]

Please direct any responses to the following address: Diana Lee, Esq., Federal Communications Commission, Enforcement

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[1] Any further reference in this letter to ''your conviction'' refers to NextiraOne's April 20, 2006 guilty plea and conviction of this count. *United States* v. *NextiraOne, LLC,* Criminal Docket No. 4:06–cr–40041–LLP, Plea Agreement (D.S.D. April 20, 2006) (''*NextiraOne Plea Agreement*'' or ''*Plea Agreement*''). Sentence was imposed on April 20, 2006 and entered on April 21, 2006.

[2] 47 CFR 54.521; 47 CFR 0.111(a)(14) (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings pursuant to 47 CFR 54.521).

[3] *See NextiraOne, LLC Petition for Waiver of Section 54.521 of the Commission's Rules,* Petition for Waiver (filed April 14, 2006) (''*Waiver Petition*'').

[4] *See generally, Waiver Petition;* Letter from Scott Hammond, Assistant Attorney General, Antitrust Division, Department of Justice, to Marlene E. Dortch, Secretary, Federal Communications (filed April 14, 2006).

[5] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 66. The Commission's debarment rules define a ''person'' as ''[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however, organized.'' 47 CFR 54.521(a)(6).

[6] 47 CFR 54.521(a)(4). *See Schools and Libraries Universal Service Support Mechanism,* Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225–9227, ¶¶ 67–74 (2003) (''*Second Report and Order*'').

[7] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 67; 47 U.S.C. 254; 47 CFR 54.502–54.503; 47 CFR 54.521(a)(4).

[8] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

[9] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(4).

[10] *Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70.

[11] 47 CFR 54.521(e)(5).

[12] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

[13] ''Causes for suspension and debarment are the conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism.'' 47 CFR 54.521(c). Such activities ''include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding schools and libraries support mechanism described in this section ([47 CFR] 54.500 *et seq.*).'' 47 CFR 54.521(a)(1).

[14] *See Second Report and Order,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i), 54.521(e)(3).

[15] *Second Report and Order,* 18 FCC Rcd at 9227, ¶ 74.

[16] *See id.,* 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5).

[17] *Id.* The Commission may reverse a debarment, or may limit the scope or period of debarment upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. 47 CFR 54.521(f).

[18] *Second Report and Order,* 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

Bureau, Investigations and Hearings Division, Room 4–C443, 445 12th Street, SW., Washington, DC 20554.

If NextiraOne submits its response via hand-delivery or non-United States Postal Service delivery (*e.g.*, Federal Express, DHL, etc.), please send the response to Ms. Lee at the following address: Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, MD 20743.

If NextiraOne has any questions, please contact Ms. Lee via mail, by telephone at (202) 418–1420 or by e-mail at *diana.lee@fcc.gov.* If Ms. Lee is unavailable, you may contact Eric Bash by telephone at (202) 418–1188 and by e-mail at *eric.bash@fcc.gov.*

Sincerely yours,

Kris A. Monteith, Chief, Enforcement Bureau.

cc: James J. Regan, Esq., Crowell and Moring LLP (via E-Mail).

E. Ashton Johnston, Esq., DLA Piper Rudnick Gray Cary, U.S. LLP (via E-Mail).

Eric C. Hoffmann, Esq., United States Department of Justice, Antitrust Division (via E-Mail).

Alicia Bentley, Esq., United States Department of Justice, Civil Division (via E-Mail).

[FR Doc. E6–7040 Filed 5–9–06; 8:45 am]

BILLING CODE 6712–01–P

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*).

Agreement No.: 011435–011.

Title: APL/CP Ships Space Charter Agreement.

Parties: American President Lines, Ltd.; APL Co. Pte Ltd.; and CP Ships USA, LLC.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment extends the agreement indefinitely and provides that either party may resign on six-month's notice.

Agreement No.: 201103–005.

Title: Memorandum Agreement of the Pacific Maritime Association of December 14, 1983 Concerning Assessments to Pay ILWU—PMA Employee Benefit Costs, As Amended, Through April 26, 2006.

Parties: Pacific Maritime Association and International Longshore and Warehouse Union.

Filing Party: Matthew J. Thomas, Esq.; Troutman Sanders LLP; 401 9th Street, NW.; Suite 1000; Washington, DC 20004–2134.

Synopsis: The amendment adjusts assessment rates under the agreement.

Agreement No.: 201129–002.

Title: Port Manatee Warehouse and Land Lease Extension and Modification Agreement.

Parties: Manatee County Port Authority and WSI of the Southeast, L.L.C.

Filing Party: Joseph W. Gontarski; Senior Director and Special Assistant to the Executive Director; Manatee County Port Authority; 300 Tampa Bay Way; Palmetto, FL 34221–6608.

Synopsis: The amendment extends the lease through December 31, 2015.

By Order of the Federal Maritime Commission.

Dated: May 5, 2006.

Bryant L. VanBrakle,

Secretary.

[FR Doc. E6–7139 Filed 5–9–06; 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

Boston Shipping Enterprises, Inc., 506 Decatur Street, Brooklyn, NY 11233. Officer: Hugh Boston, President (Qualifying Individual).

DVN Carries, LP, 6575 West Loop South, Suite 110, Bellaire, TX 77401. Officers: C. Rider Griwold, Limited Partner (Qualifying Individual), Madelaine Griswold.

TUG New York, Inc., 11 Sunrise Plaza, #304, Valley Stream, NY 11580. Officer: Robert Hslang Lin, Wu President (Qualifying Individual).

Sunitrans Logistics Private Limited, D–2135/36, Oberoi Garden Estates, Chandivli Farms Rd., Chandivli, Andheri (East), Mumbai 400 072 India. Officers: Changaram Ramesh Santosh, Chairman/President (Qualifying Individual), Ajit G. Bhat, Director.

Ocean & Sky International Freight A Partnership, 4225 S. Eastern Avenue, Ste. #4, Las Vegas, NV 89119. Officers: Sophann Chum, Owner (Qualifying Individual), Priscilla Chum, Owner.

President Container Line, Inc., 13515 S. Figueroa Street, Los Angeles, CA 90061. Officers: Chang-Yeh Tsai, President (Qualifying Individual).

Non-Vessel—Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

ZLN North America Inc., 5801 Lake Wright Drive, Norfolk, VA 23502. Officers: Tommy Stramer, CEO (Qualifying Individual), Doron Goder, Director.

Atlas Logistics (USA) LLC, 6675 Eastland Road, Middleburg Hts., OH 44130. Officer: Edward M. Zarefoss, Owner (Qualifying Individual).

Affordable Global Shipping LLC dba Affordable Global Shipping, 4007 Greenbriar Drive, #F, Houston, TX 77477. Officers: Vivian No Nsonma Iheonye, General Manager (Qualifying Individual), Sunday Kehinde Onyeniran, Co-Owner.

America's Cargo Logistics LLC, 50 Carnation Ave., Building 1, Floral Park, NY 11001. Officer: William A. Nichols, President (Qualifying Individual).

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants

Sunshine Service International, Inc., 147–35, 183 Str., Suite 203, Jamaica, NY 11413. Officer: Maia Stoichkov, Owner (Qualifying Individual).

Embarques Colonial Corporation, 1332 NW. 36th Street, Miami, FL 33142. Officers: Daisy Lantigua, President (Qualifying Individual), Eduan Sanchez, Vice President.

Savitas Express, Inc., 985 Los Lagos, Pomona, CA 91766. Officer: Peiyu (Vivian) Huang, President (Qualifying Individual).

Globaltransol L.L.C., 134 Innis Avenue, Apt. R12, Poughkeepsie, NY 12601. Officer: Eric K. Gnakadja, President (Qualifying Individual).

Awilda Shipping Corporation, 41–02 108th Street, Corona, NY 11368. Officer: Jesucito Parra, Supervisor (Qualifying Individual).

Arrow Worldwide, LLC, 917 Pacific Avenue, Tacoma, WA 98402. Officers:

Virginia Casto, Member (Qualifying Individual), Debra A. Evans, Member.

Journey Moving and Storage Corp. dba International Sea & Air, 5 Lexington Avenue, East Brunswick, NJ 08816. Officers: Michael Dragin, Vice President (Qualifying Individual), Doreen Dragin, President.

Dated: May 5, 2006.

Bryant L. VanBrakle,

Secretary.

[FR Doc. E6–7141 Filed 5–9–06; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 5, 2006.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Coastal Bancshares Acquisition Corp., Houston, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Intercontinental Bank Shares Corporation, San Antonio, Texas, and thereby indirectly acquire Intercontinental Bank Shares Corporation of Delaware, Wilmington, Delaware, and Intercontinental National Bank, San Antonio, Texas.

Board of Governors of the Federal Reserve System, May 5, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–7097 Filed 5–9–06; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Proposed Privacy Act System of Records

AGENCY: General Services Administration.

ACTION: Notice of a system of records subject to the Privacy Act of 1974.

SUMMARY: The General Services Administration (GSA) is providing notice of the establishment of the Federal Acquisition Institute's FAI Online University (GSA/OAP–5) system of records. The purpose of the system is to develop a professional acquisition workforce by providing online training on Federal government acquisition and procurement to interested public and private individuals. The system is used to maintain and track the individuals' training records, provide course information, and administer the system. The system's online training provides a more flexible alternative to traditional classroom training.

DATES: This privacy notification for the FAI Online University system will become effective on June 19, 2006, unless comments received on or before that date result in a contrary determination.

ADDRESSES: Comments should be sent to Director, Federal Acquisition Institute, c/o Defense Acquisition University, 9820 Belvoir Road, Fort Belvoir VA 22060–5565.

FOR FURTHER INFORMATION CONTACT GSA Privacy Act Officer (CIB), General Services Administration, 1800 F Street, NW, Washington DC 20405; telephone (202) 501–1452.

Dated: May 3, 2006.

June V. Huber,

Director, Office of Information Management.

GSA/OAP–5

System name: Federal Acquisition Institute (FAI) Online University.

System location: The system is managed by the Federal Acquisition Institute, located at 9820 Belvoir Road, Fort Belvoir VA 22060–5565. Contact the system manager for additional information.

Categories of individuals covered by the system: Individuals, public or private, who use the FAI Online University resources and who register for or take the online courses.

Categories of Records in the System: The system maintains a record of an individual and his/her course progress while attending online courses. Required information consists of name and e-mail. Additional information is voluntarily provided and may include:

a. Contact data (home or business address including city, state, zip code, and country; and home or business telephone and fax number).

b. Work related information, including affiliated organization, business telephone, business fax number, and manager's e-mail.

c. Training records, including course type selection, course progress, and course start/completion dates.

Authorities for maintenance of the system: 40 U.S.C. Chapters 5, 31, and 33; Title 5 U.S.C. 4101, *et. seq.*; E.O. 11348, as amended; E.O. 13111; and the Federal Procurement Policy Act (P.L. 93–400, as amended).

Purpose: To maintain a system for providing acquisition and procurement training in order to promote the development of a professional Federal acquisition workforce, ensure availability of exceptional training, and improve Federal acquisition workforce management.

Routine uses of the system records, including categories of users and their purpose for using the system:

System information may be accessed and used by authorized FAI employees, System Administrators, and contractors in the conduct of their official duties associated with tracking and administering training record and for system management purposes. In addition, information from this system may be disclosed as a routine use:

a. In any legal proceeding, where pertinent, to which GSA is a party before a court or administrative body.

b. To a Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order when GSA becomes aware of a violation or potential violation of a civil or criminal law or regulation.

c. To duly authorized officials engaged in investigating or settling a grievance, complaint, or appeal filed by

an individual who is the subject of the record.

d. To the Office of Personnel Management (OPM) and the Government Accountability Office (GAO) when the information is required for evaluation of the program.

e. To a Member of Congress or his or her staff on behalf of and at the request of the individual who is the subject of the record.

f. To an expert, consultant, or contractor of GSA in the performance of a Federal duty to which the information is relevant.

g. To the National Archives and Records Administration (NARA) for records management purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of system records:

Storage: Information is electronically collected and stored on hard drives.

Retrievability: Records are retrievable by name.

Safeguards: System records are safeguarded in accordance with the requirements of the Privacy Act and the Computer Security Act. Technical, administrative, and personnel security measures are implemented to ensure confidentiality and integrity of the system data that is stored, processed, and transmitted. Records are protected by passwords and other appropriate security measures.

Retention and disposal: Disposition of records is according to the National Archives and Records Administration (NARA) guidelines, as set forth in the GSA Records Maintenance and Disposition System handbooks OAD P 1820.2A and CIO P 1820.1, and authorized GSA records schedules.

System manager and address: Director, Federal Acquisition Institute, c/o Defense Acquisition University 9820, Belvoir Road, Fort Belvoir VA 22060–5565.

Notification procedure: An individual may obtain information on whether the system contains his or her record by e-mailing *faikc@meridianksi.com*, or sending the request to Director, Federal Acquisition Institute, c/o Defense Acquisition University, 9820 Belvoir Road, Fort Belvoir VA 22060–5565.

Record access procedures: Individuals may access their own records using their own password. Requests from individuals for access to their records also may be requested from FAI by writing to the above address.

Contesting record procedures: GSA rules for access to systems of records, for contesting the contents of systems of records, and for appealing initial determinations are published in the **Federal Register**, 41 CFR part 105–64.

Record source categories: Information is obtained from individuals who register with FAI Online University.

[FR Doc. E6–7146 Filed 5–9–06; 8:45 am]

BILLING CODE 6820–34–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the ''Schedule of Certified Interest Rates with Range of Maturities.'' This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the **Federal Register**.

The Secretary of the Treasury has certified a rate of 12⅛% for the quarter ended March 31, 2006. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: April 27, 2006.

Sheila Conley,

Deputy Assistant Secretary, Finance.

[FR Doc. 06–4347 Filed 5–9–06; 8:45am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Vaccine Advisory Committee

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the National Vaccine Advisory Committee (NVAC) will hold a meeting. The meeting is open to the public.

DATES: The meeting will be held on June 6, 2006, from 9 a.m. to 5 p.m., and on June 7, 2006, from 9 a.m. to 4 p.m.

ADDRESSES: Department of Health and Human Services; Hubert H. Humphrey Building, Room 800; 200 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Ms. Emma English, Program Analyst, National Vaccine Program Office, Department of Health and Human Services, Room 443–H Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201; (202) 690–5566, *nvac@osophs.dhhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 2101 of the Public Service Act (42 U.S.C. 300aa–1), the Secretary of Health and Human Services was mandated to establish the National Vaccine Program to achieve optimal prevention of human infectious diseases through immunization and to achieve optimal prevention against adverse reactions to vaccines. The National Vaccine Advisory Committee was established to provide advice and make recommendations to the Assistant Secretary for Health, as the Director of the National Vaccine Program, on matters related to the program's responsibilities.

Topics to be discussed at the meeting include the 2006–2007 influenza season, increasing immunization among adolescents, the establishment of CPT codes for new vaccines, recent mumps outbreaks in the American mid-west, and the human papillomavirus vaccine. Updates will be given by various subcommittees and working groups. A tentative agenda will be made available on or about May 8, 2006 for review on the NVAC Web site: *http://www.hhs.gov/nvpo/nvac.*

Public attendance at the meeting is limited to space available. Individuals must provide a photo ID for entry into the Humphrey Building. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact person. Members of the public will have the opportunity to provide comments at the meeting. Public comment will be limited to five minutes per speaker. Any members of the public who wish to have printed material distributed to NVAC members should submit materials to the Executive Secretary, NVAC, through the contact person listed above prior to close of business May 30, 2006. Preregistration is required for both public attendance and comment. Any individual who wishes to attend the meting and/or participate in the public comment session should e-mail *nvac@osophs.dhhs.gov* or call 202–690–5566.

Dated: May 2, 2006.

Bruce Gellin,

Director, National Vaccine Program Office.

[FR Doc. 06–4360 Filed 5–9–06; 8:45 am]

BILLING CODE 4150–44–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Assistant Secretary for Administration and Management, Statement of Organization, Functions, and Delegations of Authority

Part A, Office of the Secretary, Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) is being amended at Chapter AJ, ''Office of the Assistant Secretary for Administration and Management (OASAM),'' as last amended at 70 FR 17690–1769, dated April 7, 2005. This amendment is to realign the human resources and acquisition functions and to establish a component for travel policy within ASAM. The changes are as follows:

I. Under Chapter AJ, ''Office of the Assistant Secretary for Administration and Management,'' Section AJ.10 ''Organization,'' delete in its entirety and replace with the following:

Section AJ.10 Organization: The Office of the Assistant Secretary for Administration and Management is under the direction of the Assistant Secretary for Administration and Management, who reports to the Secretary and consists of the following components:

- Immediate Office (AJ)
- SW Complex Security Team (AJ1)
- Office of Human Resources (AJA)
- OS Executive Office (AJC)
- Office for Facilities Management and Policy (AJE)
- Office of Acquisition Management and Policy (AJG)
- Office of Small and Disadvantaged Business Utilization (AJH)
- Office of Diversity Management & Equal Employment Opportunity (AJI)
- Office of Business Transformation (AJJ)
- Program Support Center (P)

II. Under Section AJ.20 Functions, make the following changes:

A. Under AJ.20, Paragraph C, ''Office of Human Resources (AJA),'' delete in its entirety and replace with the following:

C. Office of Human Resources

Section AJA.00 Mission. The Office of Human Resources (OHR) provides leadership in the planning and development of personnel policies and human resource programs that support and enhance the Department's mission. Provides technical assistance to the Operating Divisions (OPDIVs) in building the capacity to evaluate the effectiveness of their human resource programs and policies. Serves as the Departmental liaison to central management agencies on topics relating to human resources matters. Provides Department wide leadership for reorganization and delegation of authority, and other management programs.

Section AJA.10 Organization. The Office of Human Resources (OHR) is headed by a Deputy Assistant Secretary for Human Resources who reports to the Assistant Secretary for Management and Administration, and consists of the following components:

- Immediate Office (AJA)
- Personnel Programs and Policy Division (AJA1)
- Executive Resources Division (AJA3)
- Performance Management Division (AJA4)
- Division of Workforce and Career Development (AJA5)
- Labor and Employee Relations Division (AJA6)
- Personnel Systems Division (AJA7)
- Human Resources Center (PJ1, PJ2, PJ4)

Section AJA.20 Functions.

1. *The Immediate Office (AJA):* The Immediate Office provides leadership to the development and assessment of the Department's human resources programs and policies. In coordination with the Operating Divisions, designs human resource programs that support and enhance the HHS missions. Provides technical assistance to the OPDIVs in building the capacity to evaluate the effectiveness of their human resource programs and policies, including the development of performance standards. Serves as the principal source of advice on all aspects of Department-wide organizational analysis including: Planning for new organizational elements; evaluating current organizational structures for effectiveness; and conducting the review process for reorganization proposals; manages the reorganization process for the Office of the Secretary (OS) requiring the Secretary's signature and the Assistant Secretary for Administration and Management; administers the Department's system for review, approval and documentation of delegations of authority; develops Department-wide policy and provides technical assistance on the use and application of delegations of authority; advises senior officials within the Department on delegations of authority, coordinates review of proposed delegations requiring the Secretary's or other senior officials' approval; analyzes and makes recommendations related to legislative proposals with potential impact upon the Department's organizational structure or managerial procedures; manages the Departmental Standard Administrative Code (SAC) system, providing oversight, advice, and assistance to ensure codes are in accord with the current approved organization; and provides special management review services for selected activities.

2. *Personnel Programs and Policy Division (AJA1):* The Personnel Programs and Policy Division (PPPD): (a) Provides leadership to the planning and development of personnel policies and programs that support and enhance the Department's mission; (b) in coordination with the OPDIVs, formulates HHS policies pertaining to employment, compensation, position classification, and employee benefits; and (c) provides technical assistance to the OPDIVs in the proper application of Federal personnel laws, regulations, and policies.

3. *Executive Resources Division (AJA3):* The Executive Resources Division (ERD): (a) Is responsible for the development, coordination, policy formulation and administration of the Department's Executive Resources Management program, excluding those functions associated with executive development; (b) serve as the central point of contact for executive resources operational matters, advising on a broad range of executive personnel management matters; (c) administer most aspects of the Senior Executive Service (SES) program and coordinating analytical studies impacting on executive personnel; (d) provide support as required to the Executive Secretary of the Executive Resources Board; (e) manage the SES control and allocation program, provides recruitment assistance when needed, and provide leadership and oversee the executive staffing; (f) review key position cases, expert and consultant appointment, Section 209(f) of Title 42, and other employment cases requiring Departmental approval; and (g) maintain Schedule C appointment control and principal position information listing.

4. *Performance Management Division (AJA4):* The Performance Management Division (PMD), is responsible for the following activities related to performance management: (1) plan and develop personnel policies and programs; (2) formulate and implement

policies; and (3) provide technical assistance to the OPDIV in these areas.

5. *Division of Workforce and Career Development (AJA5):* The Division of Workforce and Career Development (DWCD) responsibilities include requirements (i.e., 5 USC 4103 and 4121) mandated under the Federal Workforce Flexibility Act of 2004: (a) Formulate policies, regulations and procedures to evaluate and modify training programs and plans to promote a strategic approach to Departmental integration of training programs into overall mission accomplishment; and to ensure that they accomplish and effectively promote the Department's specific performance plans and strategic goals; (b) formulate, implement, evaluate and measure employee development activities as part of a comprehensive management succession program; (c) formulate and oversee the implementation of Department-wide policies, regulations, and procedures pertaining to training management, career development, career education and career mobility for all executive and non-executive employees; (d) serve as the central HHS reference point for inquiries, guidance, interpretation and program monitoring and evaluation for training and workforce development planning; (e) develop new and enhance existing Department-wide training program (*e.g.*, Emerging Leaders Programs, Senior Executive Service Candidate Development Program, etc.) and review and approve training programs proposed by OPDIVs, STAFFDIVs, or Human Resources Centers; (f) serve as the central HHS contact point and representative to non-government and government training communities and their auditors; *e.g.*, Office of Personnel Management, General Accounting Office, and the Office of Management and Budget; and (g) monitor the implementation of a Department-wide automated training program and establishes reporting requirements, evaluation methods and measures.

6. *Labor and Employee Relations Division (AJA6):* The Labor and Employee Relations Division (LERD): (a) Promote labor-management cooperation and promulgate labor-management relations policy and programs for the Department; (b) provider leadership, involvement, and training; (c) provide guidance and support for conducting labor-management negotiations; (d) review negotiated agreement(s) or supplemental agreement(s) in accordance with the Federal Service Labor-Management Relations Statutes requirements; (e) review local agreements and settlement agreement for compliance with applicable labor relations policy and collective bargaining agreements; (f) serve as the Department's focal point for liaison on personnel and labor relations issues with the Office of Personnel Management, the General Accounting Office, the Merit Systems Protection Board, and the Federal Labor Relations Authority; (g) develop, implement and interpret Departmental and Government-wide employee relations policy; (h) provides technical advice and assistance on employee relations issues to OPDIVs; (i) plan and develop personnel policies and programs related to benefits, and the Benefit Officer serves as expert in providing technical assistance to OPDIVs and STAFFDIVs.

7. *Personnel Accountability Systems Division (AJA7):* The Personnel Accountability Systems Division (PASD): (a) Promote and supports OPDIV capacity building efforts, including innovative approaches to personnel management; (b) provide strategic advice to the Deputy Assistant Secretary for Human Resources, the Assistant Secretary for Administration and Management, and the Secretary on those initiatives having major workforce implications; (c) responsible for overseeing the planning, implementing and initial operations of the Department's human resources management data and information management system; (d) plan, coordinate and monitor major personnel policies and programs for the Department and for evaluating the effectiveness of human resources management in the Department; (e) is responsible for the Department's human resources accountability system; (f) have responsibility for planning policy and programs, including strategic planning (and the development of the Department's Human Capital Management Strategic Plan); and, (g) plan and coordinate the human capital portion of the Department's Government Performance and Results Acts strategic plan.

B. Under Section AJ.20 Functions; Paragraph G, ''Office of Acquisition Management and Policy (AJG),'' delete in its entirety and replace with the following:

Section AJG.00 Mission: The Office of Acquisition Management and Policy (OAMP) provides management direction of the acquisition system including logistics, and provides similar direction for travel. Provides Department-wide leadership in these areas through policy development, performance measurement, and training. Represents the Department in dealings with OMB, GAO and other Federal agencies and Congress in the areas of procurement, logistics, and travel. Fosters creativity and innovation in the administration of these functions throughout the Department.

Section AJG.10 Organization. The Office of Acquisition Management and Policy (OAMP), headed by a Deputy Assistant Secretary for Acquisition Management and Policy, who is the Senior Procurement Executive appointed pursuant to 41 U.S.C. 414(3) section 16(3), reports to the Assistant Secretary for Administration and Management, consists of the following components:

- Immediate Office (AJG)
- Division of Acquisition Policy (AJG1)
- Division of Logistics Policy (AJG2)
- Division of Travel Program and Policy (AJG3)

Section AJG.20 Functions.

1. *Immediate Office of Acquisition Management and Policy (AJG).* The Immediate Office of Acquisition Management and Policy provides leadership, policy, guidance and supervision, as well as coordinating long and short-range planning to constituent organizations. Also, provides technical assistance to the Operating Divisions and evaluates effectiveness of their acquisition, logistics, and small business programs, including the development of performance standards. Manages special departmental procurement initiatives and operations of the Program Support Center's Strategic Acquisition Service.

2. *Division of Acquisition Policy (AJG1).* The Office of Acquisition Policy provides leadership in the area of acquisition through policy development, performance measurement and training. The office is responsible for the following: (a) Formulates Department-wide acquisition policies governing procurement activities, publishes these in regulations and manuals, and recommends and participates in development of government-wide acquisition policy; (b) provides advice and technical assistance on matters related to HHS acquisition programs and other special authorities such as authority to conduct ''Other Transactions''; (c) manages workforce development issues for the department's acquisition workforce including certification and warranting of contracting officers; (d) monitors the adoption of acquisition policies by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application, and provides standards for departmental

staff assigned contract management responsibilities; (e) conducts Performance Measurement of the Department's procurement system to ensure compliance with procurement laws and policies and efficient acquisition of the Department's program needs; (f) makes studies of problems requiring creation of new policies or revision of current policies, including the application of Departmental management controls and reports related to the Department's procurement activities, resolves issues arising from implementation of those policies; maintains similar relationships and associations with public and private contractor organizations; (h) serves as the Department's liaison in the area of acquisitions and maintains working relationships with OMB, GSA, GAO, and other Federal agencies to coordinate and assist in the development of policy and to participate in government-wide tests of procurement innovations; (i) conducts special projects to develop improved mechanisms for Department-wide management of procurement, researches, analyzes and tests innovative ideas, techniques and policies in the area of acquisitions, establishes and directs ad hoc teams to work on special projects to develop creative approaches to problems in the area of acquisition; and (j) supports the Chief Acquisition Officer in implementing Section 1421 of the Services Acquisition Reform Act of 2003.

3. *Division of Logistics Policy (AJG2).* The Division of Logistics Policy (DLP) provides leadership focal point and liaison with the Operating and Staff Divisions in the area of logistics assets (personal property, supply chain, fleet, transportation) function through policy development, technical assistance, oversight and workforce development. The Division is responsible for the following: (a) Formulates Department-wide logistics policies governing the management of assets (personal property, supply chain, fleet, transportation); publishes these in manuals, guides and on the web, and recommends and participates in the development of Government-wide logistics policy; (b) monitors the adoption of logistics policies by the Department's Operating Divisions to ensure consistent policy interpretation and application; and provides advice and technical assistance on matters related to HHS logistics programs; (d) manages workforce development issues for the Department's logistics workforce including certification of logisticians; (e) conducts performance measurement of the Department's logistics system to ensure compliance with laws and policies and efficient management of Department's logistics needs; (f) studies, researches, analyzes and tests innovative ideas, techniques and policies in the area of logistics; and (g) sees the implementation of logistics functions throughout the Department; (d) develops, participates in and evaluates logistics training programs for Department staff; (e) researches, analyzes and tests innovative ideas, techniques and policies in the area of logistics; (f) serves as the Department's liaison in the area of logistics and maintains working relationships with OMB, GAO and other Federal agencies to coordinate and assist in the development of policy, and to participate in Government-wide projects of logistics innovations; (h) manages web-based knowledge management and performance support system, including Federal and Departmental management information system to support the HHS, ASAM and OAMP's mission.

4. *Division of Travel Program and Policy (AJG3):* The Division of Travel Program and Policy (DTTP): (a) Formulate Department-wide travel policies governing travel activities; publishes travel regulations and manuals; and recommends and participates in development of government-wide travel; (b) provide advice and technical assistance on travel activities and policy matters to the Department's Operating Divisions; and (c) monitors the adoption of travel policies by the Department's Operating Divisions to ensure consistent policy interpretation and application; and (d) oversees the implementation of travel function throughout the Department; (e) develops, participates in and evaluates travel training programs for Department staff; (f) and serves as the Department's liaison in the area of travel and maintains working relationships with OMB, GAO and other Federal agencies to coordinate and assist in the development of travel policy.

C. Under Section AJ.20 Functions, add the following new Paragraphs:

1. Office of Diversity Management and Equal Employment Opportunity (AJI)

Section AJI.00 Mission. The mission of the Office of Diversity Management and Equal Employment Opportunity (ODMEEO) is to provide leadership in creating and sustaining a diverse workforce and an environment free of discrimination at the Department of Health and Human Services. ODMEEO works pro-actively to enhance the employment of women, minorities, veterans, and people with disabilities. This is achieved through policy development, oversight, complaints prevention, outreach, and education and training programs. Provides resource management and equal opportunity services function for the Department.

Section AJI.10 Organization. The Office of Diversity Management and Equal Employment Opportunity (ODMEEO) is headed by a Director for ODMEEO, who reports directly to the Assistant Secretary for Administration and Management, and consists of the following components:

- Diversity Management Division (AJI1)
- Equal Employment Opportunity (EEO) Programs Division (AJI2)

Section AJI.20 Functions.

1. *Diversity Management Division (AJI1)*—The Diversity Management Division (DMD): (a) Provides leadership in the planning and development of affirmative employment policies and programs that recognize and value the diversity of the Department workforce and promote a work place free of discrimination; (b) provides technical assistance and enabling tools to the OPDIVs in the design of innovative, effective affirmative employment programs; and (c) keeps top HHS officials apprised of workforce demographics and recommends positive interventions as needed.

2. *Equal Employment Opportunity Programs Division (AJI2).* The Equal Employment Opportunity Programs Division (EEOPD): (a) Prepares, for the Director of Equal Employment Opportunity (EEO), final Departmental decisions on the merits of complaints of discrimination; (b) process conflict of interest complaints and prepare decisions on the merits for issuance by the EEO Director; (d) prepares final Departmental decisions on the merits for the signature of the Surgeon General regarding complaints of discrimination filed by members of the Commissioned Corps; (e) provides technical assistance and enabling tools to the OPDIVs in the design of innovative, effective affirmative employment programs and complaints management and prevention; and (f) serves as the Department's focal point for liaison with the Office of Personnel Management, the Equal Employment Opportunity Commission, and the General Accounting Office on issues pertaining to affirmative employment and discrimination complaints.

J. Office of Business Transformation (AJJ)

Section AJJ.00 Mission. The Office of Business Transformation (OBT)

provides results-oriented strategic and analytical support for key management initiatives and coordinates with others the business mechanisms necessary to account for the performance of these initiatives and other objectives as deemed appropriate. OBT also oversees the implementation of competitive sourcing activities Department-wide, as a tool to generate savings and improve efficiencies. The OBT will also be responsible for integrating the work performed by ASAM in the areas of business process reengineering, core business mission activities, responsibility and investment matters as determined by ASAM.

Section AJJ.10 Organization. The Office of Business Transformation (OBT), headed by a Deputy Assistant Secretary who reports directly to the Assistant Secretary for Administration and Management consists of the following components:

- Division of Strategic Initiatives (AJJ1)
- Division of Competitive Sourcing (AJJ2)

Section AJJ.20 Functions.

1. *Division of Strategic Initiatives (AJ).* Division of Strategic Initiatives (DSI): (a) Provides coordination and management support to ASAM as appropriate for all HHS management initiatives through active involvement in the process and related activities necessary to the successful accomplishment of same; (b) performs management and administrative analysis for a variety of management initiatives, either proposed or ongoing, to improve management effectiveness and gain management efficiencies on a Department-wide basis; (c) develops policy and guidelines to promulgate these initiatives to the extent determined necessary; and (d) work collaboratively with STAFFDIVs, especially the Office of the Assistant Secretary for Planning and Evaluation and the Office of Budget, Technology and Finance, in formulating the process of for developing the annual Department-wide Objectives.

2. *Division of Competitive Sourcing (AJJ2).* Division of Competitive Sourcing (DCS): (a) Provides Department-wide leadership, centralized oversight and coordination of competitive sourcing activities; (b) develops policy and issues guidelines relating to competitive sourcing; and (c) represents the Department in dealings with OMB, GAO and other Federal agencies in the area of competitive sourcing.

III. Continuation of Policy: Except as inconsistent with this reorganization, all statements of policy and interpretations with respect to the Office of the Secretary, the Assistant Secretary for Administration and Management heretofore issued and in effect on this date of this reorganization are continued in full force and effect.

IV. Delegations of Authority: All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, provided they are consistent with this reorganization.

V. Funds, Personnel and Equipment: Transfer of organizations and functions affected by this reorganization shall be accompanied in each instance by direct and support funds, positions, personnel, records, equipment, supplies and other resources.

Dated: April 26, 2006.

Joe Ellis,

Assistant Secretary for Administration and Management.

[FR Doc. 06–4346 Filed 5–9–06; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–06–0423X]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 371–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

The National Electronic Disease Surveillance System (NEDSS)—New—National Center for Public Health Informatics (NCPHI), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is responsible for the collection and dissemination of nationally notifiable diseases information and for monitoring and reporting the impact of epidemic influenza on mortality, Public Health Services Act (42 U.S.C. 241). Since April 1984, CDC Epidemiology Program Office (EPO) has been working with the Council of State and Territorial Epidemiologists (CSTE) to demonstrate the efficiency and effectiveness of computer transmission of surveillance data between CDC and the state health departments.

By 1989, all 50 states were using this computerized disease surveillance system, which was then renamed the National Electronic Telecommunications System for Surveillance (NETSS) to reflect its national scope (OMB numbers 0920–0447 and 0920–0007).

Beginning in 1999, CDC, Epidemiology Program Office (EPO) worked with CSTE, state and local public health system staff, and other CDC disease prevention and control program staff to identify information categories and information technology standards to support integrated disease surveillance. That effort is now focused on development and completion of the National Electronic Disease Surveillance System (NEDSS), coordinated by CDC's National Center for Public Health Informatics, Division of Integrated Surveillance Systems and Services (DISSS).

States will continue to use portions of NETSS to transmit data to CDC. One of the reasons for providing NETSS to NEDSS data mapping is to identify what data elements in NETSS correspond to data elements in NEDSS. Those elements mapped from NETSS to NEDSS were collected in OMB number 0920–0007.

NEDSS will electronically integrate and link together a wide variety of surveillance activities and will facilitate more accurate and timely reporting of disease information to CDC and state and local health departments. Consistent with recommendations supported by our state and local surveillance partners and described in the 1995 report, *Integrating Public Health Information and Surveillance Systems*, NEDSS will include data standards, an internet based communications infrastructure built on industry standards, and policy-level agreements on data access, sharing, burden reduction, and protection of confidentiality.

To support NEDSS, CDC is developing an information system, the NEDSS Base System, which will use NEDSS technical and information standards (*http://www.cdc.gov/nedss/BaseSystem/NEDSSBaseSysDescription.pdf*). Currently 11 states participate in NEDSS. It is expected that 4 additional states will be added by the end of the first year after OMB approval. Thereafter, it is estimated that 5 states

will be added in years 2 and 3, depending on funding.

CDC is requesting a three-year OMB clearance of collecting the NEDSS data that is not currently covered by existing clearances. There are no costs to respondents other than their time. The average total annualized burden for the Weekly Morbidity Reports and the Annual Summary Report is 660 hours.

ANNUALIZED WEEKLY MORBIDITY REPORT RESPONDENT BURDEN

Type of respondent	Number of respondents	Number of responses per respondents	Average burden per response (in hours)
States	20	52	30/60

ANNUALIZED ANNUAL SUMMARY REPORT RESPONDENT BURDEN

Type of respondent	Number of respondents	Number of responses per respondents	Average burden per response (in hours)
States	20	1	7

Dated: April 28, 2006.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E6–7077 Filed 5–9–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Food Safety and Defense Workshop; Public Workshop

AGENCY: Food and Drug Administration, HHS

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA), Office of Regulatory Affairs (ORA), Southwest Regional Small Business Representative (SWR SBR) Program, in collaboration with The University of Arkansas and the Mid-Continental Association of Food and Drug Officials, is announcing a public workshop entitled ''Food Safety and Defense Workshop.'' This public workshop is intended to provide information about current Good Manufacturing Practice regulations for foods, Hazard Analysis Critical Control Point (HACCP), food defense awareness, and other related subjects to the regulated industry, particularly small businesses and startups.

Date and Time: This public workshop will be held on June 6 and 7, 2006, from 8 a.m. to 5 p.m.

Location: The public workshop will be held at the Continuing Education Center in Fayetteville, AR, located downtown (2 East Center St.).

Accommodations: There are many lodging choices in the area, but the Radisson Hotel in Fayetteville (479–442–5555) is immediately adjacent to the Continuing Education Center.

Contact: Steven C. Seideman, 2650 North Young Ave., Institute of Food Science & Engineering, University of Arkansas, Fayetteville, AR 72704, 479–575–4221, FAX: 479–575–2165, or e-mail: *seideman@uark.edu*.

You may also contact David Arvelo, Food and Drug Administration, 4040 N Central Expressway, suite 900, Dallas, TX 75204, 214–253–4952, FAX: 214–253–4970, or e-mail: *david.arvelo@fda.hhs.gov*.

Registration: Registration by May 28, 2006, is encouraged. The University of Arkansas has a $150 registration fee to cover the cost of facilities, materials, speakers, and breaks. Please submit your registration as soon as possible. Those accepted into the course will receive confirmation. Registration at the site is not guaranteed, but may be possible on a space-available basis on the day of the public workshop beginning at 8 a.m. The cost of registration at the site is $200, payable to ''The University of Arkansas.'' If you need special accommodations due to a disability, please contact Steven C. Seideman (see *Contact*) at least 7 days in advance.

Registration Form Instructions: To register, please complete the form available online at *http://www.mcafdo.org/* or the registration form in this document and submit along with a check or money order for $150 payable to the ''The University of Arkansas.'' Mail to: Institute of Food Science & Engineering, University of Arkansas, 2650 North Young Ave., Fayetteville, AR 72704.

FOOD SAFETY AND DEFENSE WORKSHOP REGISTRATION FORM

Name:

Affiliation:

Mailing Address:

City/State/Zip Code:

Phone:

FOOD SAFETY AND DEFENSE WORKSHOP REGISTRATION FORM—Continued

Fax:

E-mail:

Special Accommodations Required:

Transcripts: Transcripts of the public workshop will not be available due to the format of this workshop. Course handouts may be requested at cost through the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857, approximately 15 working days after the public workshop at a cost of 10 cents per page.

SUPPLEMENTARY INFORMATION: This public workshop is being held in response to the large volume of food safety and defense inquiries from small food manufacturers and startups originating from the area covered by the FDA Dallas District Office. The SWR SBR presents these workshops to help achieve objectives set forth in section 406 of the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 393), which include working closely with stakeholders and maximizing the availability and clarity of information to stakeholders and the public. This is consistent with the purposes of the Small Business Representative Program, which are in part to respond to industry inquiries, develop educational materials, and sponsor workshops and conferences to provide firms, particularly small businesses, with firsthand working knowledge of FDA's requirements and compliance policies. This workshop is also consistent with the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), as outreach activities by Government agencies to small businesses.

The goal of this public workshop is to present information that will enable manufacturers and regulated industry to better understand food safety and defense requirements and guidance, especially in light of growing concerns about food safety, food allergen cross-contact, and food defense. Information presented will be based on agency position as articulated through regulation, compliance policy guides, and information previously made available to the public. The following topics will be discussed at the workshop: (1) Code of Federal Regulations, Title 21, Part 110, *Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food*, (2) pathogens of public health concern, (3) food allergen cross-contact, (4) an overview of HACCP, and (5) food defense awareness; as well as other related topics. FDA expects that participation in this public workshop will provide regulated industry with greater understanding of the regulatory and policy perspectives on food safety and defense and will increase voluntary compliance.

Dated: May 4, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 06–4366 Filed 5–5–06; 3:27 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006D–0172]

Draft Guidance for Clinical Investigators, Institutional Review Boards, and Sponsors; Process for Handling Pediatric Referrals to the Food and Drug Administration: Additional Safeguards for Children in Clinical Investigations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled ''Guidance for Industry; Process for Handling Pediatric Referrals to FDA: Additional Safeguards for Children in Clinical Investigations.'' This guidance is intended to assist clinical investigators, institutional review boards (IRBs), sponsors, and other interested parties in understanding FDA's process for handling clinical investigations that include children as subjects and that have been referred to FDA for review under FDA regulations on additional safeguards for children in clinical investigations. The draft guidance describes the procedures FDA generally intends to follow in handling clinical investigations referred for review under these regulations and in reaching final determinations in accordance with these regulations.

DATES: Submit written or electronic comments on the draft guidance by July 10, 2006. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Policy (HF–11), Office of the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit telephone requests to 800–835–4709 or 301–827–1800.

Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Erik Mettler, Office of Policy (HF–11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3360.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled ''Guidance for Industry; Process for Handling Referrals to FDA Under 21 CFR 50.54: Additional Safeguards for Children in Clinical Investigations.'' FDA issued 21 CFR part 50, subpart D, ''Additional Safeguards for Children in Clinical Investigations,'' (part 50, subpart D) as an interim final rule on April 24, 2001 (66 FR 20598). Under these regulations, an IRB must review clinical investigations involving children as subjects and covered by subpart D and approve only those clinical investigations that satisfy the criteria described in §§ 50.51, 50.52, or 50.53, as well as the conditions of all other applicable sections in subpart D.

Under § 50.54, if an IRB does not believe that a clinical investigation within the scope described in §§ 50.1 and 56.101 (21 CFR 56.101) and involving children as subjects meets the

requirements of §§ 50.51, 50.52, or 50.53, the clinical investigation may proceed only if the following occurs: (1) The IRB finds and documents that the clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children; and (2) the Commissioner of Food and Drugs, after consultation with a panel of experts in pertinent disciplines (for example: science, medicine, education, ethics, law) and following opportunity for public review and comment, determines either of the following: (1) The clinical investigation in fact satisfies the conditions of §§ 50.51, 50.52, or 50.53, as applicable, or (2) the following conditions are met: (A) The clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children; (B) the clinical investigation will be conducted in accordance with sound ethical principles; and (C) adequate provisions are made for soliciting the assent of children and the permission of their parents or guardians as set forth in § 50.55.

The draft guidance describes the procedures FDA generally will follow in handling clinical investigations referred for review under § 50.54 and in reaching final determinations under that regulation. The draft guidance is based in part on FDA's experience to date with such referrals. The Department of Health and Human Services (HHS) has human subject protection regulations that also govern research involving children as subjects and supported or conducted by HHS. (See 45 CFR part 46, subpart D.) The draft guidance also addresses situations in which a clinical investigation is subject to both 21 CFR 50.54 and 45 CFR 46.407.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on the process for handling referrals to FDA under 21 CFR 50.54. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act (44 U.S.C. 3501–3520) (the PRA), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth below.

With respect to the following collection of information, FDA invites comment on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

The draft guidance is intended to assist clinical investigators, IRBs, sponsors, and other interested parties in understanding the FDA's process for handling clinical investigations that include children as subjects and that have been referred to FDA for review under 21 CFR part 50, subpart D.

Title: Draft Guidance for Industry; Process for Handling Referrals to FDA Under 21 CFR 50.54: Additional Safeguards for Children in Clinical Investigations.

Burden Estimate: The information that must be submitted to FDA by sponsors for approval of clinical investigations involving children is contained in the investigational new drug application (IND) and investigational device exemption (IDE) regulations (21 CFR parts 312 and 812 (parts 312 and 812), respectively) and is approved under OMB control number 0910–0014 (expires March 31, 2009) for INDs and under OMB control number 0910–0078 (expires August 31, 2006) for IDEs. In addition to the collections of information already required under parts 312 and 812, the draft guidance requests that an IRB submitting a clinical investigation for consideration under § 50.54 include with that submission/referral the documentation of its finding under § 50.54(a) that the clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children.

Under § 50.54(a), IRBs must find and document that the clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children. The requirement to ''document'' the finding is a recordkeeping requirement. IRB recordkeeping requirements are set forth in FDA regulations on IRBs (part 56) at § 56.115, and are approved under OMB control number 0910–0130 until November 30, 2007. Thus, only the submission to FDA of the IRB's finding would not already be required under § 50.54(a). FDA estimates that each submission would take no more than 15 minutes because, as required by the regulation, the IRB will already have prepared and documented the finding, and the IRB would only have to send the documentation of that finding to FDA.

The draft guidance also contains a second collection of information. The introductory paragraph to § 50.54 states that if an IRB does not believe that a clinical investigation within the scope described in §§ 50.1 and 56.101 and involving children as subjects meets the requirements of §§ 50.51, 50.52, or 50.53, the clinical investigation may proceed only if certain conditions set forth in § 50.54 are met. The draft guidance requests that the IRB include, when submitting its finding under § 50.54 that the clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children, an explanation why the IRB does not believe that the clinical investigation meets the requirements of §§ 50.51, 50.52, or 50.53. FDA believes that in most cases this explanation will already be part of the IRB meeting minutes. Because the IRB may need to summarize these minutes in order to send them to FDA, FDA estimates that each explanation would take approximately 1 hour to prepare.

According to a 1998 Office of the Inspector General (OIG) report, there are 3,000 to 5,000 IRBs in the United States, and most are associated with hospitals and academic centers (see Department of Health and Human Services, Office of the Inspector General, *Institutional Review Boards: A Time for Reform*, page

3, June 8, 1998). However, based on FDA's experience to date with IRB referrals under § 50.54, only a very small percentage of IRBs (approximately 5 per year) are expected to refer a clinical investigation to FDA under 21 CFR part 50, subpart D.

The information collection resulting from the draft guidance that is not already approved by OMB is summarized as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

	Number of Respondents	Number of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
Submission of finding required under § 50.54(a)	5	1	5	15 min.	1 hour, 15 minutes
Explanation why investigation does not meet §§ 50.51, 50.52, or 50.53	5	1	5	1	5
Total					6 hours, 15 minutes

[1] There are no capital costs or operating and maintenance costs associated with this collection.

III. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/cder/guidance/index.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: May 2, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–7058 Filed 5–9–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[DHS–2006–0019]

Data Privacy and Integrity Advisory Committee

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The notice announces the date, time, location, and agenda for the next meeting of the Department of Homeland Security Data Privacy and Integrity Advisory Committee. This meeting will be open to the public, with the exception of a one-hour administrative session.

DATES: The meeting will be held on Wednesday, June 7, 2006, in San Francisco, CA.

ADDRESSES: The Department of Homeland Security Data Privacy and Integrity Advisory Committee meeting will be held in the Rita and Ava Room at the Clift Hotel, 495 Geary Street, San Francisco, CA 94102. Persons wishing to make comments or who are unable to attend or speak at the meeting may submit comments at any time. Comments must be identified by DHS–2006–0019 and may be submitted by any *one* of the following methods:

- Federal Rulemaking Portal: *http://www.regulations.gov*. Follow instructions for submitting comments on the Web site.
- E-mail: *PrivacyCommittee@dhs.gov*. Include docket number in the subject line of the message.
- Fax: 571–227–4171.
- Mail: Ms. Rebecca J. Richards, Executive Director, Data Privacy and Integrity Advisory Committee, Department of Homeland Security, Mail Stop D–3, Arlington, VA 22202.

Instructions: All submissions received must include the Department of Homeland Security and DHS–2006–0019, the docket number for this action. Comments received will also be posted without alteration at *www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the DHS Data Privacy and Integrity Committee, go to *http://www.regulations.gov*. Comments received will be posted without alteration at *www.dhs.gov/privacy*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Maureen Cooney, Acting Chief Privacy Officer and Chief Freedom of Information Act Officer, or Rebecca J. Richards, Executive Director, Data Privacy and Integrity Advisory Committee, Department of Homeland Security, Arlington, VA 22202, by telephone (571) 227–3813, by facsimile (571) 227–4171, or by e-mail *PrivacyCommittee@dhs.gov*.

SUPPLEMENTARY INFORMATION: The Data Privacy and Integrity Advisory Committee (''Privacy Advisory Committee'') will be meeting on Wednesday, June 7, 2006, in the Rita and Ava Rooms at the Clift Hotel, 495 Geary Street, San Francisco, CA 94102. The meeting will begin at 8:30 a.m. and is anticipated to end at 5 p.m. Although most of the meeting is open to the public, there will be a closed session between 12 p.m. and 1 p.m., in order to permit the Privacy Advisory Committee members to discuss administrative and planning items.

At the meeting, the Acting Chief Privacy Officer and Chief Freedom of Information Act Officer will provide an update on the activities of the Privacy Office. The subcommittees on Emerging Applications and Technology, Data Sharing and Usage, Framework, and Screening will update the Committee on the work currently being conducted. In the morning and afternoon sessions, invited speakers will discuss expectations of privacy in public spaces and identity management. An agenda will be posted on the Privacy Committee Web site at *http://www.dhs.gov/privacy* prior to the meeting.

The Committee is researching effective means to receive public comments during their public meetings. As an experiment, for the June 7, 2006 meeting, comments will be accepted for a ''Public Comment Panel'' starting at or about 4 p.m. This panel will be made up of no more than four individuals; each will be allotted 15 minutes to speak. In order to be considered for the Public Comment Panel, individuals must provide a written request to Rebecca J. Richards via e-mail at *PrivacyCommittee@dhs.gov* no later than Friday, May 26, 2006 with the following information:

(1) A brief biographical description, including name and affiliation;

(2) A list of the topic(s) that the potential panelist would like to address, and a one-paragraph summary of the potential panelist's unique perspective or knowledge of each such topic; and

(3) Contact information, including a daytime telephone number, and e-mail address.

The Executive Director, in consultation with the Chair, Vice Chair, and subcommittee Chairs of the Committee will choose the panelists based upon the written submissions. The Executive Director will notify the panelists chosen for the Public Comment Panel both via e-mail and through the Committee's Web site.

Public attendance is encouraged. Any member of the public who wishes to attend the public session is requested to provide his or her name no later than 12:00 p.m. EST, Friday, June 2, 2006, to Rebecca J. Richards via e-mail at *PrivacyCommittee@dhs.gov,* or via telephone at (571) 227–3813. This will assist with the preparation of meeting materials and seating arrangements. Everyone who plans to attend is respectfully requested to be present and seated by 8:15 a.m. for the morning session and by 12:45 p.m. for the afternoon session.

Persons with disabilities who require special assistance should indicate this in their admittance request and are encouraged to identify anticipated special needs as early as possible.

Although every effort will be made to accommodate all members of the public, seating is limited and will be allocated on a first-come, first-served basis.

Basis for Closure

A portion of this Committee meeting will be closed for administrative and planning purposes that are referenced above. The closed portion is excluded from the Open Meetings requirement, pursuant to the authority contained in 41 CFR 102–3.160(b).

Dated: May 4, 2006.

Maureen Cooney,

Acting Chief Privacy Officer.

[FR Doc. E6–7147 Filed 5–9–06; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–936–1430–ET; HAG–06–0096; WAOR–11331]

Notice of Proposed Withdrawal Extension and Opportunity for Public Meeting; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Secretary of the Interior proposes to extend on behalf of the Bureau of Land Management, the duration of Public Land Order (PLO) No. 6631 for an additional 20 year period. PLO No. 6631 withdrew 24.65 acres of public land in Okanogon County, Washington, from settlement, sale, location or entry under the general land laws, including the United States mining laws, to protect the natural and recreational values, and the investment in Federal funds at the Split Rock Recreation Area. This notice also gives an opportunity to comment on the proposed action and to request a public meeting.

DATES: Comments and requests for a public meeting must be received by August 8, 2006.

ADDRESSES: Comments and meeting requests should be sent to the Oregon/Washington State Director, BLM, P.O. Box 2965, Portland, Oregon 97208–2965.

FOR FURTHER INFORMATION CONTACT: William Schurger, Wenatchee Field Office, 509–665–2116, or, Charles R. Roy, BLM Oregon/Washington State Office, 503–808–6189.

SUPPLEMENTARY INFORMATION: The withdrawal created by PLO No. 6631 (51 FR 43003) will expire on November 27, 2006, unless extended. The Bureau of Land Management has filed an application to extend Public Land Order No. 6631 which withdrew the following described public land from settlement, sale, location and entry under the general land laws, including the United States mining laws, subject to valid existing rights, to protect the Split Rock Recreation Site:

Willamette Meridian

Split Rock Recreation Site

T. 39 N., R.26 E.,

Sec. 18, lot 7.

The area described contains 24.65 acres in Okanogan County.

The BLM petition/application has been approved by the Assistant Secretary of the Interior. Therefore, it constitutes a withdrawal proposal of the Secretary of the Interior (43 CFR 2310.1–3(e)).

The use of a right-of-way, interagency agreement, or cooperative agreement would not adequately constrain non-discretionary uses and would not provide adequate protection of the Federal investment in the improvements located on the land.

There are no suitable alternative sites with equal or greater benefit to the government.

No additional water rights will be needed to fulfill the purpose of the requested withdrawal.

The preliminary mineral potential evaluation found the above described lands to be non-mineral in character.

The purpose of the proposed withdrawal extension is to protect the natural, and recreation values, and the investment of Federal funds at the Split Rock Recreation Area.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to the State Director at the address indicated above. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the State Director at the address indicated above within 90 days from the publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The withdrawal extension application will be processed in accordance with the regulations set forth in 43 CFR 2310.4.

(Authority: 43 CFR 2310.3–1)

Dated: May 2, 2006.

Michael L. Barnes,

Acting Chief, Branch of Lands and Mineral Resources.

[FR Doc. E6–7116 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–926–06–1910–BJ–5REW]

Montana: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of filing of plat of survey.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, thirty (30) days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Toth, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, telephone (406) 896–5121 or (406) 896–5009.

SUPPLEMENTARY INFORMATION: This survey was executed at the request of the Northern Cheyenne Agency, through the Rocky Mountain Regional Director, Bureau of Indian Affairs and was necessary to determine Trust and Tribal lands. The lands we surveyed are:

Principal Meridian, Montana

T. 3 S., R. 44 E.

The plat, in 2 sheets, representing the dependent resurvey of a portion of the subdivisional lines, the adjusted original meanders of the former left bank of the Tongue River through sections 10 and 15, portions of the subdivision of sections 10 and 15, and the subdivision of sections 10 and 15, and the survey of portions of the meanders of the present left bank of the Tongue River through sections 10 and 15, Township 3 South, Range 44 East, Principal Meridian, Montana, was accepted April 24, 2006.

We will place a copy of the plat, in 2 sheets, and related field notes we described in the open files. They will be available to the public as a matter of information.

If BLM receives a protest against this survey, as shown on this plat, in 2 sheets, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file this plat, in 2 sheets, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

Dated: May 2, 2006.

Thomas M. Deiling,

Chief Cadastral Surveyor, Division of Resources.

[FR Doc. E6–7102 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–926–06–1420–BJ–TRST]

Montana: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Filing of Plat of Survey.

SUMMARY: The Bureau of Land Management (BLM) will file the plats of survey of the lands described below in the BLM Montana State Office, Billings, Montana, thirty (30) days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Randy Thomas, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, telephone (406) 896–5134 or (406) 896–5009.

SUPPLEMENTARY INFORMATION: This survey was executed at the request of the Rocky Mountain Regional Director, Bureau of Indian Affairs, and was necessary to determine Trust and Tribal land.

The lands we surveyed are:

Principal Meridian, Montana

T. 27 N., R. 53 E.

The plat, in two sheets, representing the dependent resurvey of portions of the east, west, and north boundaries, a portion of the subdivisional lines, the adjusted original meanders of the former left bank of the Missouri River, downstream, through sections 1, 2, and 6, and a portion of the subdivision of sections 1, 2, and 6, the subdivision of sections 1 and 2, and the survey of the meanders of the present left bank of the Missouri River, downstream, through sections 1, 2, and 6, and certain division of accretion lines, in Township 27 North, Range 53 East, Principal Meridian, Montana, was accepted April 26, 2006.

We will place a copy of the plats, in two sheets, and related field notes we described in the open files. They will be available to the public as a matter of information.

If BLM receives a protest against these surveys, as shown on these plats, in two sheets, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file these plats, in two sheets, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

Dated: May 3, 2006.

Thomas M. Deiling,

Chief Cadastral Surveyor, Division of Resources.

[FR Doc. E6–7104 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010–0154).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements under the Endangered Species Act Biological Opinions, issued by the Fish and Wildlife Service (FWS) and National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) and is titled: ''Notices to Lessees and Operators (NTLs)—Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program, NTL—Vessel Strike Avoidance and Injured/Dead Protected Species Reporting; and NTL—Marine Trash and Debris Awareness and Elimination.''

DATES: Submit written comments by July 10, 2006.

ADDRESSES: You may submit comments by any of the following methods listed below. Please use the Information Collection Number 1010–0154 as an identifier in your message.

- Public Connect on-line commenting system, *https://ocsconnect.mms.gov*. Follow the instructions on the Web site for submitting comments.
- E-mail MMS at *rules.comments@mms.gov*. Identify with Information Collection Number 1010–0154 in the subject line.
- Fax: 703–787–1093. Identify with Information Collection Number 1010–0154.

• Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Process Team (RPT); 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ''Information Collection 1010–0154'' in your comments.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Rules Processing Team at (703) 787–1600. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the NTLs that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: Notices to Lessees and Operators (NTLs)—Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program, NTL—Vessel Strike Avoidance and Injured/Dead Protected Species Reporting; and NTL—Marine Trash and Debris Awareness and Elimination.

OMB Control Number: 1010–0154.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

The Department of the Interior, MMS, as a Federal agency, has a continuing affirmative duty to comply with the Endangered Species Act (ESA). This includes a substantive duty to carry out any agency action in a manner that is not likely to jeopardize protected species as well as a procedural duty to consult with the FWS and NOAA Fisheries before engaging in a discretionary action that may affect a protected species.

MMS follows these procedural requirements by conducting formal consultations with FWS and NOAA Fisheries prior to lease sales. Consultations on OCS lease sales 181, 184, and the 5-year multisale (2002–2007) program in the Central and Western Planning Areas of the Gulf of Mexico resulted in no-jeopardy biological opinions from the FWS and NOAA Fisheries. In their biological opinions, NOAA Fisheries determined that some activities associated with the proposed action (lease sale and related exploration, development, and production activities) may adversely affect (harm) marine wildlife, marine mammals including sperm whales, and sea turtles in the action area and that certain reasonable and prudent measures are necessary to minimize the potential for incidental take of these animals. To be exempt from the prohibitions of Section 9 of the ESA (Endangered Species Act) (which prohibits taking listed species), MMS must implement and enforce nondiscretionary terms and conditions. The ESA also requires monitoring and reporting. Monitoring programs resulting from ESA interagency consultations are designed to:

(1) Detect adverse effects resulting from a proposed action,

(2) Assess the actual level of incidental take in comparison with the level of anticipated incidental take documented in the biological opinion,

(3) Detect when the level of anticipated take is exceeded, and

(4) Determine the effectiveness of reasonable and prudent alternatives and their implementing terms and conditions.

To provide supplementary guidance and procedures, MMS issues NTLs on a regional or national basis. Regulation 30 CFR 250.103 allows MMS to issue NTLs to clarify, supplement, or provide more detail about certain requirements. To implement the nondiscretionary terms and conditions of these biological opinions, the MMS issued three NTLs:

• NTL 2004–G01—Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program,

• NTL 2003–G11—Marine Trash and Debris Awareness and Elimination, and

• NTL 2003–G10—Vessel Strike Avoidance and Injured/Dead Protected Species Reporting.

The MMS will use the information collected to report annually to NOAA Fisheries the effectiveness of mitigation, any adverse effects of the proposed action, and any incidental take, in accordance with 50 CFR 402.14(i)(3). The MMS engineers, geologists, geophysicists, environmental scientists, and other Federal agencies (FWS, NOAA Fisheries, etc.) will also analyze the information and data collected under these NTLs to better evaluate the potential impacts to listed species and to plan operations in a manner that will further reduce and/or avoid adverse impacts to protected species in the OCS.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR parts 250, 251, and 252. No items of a sensitive nature are collected. Responses are mandatory or required to obtain or retain a benefit.

Frequency: On occasion and on the 1st and 15th of each month for the marine mammal observation reports.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS lessees and operators.

Estimated Reporting and Recordkeeping ''Hour'' Burden: The currently approved annual reporting burden for this collection is 22,305 hours. The following chart details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

NTL	Reporting and recordkeeping requirement	Hour burden
Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program.	Submit marine mammal observation reports/forms (including observer, survey, sighting, shut-down, borehole, and passive acoustic monitoring reports).	1 hour/report.
	Actual visual observation on duty	8 hours/day 3 observers/vessel = 24.
	Submit to MMS observer training requirement materials and information.	½ hour.
	Observer training.	8 hours.
	Training certification and recordkeeping	½ hour.
	Submit to MMS information on passive acoustic monitoring system before its use (voluntary program).	1 hour.

NTL	Reporting and recordkeeping requirement	Hour burden
Vessel Strike Avoidance and Injured/Dead Protected Species Rpting.	Submit injured/dead protected species report	½ hour/report.
Marine Trash and Debris Awareness and Elimination	Write to obtain training video (optional)	½ hour/request.
	Submit annual report to MMS on training process and certification.	½ hour/record.
	Training recordkeeping	½ hour/record.
	Post placards on vessels and structures. (Exempt from information collection burden because MMS is providing exact language for the trash and debris warning, similar to the ''Surgeon General's Warning'' exemption.)	

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedures: MMS's practice is to make comments, including names and addresses of respondents, available for public review. If you wish your name and/or address to be withheld, you must state this prominently at the beginning of your comment. MMS will honor this request to the extent allowable by law; however, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: May 3, 2006.

William S. Hauser,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. E6–7068 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore, Massachusetts; Draft Environmental Impact Statement for the Hunting Program

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement for the Hunting Program at Cape Cod National Seashore.

SUMMARY: The National Park Service (NPS) announces the availability of the Draft Environmental Impact Statement for the Hunting Program at Cape Cod National Seashore (DEIS). The draft document describes and analyzes the environmental impacts of a preferred alternative, another action alternative, and a no action alternative.

DATES: The DEIS will be available for public review and comment for 60 days from the date of publication of the Environmental Protection Agency's Notice of Availability in the **Federal Register**. Comments will be accepted until the close of the 60-day review period. Public information meetings are scheduled for 7 p.m., Thursday, June 8, 2006, at the Salt Pond Visitor Center in Eastham, Massachusetts, and for 9 a.m., Saturday, June 10, 2006, at the Province Lands Visitor Center in Provincetown, Massachusetts.

ADDRESSES: The DEIS may be viewed online at *http://www.nps.gov/caco* through the ''In Depth'' link on the homepage under ''Management''. The DEIS will be available in hard copy at outer cape libraries and Marconi headquarters for onsite review. Comments may be submitted by mail to the address below, or by e-mail to *CACO_Hunt_EIS@nps.gov* (please note the underscore between words).

FOR FURTHER INFORMATION CONTACT: Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, Massachusetts 02667. Telephone: (508) 349–3785. Fax: (508) 349–9052.

SUPPLEMENTARY INFORMATION: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2), the NPS has prepared a DEIS that considers three alternatives for managing the hunting program at Cape Cod National Seashore. The draft document describes and analyzes the environmental impacts of a preferred alternative, another action alternative, and a no action alternative.

Comments may be submitted by mail to: Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, Massachusetts 02667; or by e-mail to *CACO_Hunt_EIA@nps.gov* (please note the underscore between words). It is our practice to make comments, including the names and home addresses of respondents, available for public review during normal business hours. Individual respondents may request that we withhold their home addresses from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold the respondent's identity. If you wish us to withhold your address you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Alternative A (No Action): The National Park Service would continue the hunting program as it was prior to a court decision to enjoin the pheasant hunting and stocking program. Hunting would continue in accordance with the seasons and regulations established by the Massachusetts Division of Fisheries and Wildlife (MDFW), and in accordance with the existing rules established by Cape Cod National Seashore pertaining to the time of year hunting is allowed, the species that can be hunted, and no-hunting zones. Under this alternative, the pheasant hunting and stocking program would be re-established.

Alternative B (Preferred Alternative): The hunting program described in Alternative A would be modified as described below. These modifications were derived from the input received during public scoping, and would retain hunting as part of Cape Cod's cultural heritage while addressing concerns raised by non-hunting visitors.

Element 1: An adaptive management approach would be used to phase out the pheasant stocking and hunting program over a 15-year period. The number of pheasants stocked each year would be determined in coordination with MDFW, and would be based on hunting pressure and the response of native quail populations to cultural landscape restoration activities. If at the end of 15 years, native upland game bird hunting opportunities have not increased to a level roughly commensurate to the stocked pheasant hunt, the park will work with MDFW to create opportunities for a stocked quail hunt.

Element 2: This element would simplify the scope of hunting areas, and would designate hunting-permitted areas versus the current policy which allows hunting in all areas except where specifically prohibited. The hunting-permitted areas would be delineated based on the existing 500-foot no-hunting buffers around paved roads and buildings, expanding the no-hunting buffers around bicycle paths from 150 feet to 500 feet, and eliminating the small patches and thin slivers of area that cannot practicably be hunted.

Element 3: This element would increase traditional hunting opportunities for native upland bird species. Specifically, the park's rules would be revised to allow the State's spring eastern turkey hunt to occur within the park. Additionally, this element would include developing and implementing cultural landscape restoration activities that are expected to improve habitat quality for upland game birds, particularly northern bobwhite quail.

Element 4: Improved information regarding hunting-permitted areas, hunting regulations, and safety measures would be developed. Outreach strategies would be developed to improve hunter and visitor understanding of the hunting program.

Alternative C: This alternative would consider eliminating hunting at Cape Cod National Seashore. A sub-element of Alternative C would eliminate only the pheasant program while retaining the other aspects of the hunting program.

George E. Price, Jr.,

Superintendent, Cape Cod National Seashore.

[FR Doc. 06–4354 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–WV–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) that the Boston Harbor Islands Advisory Council will meet on Wednesday, June 7, 2006. The meeting will convene at 4 p.m. at Northeastern University, Shillman Hall, Room 220, Boston, MA.

The Advisory Council was appointed by the Director of National Park Service pursuant to Public Law 104–333. The 28 members represent business, educational/cultural, community and environmental entities; municipalities surrounding Boston Harbor; Boston Harbor advocates; and Native American interests. The purpose of the Council is to advise and make recommendations to the Boston Harbor Islands Partnership with respect to the development and implementation of a management plan and the operations of the Boston Harbor Islands national park area.

The Agenda for this meeting is as follows:

1. Call to Order, Introductions of Advisory Council members present.
2. Review and approval of minutes of the March meeting.
3. Community Outreach.
4. Nominating Committee.
5. Report from the NPS.
6. Public Comment.
7. Next Meetings.
8. Adjourn.

The meeting is open to the public. Further information concerning Council meetings may be obtained from the Superintendent, Boston Harbor Islands. Interested persons may make oral/written presentations to the Council or file written statements. Such requests should be made at least seven days prior to the meeting to: Superintendent, Boston Harbor Islands NRA, 408 Atlantic Avenue, Boston, MA 02110, telephone (617) 223–8667.

Dated: April 25, 2006.

Bruce Jacobson,

Superintendent, Boston Harbor Islands NRA.

[FR Doc. E6–7144 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–8G–P

DEPARTMENT OF THE INTERIOR

National Park Service

Chesapeake and Ohio Canal National Historical Park Advisory Commission; Notice of Public Meeting

AGENCY: Department of the Interior, National Park Service, Chesapeake and Ohio Canal National Historical Park.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that a meeting of the Chesapeake and Ohio Canal National Historical Park Advisory Commission at 10 a.m., on Friday, May 19, 2006, at Glen Echo Town Hall, 6106 Harvard Avenue, Glen Echo, Maryland.

The Commission will meet to consider the National Park Service Environmental Assessment evaluating the impacts of a proposal by Georgetown University to construct a boathouse for competitive rowing on the Georgetown Waterfront in Washington, D.C.

DATES: Friday, May 19, 2006.

ADDRESSES: Glen Echo Town Hall, 6106 Harvard Avenue, Glen Echo, Maryland.

FOR FURTHER INFORMATION CONTACT: Kevin Brandt, Superintendent, Chesapeake and Ohio Canal National Historical Park, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740, telephone: (301) 714–2202.

SUPPLEMENTARY INFORMATION: The Commission was established by Public Law 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Kevin Brandt, Superintendent, Chesapeake and Ohio Canal National Historical Park, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld, Chairperson;
Mr. Charles J. Weir;
Mr. Barry A. Passett;
Mr. Terry W. Hepburn;
Ms. JoAnn M. Spevacek;
Mrs. Mary E. Woodward;
Mrs. Donna Printz;
Mrs. Ferial S. Bishop;
Ms. Nancy C. Long;
Mrs. Jo Reynolds;
Dr. James H. Gilford;
Brother James Kirkpatrick;
Mr. George E. Lewis, Jr.;
Mr. Charles D. McElrath;
Ms. Patricia Schooley; and
Mr. Jack Reeder.

Minutes of the meeting will be available for public inspection six weeks after the meeting at Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740.

Dated: April 25, 2006.

Joseph M. Lawler,

Regional Director, National Capital Region.

[FR Doc. E6–7137 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–6V–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Capital Memorial Advisory Commission; Notice of Public Meeting

AGENCY: Department of the Interior, National Park Service, National Capital Memorial Advisory Commission.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that a meeting of the National Capital Memorial Advisory Commission (the Commission) will be held on Tuesday, June 27, 2006, at 1:30 p.m., at the National Building Museum, Room 312, 401 F Street, NW., Washington, DC.

The purpose of the meeting will be to discuss currently authorized and proposed memorials in the District of Columbia and its environs. In addition to discussing general matters and conducting routine business, the Commission will review the status of legislative proposals introduced in the 109th Congress to establish memorials in the District of Columbia and its environs, as follows:

Action Items

(1) Legislation currently under consideration by the 109th Congress.

(a) S. 2495, to authorize the National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor slaves and other persons that fought for independence, liberty, and justice for all during the American Revolution.

(b) S. 2236, a bill to extend until October 24m 2015, the authorization establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States (Pub. L. 106–348) which would otherwise expire on October 24, 2007.

(c) H.R. 5057, to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion.

(d) H.R. 5145, to authorize the National War Dogs Monument, Inc., to establish a national monument in honor of military working dog teams.

(e) Legislative proposal to commemorative the Hungarian Revolution of 1956.

Informational Items

(1) Congressional actions taken on bills previously reviewed by the Commission.

(a) S.J. Res. 28 and H.J. 78, bills to Dwight D. Eisenhower Memorial.

(b) H.R. 562, a bill to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933.

(c) H.R. 4882, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by designating a site for a visitor center for the Vietnam Veterans Memorial.

S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

(d) Museum Initiatives.

—Latino Museum Commission H.R. 2134 and S. 2475, bills to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC.

–National Health Museum. S. 2015, a bill to provide a site for construction of a National Health Museum.

—National Women's History Museum. S. 501 and H.R. 3630, bills to provide a site for the National Women's History Museum in the District of Columbia.

Other Business

(1) General matters and routine business.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact Ms. Nancy Young, Secretary to the Commission, at (202) 619–7097.

DATES: Tuesday, June 27, 2006.

ADDRESSES: National Building Museum, Room 312, 401 F Street, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Young, Secretary to the Commission, 202–619–7097.

SUPPLEMENTARY INFORMATION: The Commission was established by Public Law 99–652, the Commemorative Works Act (40 U.S.C. chapter 89 *et seq.),* to advise the Secretary of the Interior (the Secretary) and the Administrator, General Services Administration, (the Administrator) on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs, as well as such other matters as it may deem appropriate concerning commemorative works.

The Commission examines each memorial proposal for conformance to the Commemorative Works Act, and makes recommendations to the Secretary and the Administrator and to

Members and Committees of Congress. The Commission also serves as a source of information for persons seeking to establish memorials in Washington, DC and its environs.

The members of the Commission are as follows:

Director, National Park Service.
Administrator, General Services Administration.
Chairman, National Capital Planning Commission.
Chairman, Commission of Fine Arts.
Mayor of the District of Columbia.
Architect of the Capitol.
Chairman, American Battle Monuments Commission.
Secretary of Defense.

Dated: April 17, 2005.

Joseph M. Lawler,

Regional Director, National Capital Region.

[FR Doc. 06–4355 Filed 5–9–06; 8:45am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of Location Fee Schedule for Commercial Filming and Still Photography Permits for Units of the National Park Service

AGENCY: National Park Service, Interior.

SUMMARY: In accordance with Public Law 106–206, beginning on May 15, 2006, the National Park Service (NPS) will collect a location fee for commercial filming and certain still photography activities permitted in units of the National Park Service. In addition, the NPS will continue to recover from the applicant a sum equal to the amount expended by the NPS in processing the permit request.

DATES: Collection of location fees will be effective May 15, 2006.

ADDRESSES: Information requests may be submitted to Lee Dickinson, Special Park Uses Program Manager, by any of the following methods:

E-mail: *Lee_Dickinson@nps.gov.*
Fax: 202–371–2401, Attention: Lee Dickinson.
Mail: Lee Dickinson, Special Park Uses Program Manager, National Park Service, 1849 C Street, NW, ORG CODE 2460, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Lee Dickinson, NPS Special Park Uses Program Manager at *lee_dickinson@nps.gov* or (202) 513–7092.

SUPPLEMENTARY INFORMATION: Public Law 106–206 (codified at 16 U.S.C. 460*l*–6d) directs the Secretaries of the Interior and Agriculture to establish a reasonable fee system for location fees for commercial filming and still photography activities on lands under the Secretaries' jurisdiction.

In June 2004, at the request of some members of Congress, the Government Accountability Office (GAO) began a review of NPS policy and guidance related to issuing special use permits for special events and for commercial filming and still photography. In a May 6, 2005, report, the GAO concluded that the NPS could have collected and retained at least $1.6 million in location fees for commercial filming and still photography activities permitted on park lands in fiscal year 2003 if Public Law 106–206 had been implemented. A recommendation of the report was that the NPS ''Expedite the implementation of the law that requires the Park Service to collect locations fees and costs for commercial filming and still photography, when appropriate.''

The Department of the Interior (DOI) is currently rewriting existing regulations at 43 CFR part 5. The new regulation will include many provisions of Public Law 106–206 which are not addressed in the current regulation and will ensure consistency between DOI agencies using this regulation. When finalized, this regulation will be the primary regulation governing commercial filming and still photography activities for the Bureau of Land Management (BLM), the U.S. Fish and Wildlife Service (FWS), and the National Park Service (NPS). A location fee schedule is being developed to be used by DOI agencies covered by this new regulation. Beginning on May 15, 2006, and continuing until the Departmental regulation is adopted and a new location fee schedule developed, the NPS will use the following location fee schedule currently used by the Bureau of Land Management in Nevada:

Commercial Filming/Videos

1–10 people—$150/day
11–30 people—$250/day
31–49 people—$500/day
Over 50 people—$750/day

Still Photography

1–10 people—$50/day
11–30 people—$150/day
Over 30 people—$250/day

The term ''commercial filming'' means the digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television or feature film, advertisement, or similar project. The location fee for still photography applies only to those still photography activities that require a permit from the NPS. A still photography activity requires a permit when it takes place at location(s) where or when members of the public are generally not allowed; when it uses model(s), sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or when we would need to provide management and oversight to:

(i) Avoid impairment or incompatible use of the resources and values of the site; or

(ii) Limit resource damage; or

(iii) Minimize health or safety risks to the visiting public.

Dated: April 20, 2006.

Fran Mainella,

Director, National Park Service.

[FR Doc. E6–7136 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Final Decision: Ten Percent Increase in Glacier Bay Cruise Ship Quota Beginning in Year 2007

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of the Final Decision; Ten Percent Increase in the Seasonal Cruise Ship Quota for Glacier Bay National Park and Preserve for Year 2007.

SUMMARY: The Superintendent of Glacier Bay National Park and Preserve announces the decision to increase the number of cruise ships allowed to enter Glacier Bay during the summer visitor season by ten percent beginning in 2007. The current cruise ship limit is a seasonal use-day quota of 139 visits during June, July and August. This decision increases the cruise ship seasonal use-day quota to 153. The decision memorandum and related documents may be viewed online at *http://www.nps.gov/glba/pphtml/documents.html.*

FOR FURTHER INFORMATION CONTACT: Tomie Lee, Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, AK 99826; (907) 697–2203.

SUPPLEMENTARY INFORMATION: The level of seasonal cruise ship entries into Glacier Bay is controlled by special regulations found at 36 CFR 13.65(b)(2)(v) and the Vessel Quota and Operating Requirements (VQOR) EIS Record of Decision (ROD) dated November 21, 2003. Under subsection (v)(C), by October 1 of each year, ''the superintendent will determine, with the director's approval, the number of

cruise ship entries for the following season (June 1–August 31). This determination will be based upon available science and other information and applicable authorities.'' Pursuant to the foregoing, on October 17, 2005, the NPS announced that the seasonal cruise ship use-day quota, for the 92-day summer operating season in 2006 would remain at 139, but proposed an increase in the seasonal use-day quota by 10% to 153 cruise ship use-days for the 2007 operating season.

The decision to retain the 139 cruise ship use-day quotas for the 2006 summer operating season and the proposed 10% increase to 153 cruise ship use-day quotas for the 2007 summer operating season was published in the **Federal Register** on January 19, 2006. The 30-day public comment period ended on February 21, 2006. The NPS received 1,020 written comments, however; no new science or other information was received which would cause NPS to modify the proposed 10% increase (14 additional cruise ship use days, from 139 to 153 cruise ship use days) for the 2007 summer operating season. The year-round daily quota for cruise ships remaining at two per day in accordance with both the ROD and existing regulations.

The decision to increase cruise ship use-days is a result of guidance provided through extensive public planning efforts resulting in the VQOR EIS ROD, reviews of the best available scientific information collected both by the National Park Service and by scientists independent of the agency, recommendations from the Glacier Bay National Park Science Advisory Board (SAB), and an assessment of that report provided by the NPS Alaska Regional Science Advisor.

Dated: April 3, 2006.

Victor Knox,

Acting Regional Director, Alaska.

[FR Doc. 06–4356 Filed 5–9–06; 8:45 am]

BILLING CODE 4312–HX–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before April 30, 2006.

Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by May 25, 2006.

John W. Roberts,

Acting Chief, National Register/National Historic Landmarks Program.

ALASKA

Juneau Borough-Census Area

Juneau Memorial Library, 114 W. Fourth St., Juneau, 06000463

ARIZONA

Maricopa County

Earll Place Historic District, 1620–1722 E. Pinchot Ave., 1617–1731 and 1736 E. Earll Dr., Phoenix, 06000468

ARKANSAS

Jefferson County

Cogburn Dipping Vat, (Dip That Tick: Texas Tick Fever Eradication in Arkansas MPS) W. of Forest Service Rd. 73, E. of Montgomery County Rd 1 S. of its jct. with AR 8, Black Spring, 06000467

Montgomery County

Guinn Dipping Vat, (Dip That Tick: Texas Tick Fever Eradication in Arkansas MPS) S. of Forest Service Rd. 37 W. of US 70, Mauldin, 06000465

Scott County

Dooley Dipping Vat, (Dip That Tick: Texas Tick Fever Eradication in Arkansas MPS) Off Dooley Rd. E. of Forest Service Rd. 925, Boles, 06000466

Square Rock Dipping Vat, (Dip That Tick: Texas Tick Fever Eradication in Arkansas MPS) NW. of jct. of Forest Service Rds. 296 and 565A, Waldron, 06000464

KANSAS

Atchison County

Lincoln School, (Public Schools of Kansas MPS) 801 Division St., Atchison, 06000469

Ramsay, Ronald and Dorcas, House, 1415 Riverview Dr., Atchison, 06000470

Phillips County

Kirwin City Hall, 1st and Main Sts., Kirwin, 06000471

MISSOURI

Pike County

Louisiana Chicago & Alton Railroad Depot, 801 S. Third St., Louisiana, 06000472

Scott County

Anderson, Charles Isaac and Lizzie Hunter Moore, House, 203 Washington St., Commerce, 06000473

NEW YORK

Kings County

East Midwood Jewish Center, 1625 Ocean Ave., Brooklyn, 06000478

Immanuel Congregational Church, 461 Decatur St., Brooklyn, 06000479

Van Nuyse, Joose, House, 1128 E. 34th St., Brooklyn, 06000477

New York County

Building at 254–260 Canal Street, 254–260 Canal St., New York, 06000475

Lee, Higginson & Company Bank Building, 41 Broad St., New York, 06000476

NORTH DAKOTA

Ward County

South Prairie Community Hall, 177th Ave., SW., Minot, 06000474

OHIO

Clark County

St. John's Evangelical Lutheran Church, 27 N. Wittenberg Ave., Springfield, 06000485

Hamilton County

Sunny Knolls—Pape, Gordon E., House, 8725 Blome Rd., Indian Hill, 06000484

Mahoning County

Newport Village Allotment Historic District, Parts of Market St., Chester Dr., Jennette Dr. and Overhill Rd., Boardman, 06000483

Medina County

Spring Grove Cemetery, Spring Grove St., Medina, 06000482

Montgomery County

Fox Hollow, 6320 Mad River Rd., Washington Township, 06000481

Unit III, Dayton Project, 1601 W. First St., Dayton, 06000480

OKLAHOMA

Kingfisher County

Kingfisher Memorial Hall, 123 W. Miles Ave., Kingfisher, 06000487

Pittsburg County

L'Ouverture Gymnasium, Jct. of S. 14th St. and E. Chickasaw Ave., McAlester, 06000486

VERMONT

Addison County

Bridge 26, Town Hwy 11, Morgan Horse Farm Rd., over the Otter Cr., Weybridge, 06000488

[FR Doc. 06–4365 Filed 5–9–06; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[DES 06–21]

Contra Costa Water District Alternative Intake Project, Contra Costa and San Joaquin Counties, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and notice of public hearings.

SUMMARY: The Bureau of Reclamation (Reclamation) and the Contra Costa Water District (CCWD) have made available for public review and comment a Draft EIR/EIS for the proposed Contra Costa Water District Alternative Intake Project. The Draft EIR/EIS describes and presents the environmental effects of five alternatives: the No-Action Alternative and four action alternatives. Three public hearings will be held to receive comments from individuals and organizations on the Draft EIR/EIS.

DATES: The Draft EIR/EIS will be available for a 45-day public review period. Comments are due by close of business on Monday, June 26, 2006. Three public hearings have been scheduled to receive oral or written comments regarding the project's environmental effects:

- June 6, 2006, 7 p.m. to 8 p.m., Antioch, CA
- June 7, 2006, 10 a.m. to 11 a.m. Sacramento, CA
- June 8, 2006, 7 p.m. to 8 p.m., Concord, CA

A 30-minute open house to view project information and interact with the project team will precede the public hearings in Antioch and Concord.

ADDRESSES: The public hearings will be held at the following locations:

- Antioch at the Antioch Woman's Club, 509 G Street, Antioch, CA
- Sacramento at the Federal Building Cafeteria, Conference Room C–1001, 2800 Cottage Way, Sacramento, CA
- Concord at the Contra Costa Water District Board Room, 1331 Concord Avenue, Concord, CA 94524

Send comments on the Draft EIR/EIS to Ms Erika Kegel, Project Manager, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825 or Ms. Samantha Salvia, Project Manager, Contra Costa Water District, PO Box H2O, Concord, CA 94524–2099.

Copies of the Draft EIR/EIS may be requested from Ms. Samantha Salvia, Project Manager, Contra Costa Water District, PO Box H2O, Concord, CA 94524–2099; telephone: 925–688–8057; e-mail: *alternativeintake@ccwater.com.* Copies of the Draft EIR/EIS are available for public inspection at:

- Bureau of Reclamation, Regional Library, 2800 Cottage Way, Sacramento, CA
- Contra Costa Water District, 1331 Concord Ave., Concord, CA
- Antioch Public Library, 501 W. 18th Street, Antioch, CA
- Brentwood Public Library, 751 Third Street, Brentwood, CA
- Concord Public Library, 2900 Salvio Street, Concord, CA

The Draft EIR/EIS and related documents are also available at Reclamation's Web site at *http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=1818* and CCWD's project Web site at *http://www.ccwater-alternativeintake.com.*

FOR FURTHER INFORMATION CONTACT: Ms. Erika Kegel, Project Manager, Bureau of Reclamation, Mid-Pacific Region, 2800 Cottage Way, MP–730, Sacramento, CA 95825–1898, 916–978–5081, TDD 916–978–5608, *ekegel@mp.usbr.gov* or Ms. Samantha Salvia, Project Manager, Contra Costa Water District, PO Box H2O, Concord, CA 94524–2099, 925–688–8057, *alternativeintake@ccwater.com.*

SUPPLEMENTARY INFORMATION: The project purpose is to protect and improve the quality of water delivered to CCWD's untreated- and treated-water customers. Project objectives are to improve delivered water quality, especially during drought periods; protect and improve health and/aesthetic benefits to customers; improve operational flexibility; and protect delivered water quality during emergencies. Water quality problems for CCWD result from elevated concentrations of salinity (chloride and bromide), minerals, organic carbon, and turbidity at CCWD's Sacramento-San Joaquin River Delta intakes. The proposed action includes the construction of a new intake and fish screen in the Delta on Victoria Canal, a pumping plant, and an associated 2- to 4-mile-long pipeline from the new intake across Victoria Island to CCWD's existing Old River conveyance system. Reclamation actions associated with the proposed action are agreeing to a change in point of diversion of Central Valley Project (CVP) water under Contract No. I75r–3401A–LTR1 and petitioning the California State Water Resources Control Board for necessary water right changes regarding point of diversion. Through the proposed action, CCWD is seeking to relocate some of its diversions to a Delta location with better water quality and would not seek to increase its water rights, CVP contract amounts, or permitted Los Vaqueros Reservoir filling rates.

Oral and written comments, including names and home addresses of respondents, will be available for public review. Individual respondents may request that their home address be withheld from public disclosure, which will be honored to the extent allowable by law. There may be circumstances in which a respondent's identity may also be withheld from public disclosure, as allowable by law. If you wish to have your name and/or address withheld, you must state this prominently at the beginning of your comment. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public disclosure in their entirety.

Hearing Process Information

The purpose of the public hearings is to provide the public with an opportunity to comment on environmental issues addressed in the Draft EIR/EIS. Written comments will also be accepted.

Persons needing special assistance to attend and participate in the public hearings should contact Ms. Erika Kegel, at 916–978–5081, TDD 916–978–5608, as soon as possible. To allow sufficient time to process requests, please call no later than one week before the public hearings. Information regarding this proposed action is available in alternative formats upon request.

Susan L. Ramos,

Assistant Regional Director, Mid-Pacific Region.

[FR Doc. E6–7115 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Office of the Special Trustee for American Indians

Notice of Proposed Information Collection

AGENCY: Office of the Special Trustee for American Indians, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Special Trustee for American Indians, Department of the Interior, announces

the proposed extension of a public information collection required by The American Indian Trust Fund Management Reform Act of 1994, ''Application to Withdraw Tribal Funds from Trust Status, 25 CFR 1200,'' OMB Control No. 1035–0003, and that it is seeking comments on its provisions. After public review, the Office of the Special Trustee for American Indians will submit the information collection to Office of Management and Budget for review and approval.

DATES: Consideration will be given to all comments received by July 10, 2006.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Special Trustee for American Indians, Office of External Affairs, Attn: Carrie Moore, Department of the Interior, MS 5140 MIB, 1849 C St, NW., Washington, DC 20240. Individuals providing comments should reference OMB control number 1035–0003, ''Application to Withdraw Tribal Funds from Trust Status, 25 CFR 1200.''

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instrument, please write to the above address, or call Carrie Moore, 202–208–4866.

SUPPLEMENTARY INFORMATION:

I. Abstract

Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d)). This notice identifies an information collection activity that the Office of the Special Trustee for American Indians will submit to OMB for extension or re-approval.

Public Law 103–412, The American Indian Trust Fund Management Reform Act of 1994, allows Indian tribes on a voluntary basis to take their funds out of trust status within the Department of the Interior (and the Federal Government) in order to manage such funds on their own. 25 CFR part 1200, subpart B, § 1200.13, ''How does a tribe apply to withdraw funds?'' describes the requirements for application for withdrawal. The Act covers all tribal trust funds including judgment funds as well as some settlement funds, but excludes funds held in Individual Indian Money accounts. Both the Act and the regulation state that upon withdrawal of the funds, the Department of the Interior (and the Federal Government) have no further liability for such funds. Accompanying their application for withdrawal of trust funds, tribes are required to submit a Management Plan for managing the funds being withdrawn, to protect the funds once they are out of trust status.

This information collection allows the Office of the Special Trustee to collect the tribes' applications for withdrawal of funds held in trust by the Department of the Interior. If this information were not collected, the Office of the Special Trustee would not be able to comply with The American Indian Trust Fund Management Reform Act of 1994, and tribes would not be able to withdraw funds held for them in trust by the Department of the Interior.

II. Data

(1) *Title:* Application to Withdraw Tribal Funds from Trust Status, 25 CFR 1200.

OMB Control Number: 1035–0003.

Current Expiration Date: August 31, 2006.

Type of Review: Information Collection: Renewal.

Affected Entities: State, Local, or Tribal Government.

Estimated annual number of respondents: 12.

Frequency of response: Once per respondent.

(2) *Annual reporting and record keeping burden:*

Total annual reporting per respondent: 342 hours.

Total annual reporting: 4104 hours.

(3) *Description of the need and use of the information:* The statutorily-required information is needed to provide a vehicle for tribes to withdraw funds from accounts held in trust for them by the United States Government.

III. Request for Comments

The Department of the Interior invites comments on:

(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 the burden of the collection and the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to 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 Office of Management and Budget control number.

Dated: May 3, 2006.

Carrie Moore,

Director, Office of External Affairs, Office of the Special Trustee for American Indians.

[FR Doc. E6–7061 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–2W–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection for 1029–0035

AGENCY: Office of Surface Mining Reclamation and Enforcement

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request for the title described below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The information collection request describes the nature of the information collection and its expected burden and cost.

DATES: Comments must be submitted on or before June 9, 2006, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease at (202) 208–2783. You may also contact Mr. Trelease at *jtreleas@osmre.gov.*

ADDRESSES: Comments may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Department of the Interior Desk Officer, via e-mail at *OITA_docket@omb.eop.gov*, or by facsimile to (202) 395–6566. Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Room 202–SIB, Washington, DC 20240, or electronically to *jtreleas@osmre.gov*. Please reference 1029–0035 in your correspondence.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSM has submitted a request to OMB to renew its approval for this collection of information found at 30 CFR part 779, Surface mining permit applications—minimum requirements for environmental resources. OSM is requesting a 3-year term of approval for this information collection activity.

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 number for this collection of information is 1029–0035.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on this collection of information was published on December 9, 2005 (70 FR 73267). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: Surface mining permit applications—minimum requirements for environmental resources, 30 CFR Part 779.

OMB Control Number: 1029–0035.

Summary: Applicants for surface coal mining permits are required to provide adequate descriptions of the environmental resources that may be affected by proposed surface mining activities. The information will be used by the regulatory authority to determine if the applicant can comply with environmental protection performance standards.

Bureau Form Number: None.

Frequency of Collection: Once upon submittal of mining application.

Description of Respondents: 342 Coal mining permit applicants and 24 state regulatory authorities.

Total Annual Responses: 342 applications and 329 responses by state regulatory authorities.

Total Annual Burden Hours: 54,867 hours.

Send comments on the need for the collections of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the following addresses. Please refer to the appropriate OMB control numbers in all correspondence.

Dated: March 14, 2006.

John R. Craynon,

Chief, Division of Regulatory Support.

[FR Doc. 06–4343 Filed 5–9–06; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–352]

Andean Trade Preference Act: Effect on the U.S. Economy and on Andean Drug Crop Eradication

AGENCY: United States International Trade Commission.

ACTION: Notice of opportunity to submit comments in connection with the 2005 ATPA report.

DATES: Effective May 1, 2006.

FOR FURTHER INFORMATION CONTACT: Walker Pollard (202–205–3228 or *walker.pollard@usitc.gov*), Country and Regional Analysis Division, Office of Economics, U.S. International Trade Commission, Washington, DC 20436. General information concerning the Commission may be obtained by accessing its Internet server (*http://www.usitc.gov*).

Background: Section 206 of the Andean Trade Preference Act (ATPA) (19 U.S.C. 3204) requires that the Commission submit biennial reports to the Congress regarding the economic impact of the Act on U.S. industries and consumers and, in conjunction with other agencies, the effectiveness of the Act in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries. Section 206(b) of the Act requires that each report include:

(1) The actual effect of ATPA on the U.S. economy generally as well as on specific domestic industries which produce articles that are like, or directly competitive with, articles being imported under the Act;

(2) The probable future effect that ATPA will have on the U.S. economy generally and on domestic industries affected by the Act; and

(3) The estimated effect that ATPA has had on drug-related crop eradication and crop substitution efforts of beneficiary countries.

Notice of institution of the investigation and the schedule for such reports under section 206 of ATPA was published in the **Federal Register** of March 10, 1994 (59 FR 11308). The twelfth report, covering calendar year 2005, is to be submitted by September 29, 2006.

Written Submissions: The Commission does not plan to hold a public hearing in connection with the preparation of this twelfth report. However, interested persons are invited to submit written statements concerning the matters to be addressed in the report. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on June 9, 2006. All written submissions must conform with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 of the rules requires that a signed original (or a copy designated as an original) and fourteen (14) copies of each document be filed. In the event that confidential treatment of the document is requested, at least four (4) additional copies must be filed, in which the confidential business information (CBI) must be deleted (see the following paragraph for further information regarding CBI). The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *https://eofpub.usitc.gov/edis-efile/docs/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000 or *edis@usitc.gov*).

Any submissions that contain CBI must also conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6).

Section 201.6 of the rules requires that the cover of the document and the individual pages clearly be marked as to whether they are the ''confidential'' or ''nonconfidential'' version, and that the CBI be clearly identified by means of brackets. All written submissions, except for CBI, will be made available for inspection by interested parties.

The Commission intends to publish only a public report in this investigation. Accordingly, any CBI received by the Commission in this investigation will not be published in a manner that would reveal the operations of the firm supplying the information. The report will be made available to the public on the Commission's Web site.

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired individuals are advised that information on this matter can be obtained 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.

Issued: May 4, 2006.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–7059 Filed 5–9–06; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–431 (Remand)]

Drams and Dram Modules From Korea

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it is inviting parties to the referenced proceeding to file comments in the remand proceeding ordered by the United States Court of International Trade (CIT). For further information concerning the conduct of this proceeding 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, subpart A (19 CFR part 207).

DATES: Effective May 10, 2006.

FOR FURTHER INFORMATION CONTACT: Mary A. Messer (202–205–3193), Office of Investigations, or Marc A. Bernstein (202–205–3087), Office of General Counsel, 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 of Investigation No. 701–TA–431 may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background

In August 2003, the Commission determined that an industry in the United States was materially injured by reason of subsidized imports of DRAMs and DRAM modules from Korea. Hynix Semiconductor Inc. and Hynix Semiconductor America Inc. subsequently instituted an action at the CIT challenging the Commission's determination.

The CIT issued an opinion in the matter on April 13, 2006. *Hynix Semiconductor Inc.* v. *United States*, Ct. No. 03–00652, Slip Op. 06–52 (Ct. Int'l Trade Apr. 13, 2006). In its opinion, the CIT remanded the matter to the Commission for further consideration of the causal nexus between the subject imports and material injury to the domestic DRAMs industry in light of changes in the rate of growth of demand. In all other respects the CIT affirmed the Commission's opinion.

Participation in the Proceeding

Only those persons who were interested parties to the original investigation (*i.e.*, persons listed on the Commission Secretary's service list) may participate in the remand proceedings. Such persons need not make any additional filings with the Commission to participate in the remand proceedings. Business proprietary information (''BPI'') referred to during the remand proceeding will be governed, as appropriate, by the administrative protective order issued in the original investigation.

Written Submissions

The Commission is not reopening the record in this proceeding for submission of new factual information. The Commission will, however, permit the parties to file comments pertaining to the issue on which the CIT has remanded this matter. The deadline for filing comments is May 25, 2006. Comments shall be limited to no more than twenty (20) double-spaced and single-sided pages of textual material.

The parties may not submit any new factual information and may not address any issue other than the impact on the domestic industry of changes in the rate of growth of DRAM demand. Comments filed in the Commission section 129 consistency proceeding concerning *DRAMs and DRAM Modules from Korea* are not part of the record of these remand proceedings. Accordingly, the comments submitted in this remand proceeding may not cite or incorporate by reference comments submitted in the section 129 consistency proceeding. Any material from the comments in the section 129 proceeding that is reproduced and appended to or incorporated within the comments filed in these remand proceedings will be counted against the 20-page limit for comments.

All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, 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 § 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Issued: May 3, 2006.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–7060 Filed 5–9–06; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Halon Alternatives Research Corporation, Inc.

Notice is hereby given that on March 8, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Halon Alternatives

Research Corporation, Inc. (''HARC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aerojet, Rocket Research Company, Redmond, WA; Amerex Corporation, Trussville, AL; British Airways, Harmondsworth, UNITED KINGDOM; Chemetron Fire Systems, Matteson, IL; Firetrace USA, LLC, Scottsdale, AZ; H3R, Inc., Larkspur, CA; Honeywell, Buffalo, NY; Powsus, Inc., Fort Pierce, FL; Siemens, Florham Park, NJ; Fike Corporation, Blue Springs, MO; Fireline Corporation, Baltimore, MD; Ginge-Kerr Denmark A/S, Copenhagen, DENMARK; Halon Banking Systems, St. Paul, MN; Heien-Larssen AS, Spikkestad, NORWAY; Koatsu Company, Ltd., Hyogo, JAPAN; Metalcraft, Inc., Baltimore, MD; Modular Protection Group, Lenexa, KS; RemTec International, Holland, OH; and Superior Safety Inc., Thunderbay, Ontario, CANADA have been added as parties to this venture.

Also, Chubb Fire Limited, Sunbury-on-Thames, Middlesex, UNITED KINGDOM; ICI Americas, Inc., Wilmington, DE; National Fire Protection Association, Quincy, MA; Alyeska Pipeline Service Company, Anchorage, AK; ASCOA Fire Systems, Cleveland, OH; Atochem North America, Inc., Philadelphia, PA; Exxon Company, USA, Anchorage, AK; Fire and Safety International, Tokyo, JAPAN; MCI Telecommunications Corp., Washington, DC; Mobil Oil Corporation; Tokyo, JAPAN; Nissho Industries Ltd., Tokyo, JAPAN; North American Fire Guardian Technology, Inc., Vancouver, British Columbia, CANADA; Underwriters Laboratories, Inc., Chicago, IL; Yamato Protec Corp., Tokyo, JAPAN; AT&T Corporation, Basking Ridge, NJ; Dresser Industries, Berea, KY; Edison Electric Institute, Washington, DC; Jeng Dah Extinguisher Company, Ltd., Taipei, TAIWAN; Northern Telecom, Ltd., Mississauga, Ontario, CANADA; Phillips Petroleum, Bartlesville, OK; Shell International Petroleum Mij. B.V., The Hague, NETHERLANDS; Automatic Suppression Systems, South Holland, IL; Engineered Fire Systems, South Holland, IL; Engineered Fire Systems, Seattle, WA; Exxon Company, International, Florham Park, NJ; Fire Equipment Manufacturers Association, Cleveland, OH; Hi-Fog, Exton, PA; Northern States Power, Minneapolis, MN; Overland Aviation Services, St. Louis, MO; Pyrene Fire Security, Markham, Ontario, CANADA; Quantum Corporation, Milpitas, CA; Saab Aircraft AB, Linkoping, SWEDEN; Securiplex Technologies, Dorval, Quebec, CANADA; Silvani Antincendi Spa, Milan, ITALY; Solvay Performance Chemical, Inc., Greenwich, CT; 3H Taiwan Industries Corporation, Hsi Chih, Taipei Hsien, TAIWAN; AES-Ntron, Exton, PA; Control Fire Systems, Ltd., Toronto, Ontario, CANADA; Fireboy-Xintex, Grand Rapids, MI; Gielle, Altamura, ITALY; Grinnell Corp., Cranston, RI; JN Johnson Sales & Service, Minneapolis, MN; Magnavox Electronic Systems Company, Fort Wayne, IN; New Mexico Engineering Research Inst., Albuquerque, NM; Norsk Hydro, Oslo, NORWAY; Pipeline Authority, Canberra, Australian Capital Territory, AUSTRALIA; Taylor/Wagner Inc., Willowdale, Ontario, CANADA; and Union Camp Corporation, Savannah, GA have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HARC intends to file additional written notification disclosing all changes in membership.

On February 7, 1990, HARC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 1990 (55 FR 8204).

The last notification was filed with the Department on August 4, 1994. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 9, 1994 (59 FR 46662).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–4337 Filed 5–9–06; 8:45 am]

BILLING CODE 4110–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on April 10, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Tegrity, Inc., Santa Clara, CA has been added as a party to this venture. Also, Sun Microsystems, Inc., Mountain View, CA; Apple Computer, Inc., Cupertino, CA; Cocoon Technologies, Vienna, AUSTRIA; and SCT, Malvern, PA have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global Learning Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On April 7, 200, IMS Global Learning Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on January 18, 2006. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 9, 2006 (71 FR 6793).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–4335 Filed 5–9–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Institute of Electrical and Electronics Engineers

Notice is hereby given that, on April 19, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. (''the Act''), Institute of Electrical and Electronics Engineers (''IEEE'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards developmental activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages

under specified circumstances. Specifically, 8 new standard have been initiated and 9 existing standards are being revised. More detail regarding these changes can be found at *http://standards.ieee.org/standardswire/sba/03–16–06.html.*

On September 17, 2004, IEEE filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 3, 2004 (69 FR 64105).

The last notification was filed with the Department on December 16, 2005. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 18, 2006 (71 FR 2960).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–4336 Filed 5–9–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Network Centric Operations Industry Consortium, Inc.

Notice is hereby given that, on April 10, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Network Centric Operations Industry Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Deloitte & Touche, LLP, Washington, DC; Interoperability Clearinghouse, Alexandria, VA; and DataPath, Inc., Duluth, GA have been added as parties to this venture. Also, Superlative Technologies, Inc. (d/b/a SuperTEK), McLean, VA has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Network Centric Operations Industry Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On November 19, 2004, Network Centric Operations Industry Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 2, 2005 (70 FR 5486).

The last notification was filed with the Department on January 23, 2006. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 13, 2006 (71 FR 7578).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–4338 Filed 5–9–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993–SwRI Biodiesel Fuel/Water Separation Cooperative R&D Program

Notice is hereby given that, on February 7, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), SwRI Biodiesel Fuel/Water Separation Cooperative R&D Program (''SwRI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Belcan Engineering Group, Cincinnati, OH; and International Truck and Engine Corporation, Melrose Park, IL have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SwRI intends to file additional written notification disclosing all changes in membership.

On December 6, 2005, SwRI filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 22, 2005 (70 FR 76080).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–4334 Filed 5–9–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of Disability Employment Policy

[SGA 06–01]

Disability Case Study Research Consortium on Employer Organizational Practices in Employing People With Disabilities

AGENCY: Office of Disability Employment Policy, DOL.

ACTION: Solicitation for cooperative agreement.

Announcement Type: New notice of Availability of Funds and Solicitation for Grant Applications (SGA) for Disability Case Study Research Consortium on Employer Organizational Practices in Employing People with Disabilities.

Funding Opportunity Number: SGA 06–01.

Catalogue of Federal Domestic Assistance (CFDA) Number: 17.720.

Executive Summary

The U.S. Department of Labor (''DOL'' or ''Department''), Office of Disability Employment Policy (''ODEP''), announces the availability of up to $500,000 to fund one cooperative agreement for an 18-month period of performance. The goal of the cooperative agreement is for a Research Consortium to develop a standard design methodology and conduct case study research to identify ways in which an organization's structures, values, policies and day-to-day practices, facilitate the employment of people with disabilities. These case studies will validate and document effective policies and strategies within corporations that have had success in recruiting, hiring, retaining and promoting people with disabilities.

Researchers have identified a specific need for further study in this area, stating that more ''data needs to be collected in actual workplace settings to make accurate assessments of the impact of corporate culture on employees with disabilities'' (Schur, Kruse, & Blanck, 2005, p. 15) and that

> [i]t also would be valuable to compile detailed case studies of companies that have made concerted efforts to increase the hiring, retention and promotion of employees with disabilities. This would allow comparisons to be made of policies in different corporate settings, help identify ''what works'' in companies that have been successful in employing individuals with disabilities, and facilitate the development of ''best practices'' that serve as models for other employers. (Schur, Kruse, & Blanck, 2005, p. 15)

The purpose of this Research Consortium is to conduct this much

needed research. A critical element of this endeavor is the development and application of a standard research design that will be used by the Research Consortium members to conduct multiple case studies of companies that have been successful in employing people with disabilities and assess how these organizations created an atmosphere that benefited people with disabilities and the organization as a whole. A multi-case analysis will identify strategies utilized by successful companies that promote employment of people with disabilities, allow comparative analysis across different corporate settings, and facilitate the development and dissemination of model practices and policy recommendations.

The information generated will result in individual case studies that can serve as models for other employers. The case studies, cross-case comparative analysis, and topical research briefs will be disseminated through employer and industry associations and used in academic settings such as business school curriculums and professional development courses to educate future business leaders.

DATES: *Key Date:* Applications must be received by June 9, 2006.

ADDRESSES: Applications must be mailed or hand-delivered to: U.S. Department of Labor, Procurement Services Center, Attention: Cassandra Mitchell, Reference SGA 06–01, Room N5416, 200 Constitution Avenue, NW., Washington, DC 20210.

SUPPLEMENTARY INFORMATION: This notice contains all of the necessary information and forms needed to apply for the cooperative agreement described below. Additional forms can be obtained from the following OMB Web site address: *http://www.whitehouse.gov/OMB/grants/forms.html*.

I. Funding Opportunity Description and Authority

A. Description and Purpose

ODEP will award one cooperative agreement to a Research Consortium that will develop a standard case study research design, and conduct case study research to assess how corporate structures, values, policies and day-to-day practices facilitate the employment, retention and promotion of people with disabilities within the studied organization. These case studies will validate and document effective policies and strategies within corporations that have had success in recruiting, hiring, and retaining people with disabilities.

This SGA seeks to fill a gap in existing research. Researchers have acknowledged the importance of better understanding how an organization's values, policies, and practices impact employees with disabilities and that it ''would be valuable to compile detailed case studies of companies that have made concerted efforts to increase the hiring, retention and promotion of employees with disabilities.'' (Schur, Kruse, & Blanck, 2005, p. 15)

A critical aspect of this project is the development and application of a standard research design that will be used by the Research Consortium members to conduct multiple case studies of companies that have been successful in employing people with disabilities and assess how these organizations created an atmosphere that benefited people with disabilities and the organization as a whole. Each Research Consortium member will be responsible for conducting at least one company case study. The information generated will result in individual case studies that can serve as models for other employers. The lead entity in the Research Consortium will be responsible for conducting a cross-case analysis to identify strategies utilized by successful companies that promote employment of people with disabilities, allow comparative analysis across different corporate settings, and facilitate the development and dissemination of model practices and policy recommendations.

The lead entity will coordinate a product development and dissemination plan to produce reports for the individual case studies, a cross-case analysis report, and a series of topical research briefs that will be disseminated to employer and industry associations and used in academic settings such as business school curriculums and professional development courses to educate future business leaders.

B. Background

The Office of Disability Employment Policy (ODEP) provides national leadership by developing and influencing disability-related employment policies and practices. A five-year strategic plan guides ODEP in achieving its mission by identifying long-term strategic and outcome goals as well as shorter-term intermediate and performance goals. In addition to measuring agency performance, as required by the Government Performance and Results Act (GPRA), the strategic plan sets forth a road map for prioritizing the formulation and dissemination of innovative employment policies and practices to service delivery systems and employers.

ODEP's annual goal is to build knowledge and advance disability employment policy that affects and promotes systems change. The agency's long- and short-term goals focus efforts on initiatives that bring about this level of change. In short, ODEP develops policies and strategies that will:

- Enhance the capacity of service delivery systems to provide appropriate and effective services and supports to youth and adults with disabilities;
- Increase planning and coordination within service delivery systems to develop and improve systems, processes, and services;
- Improve individualization of services to better assist youth and adults with disabilities in seeking, obtaining, and retaining employment or self-employment;
- Increase employer access to supports and services to meet their employment needs;
- Increase the quality of competency-based training for service delivery systems;
- Increase the adoption of universal strategies for service provision; and
- Develop partnerships with and among critical stakeholders to effectively leverage available resources and facilitate implementation of practices and policies that increase employment and self-employment opportunities and the recruitment, retention, and promotion of youth and adults with disabilities.

Three measures serve to inform ODEP's annual progress: the number of policy-related documents; the number of formal agreements; and the number of effective practices. These performance results support achievement of the intermediate outcome goals:

- Accessible employment resources;
- Coordinated programs, processes, and services; and
- Adoption of effective practices.

Achievement of these intermediate outcome goals, in turn, supports achievement of the long-term service delivery systems outcome goals, which are marked by increases in these areas:

- Capacity of service delivery systems;
- Planning and coordination within service delivery systems; and
- Employer access to supports and services for recruitment, retention, and promotion.

According to the 2000 Census, people between the ages of 16 and 64 were less likely to be employed if they were disabled. The employment rate of Americans with disabilities of working age in 2000 was only around 56 percent,

far below the national average. One reason for the lower employment rate of people with disabilities is believed to be the negative attitudes that still exist among employers, supervisors, and workers (Hernandez *et al*, 2000; Unger, 2002). In fact, surveys of employers seem to consistently cite attitudes and stereotypes as major barriers to employment for people with disabilities (Dixon, Kruse, & Van Horn, 2003; Bruyère, 2000).

Research shows that a major contributor to attitudes or atmosphere in the workplace is an organization's ''culture.'' Edgar Schein (1992) has defined corporate culture as ''a pattern of shared basic assumptions that the group learned as it solved its problems of external adaptation and internal integration, that has worked well enough to be considered valid and, therefore, to be taught to new members as the correct way to perceive, think, and feel in relation to those problems'' (p.12). Stone and Collela (1996) note that, ''an organization's norms and values identify the types of behaviors that are appropriate and provide moral justification for organizational policies and practices'' (p. 373). The literature on disability employment policy has further identified the need to understand the ''corporate culture'' of companies in order to create employment opportunities for people with disabilities (Schur, Kruse & Blanck, 2005).

In identifying a specific need for further study in this area, researchers have gone on to state that not only is there a need for ''more data collected in actual workplace settings to determine the impact of corporate culture on employees with disabilities,'' (Schur, Kruse & Blanck, 2005, p. 15) but that,

> [i]t also would be valuable to compile detailed case studies of companies that have made concerted efforts to increase the hiring, retention and promotion of employees with disabilities. This would allow comparisons to be made of policies in different corporate settings, help identify ''what works'' in companies that have been successful in employing individuals with disabilities, and facilitate the development of ''best practices'' that serve as models for other employers. (Schur, Kruse, & Blanck, 2005, p.15)

The purpose of this Research Consortium proposed by ODEP is to conduct this much needed research. A critical element of this endeavor is the development and application of a standard research design that will be used by the Research Consortium members to conduct multiple case studies of companies that have been successful in employing people with disabilities and assess how these organizations created an atmosphere that benefited people with disabilities and the organization as a whole. A multi-case analysis will identify strategies utilized by successful companies that promote employment of people with disabilities, allow comparative analysis across different corporate settings, and facilitate the development and dissemination of model practices and policy recommendations.

Examples of individual companies that have been successful in employing people with disabilities can be found in both the business and research literature, and within the business community. For example, the Secretary of Labor has recognized successful businesses through the Secretary of Labor's New Freedom Initiative (NFI) Award. Other information sources include the Business Leadership Network, Business Advisory Councils, and the U.S. Chamber of Commerce.

The information generated will result in individual case studies that will serve as models for other employers. The case studies, comparative analysis, and topical research briefs will be disseminated through employer and industry associations and used in academic settings such as business school curriculums and professional development courses to educate future business leaders.

II. Award Information

The U.S. Department of Labor (''DOL'' or ''Department''), Office of Disability Employment Policy (''ODEP''), announces the availability of up to $500,000 to fund one cooperative agreement for an 18-month period of performance. The goal of the cooperative agreement is for a Research Consortium to develop a standard design and conduct case study research assessing the impact of an organization's structures, values, policies and day-to-day practices on employees with disabilities, and to validate and document model practices within corporations that are effective in increasing the recruitment, hiring, retention and promotion of people with disabilities.

This ODEP Cooperative Agreement anticipates substantial involvement between ODEP and the awardee during the performance of this project. Involvement will include collaboration or participation by ODEP in the overall direction of the project throughout the period of the award. ODEP will provide expertise and guidance in decisions involving the research focus, approaches/methodologies, strategies, allocation of resources, staffing, development of public information materials, analysis, and dissemination of research findings, including a final report.

Specifically, USDOL involvement will consist of:

- Approval of any sub-contract awarded by the grantee(s);
- Participation in site visits to project areas;
- Providing advice and consultation to the Grantee(s) on specific program criteria;
- Providing the Grantee(s) with technical and programmatic support, including training in USDOL monitoring and evaluation systems, and standard procedures regarding USDOL management of cooperative agreements;
- Reviewing, at reasonable times, all documents pertaining to the project, including status and technical progress reports, and financial reports;
- Discussing administrative and technical issues pertaining to the project;
- Approving candidates for all key personnel positions, and sub-contractors or sub-recipients;
- Approving all press releases and publicity materials regarding the project;
- Drafting terms of reference for, and participating in project evaluations; and
- Dissemination of research findings, including a final report.

Note: Selection of an organization as a Grantee does not constitute approval of the grant application as submitted. Before the actual grant is awarded, USDOL may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support grant implementation. If the negotiations do not result in a mutually acceptable submission, the Grant Officer reserves the right to terminate the negotiation and decline to fund the application.

III. Eligibility Information

1. Eligible Applicants

Applications will be accepted from consortia whose members may be profit and non-profit organizations that may include but are not limited to institutions of higher education, limited liability organizations, State and local government entities, and faith-based and community organizations. The consortium must have a lead entity and at least two (2) additional entities, all of which have demonstrated knowledge of and experience in: (a) Designing and conducting qualitative research studies, including business case studies, and summarizing these findings to both academic and business sectors; (b) studying corporate culture from both a

broad perspective and in terms of its impact on employment of people with disabilities; and (c) building relationships or collaborating with or gaining access to employers.

Applications must identify the lead entity for the agreement and identify members of the consortium. The named lead entity will have daily fiscal and operational responsibility for cooperative agreement activities.

According to Section 18 of the Lobbying Disclosure Act of 1995, an organization, as described in Section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities will not be eligible for the receipt of Federal funds constituting an award, grant, or loan. See 2 U.S.C. 1611; 26 U.S.C. 501(c) (4). Funding restrictions apply. See Section IV (5).

2. Cost Sharing

Cost sharing, matching funds, and cost participation are not required under this SGA.

3. Other Eligibility Requirements

Legal rules pertaining to inherently religious activities by organizations that receive Federal Financial Assistance: Neutral, non-religious criteria that neither favor nor disfavor religion will be employed in the selection of grant recipients and must be employed by grantees or in the selection of sub-recipients.

The government is generally prohibited from providing direct financial assistance for inherently religious activities.[1] These grants may not be used for religious instruction, worship, prayer, proselytizing or other inherently religious activities. Neutral, non-religious criteria that neither favor nor disfavor religion must be employed in the selection of grant recipients and sub-recipients.

While these cooperative agreements are not to provide direct service, if any component comes to involve veterans, then the following shall apply: Activities subject to the provisions of the ''Jobs for Veterans Act,'' Public Law 107–288, which provides priority of service to veterans and certain of their spouses in all Department of Labor-funded job training programs. Please note that, to obtain priority of service, a veteran must meet that program's eligibility requirements. Comprehensive policy guidance is being developed and will be issued in the near future.

[1] In this context, the term direct financial assistance means financial assistance that is provided directly by a government entity or an intermediate organization, as opposed to financial assistance that an organization receives as the result of the genuine and independent private choice of a beneficiary. In other contexts, the term 'direct' financial assistance may be used to refer to financial assistance that an organization receives directly from the Federal government (also known as ''discretionary'' assistance), as opposed to assistance that it receives from a State or local government (also knows as ''indirect'' or ''block'' grant assistance). The term ''direct'' has the former meaning throughout this SGA.

IV. Application and Submission Information

1. Addresses To Request Application Package

This SGA contains all the information and forms needed to apply for this grant funding. Application announcements or forms will not be mailed. The **Federal Register** may be obtained from your nearest government office or library. In addition, a copy of this notice and the application requirements may be downloaded from ODEP's Web site at *http://www.dol.gov/odep* and at *http://www.grants.gov*. If additional copies of the standard forms are needed, they can also be downloaded from: *http://www.whitehouse.gov/omb/grants/grants_forms.html.*

2. Content and Form of Application Submission

General Requirements: Applicants must submit one (1) paper copy with an original signature in blue ink, and two (2) additional paper copies of the signed proposal. To aid with the review of applications, DOL also requests applicants to submit an electronic copy of their proposal's Sections II (Executive Summary) and III (Project Narrative) on disc or Compact Disc (CD) using Microsoft Word. The application (not to exceed 50 pages for Section III), must be double-spaced with standard one-inch margins (top, bottom, and sides) on 8½ x 11-inch paper, and must be presented on single-sided and numbered pages. A font size of at least twelve (12) pitch is required throughout. All text in the application narrative, including titles, headings, footnotes, quotations, and captions must be double-spaced (no more than three lines per vertical inch); and, if using a proportional computer font, must be in at least a 12-point font, and must have an average character density no greater than 18 characters per inch (if using a non-proportional font or a typewriter, must not be more than 12 characters per inch). Applications that fail to meet these requirements will be considered non-responsive.

Cooperative Agreement Mandatory Application Requirements

The three required sections of the application are titled below and described thereafter:

Section I. Project Financial Plan (Budget)—No page limit
Section II. Executive Summary (Project Synopsis)—Not to exceed two (2) pages
Section III. Project Narrative—Not to exceed fifty (50) pages

The mandatory requirements for each section are set forth below. Applications that fail to meet the stated mandatory requirements for each section will be considered non-responsive.

Section I. Project Financial Plan (Budget). The Project Financial Plan will not count against the application page limits. Section I of the application must include the following three required parts:

(1) Completed ''SF–424—Application for Federal Assistance.'' Please note that, beginning October 1, 2003, all applicants for federal grant and funding opportunities are required to include a Dun and Bradstreet (DUNS) number with their application. See OMB Notice of Final Policy Issuance, 68 FR 38402 (June 27, 2003). The DUNS number is a nine-digit identification number that uniquely identifies business entities. There is no charge for obtaining a DUNS number (although it may take 14–30 days). To obtain a DUNS number, access the following Web site: *http://www.dunandbradstreet.com* or call 1–866–705–5711. Requests for exemption from the DUNS number requirement must be made to OMB. The Dun and Bradstreet Number of the applicant should be entered in the ''Applicant Information'' section of block 8(c) of the SF–424. (See Appendix A of this SGA for required form)

(2) Completed SF–424 A—Budget Information Form by line item for all costs required to implement the project design effectively. (See Appendix B of this SGA for required forms)

(3) DOL Budget Narrative and Justification that provides sufficient information to support the reasonableness of the costs included in the budget in relation to the service strategy and planned outcomes, including continuous improvement activities.

The SF–424 must contain the original signatures in blue ink of the legal entity applying for Cooperative Agreement funding and two additional copies. The individual signing the SF–424 on behalf of the applicant must represent and be able to legally bind the responsible financial and administrative entity for a Cooperative Agreement should that application result in an award. Applicants shall indicate on the SF–424 the organization's Internal Revenue Service (IRS) status (e.g., 501(c)(3) organization), if applicable.

The DOL Budget Narrative and Justification must describe all costs associated with implementing the project that are to be covered with Cooperative Agreement funds. At a minimum, include breakout of all personnel costs by position, title, annual salary rates, and percentage of time of each position to be devoted to the proposed project (including sub-grantees). Explanation and breakout of extraordinary fringe benefit rates and associated charges are to be included (*i.e.*, rates exceeding 35% of salaries and wages). Explanation of the purpose and composition of, and methodology used to derive the costs of each of the object class categories identified on the SF 424A are also expected. The budget must support the travel and associated costs of sending at least one representative to meetings with DOL staff in Washington, DC (at least once per quarter) to be held in Washington, DC, at a time and place to be determined. In addition to administrative requirements identified in Section VI (2) of this SGA, the applicant must comply with the ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments'' (also known as OMB Circular A–102), codified at 29 CFR Part 97, or ''Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'' (also known as the ''Common Rule'' or OMB Circular A–110), codified at 2 CFR Part 215 and 29 CFR Part 95.

In addition, the budget submitted for review by DOL must include, on a separate page, a detailed cost analysis of each line item. The costs listed in the detailed cost analysis must comply with the applicable OMB cost principles circulars, as identified in 29 CFR 95.27 and 29 CFR 97.22(b). Justification for administrative costs must be provided. Indirect costs will be capped at 15 percent. Approval of a budget by DOL is not the same as the approval of actual costs. The applicant must also include the Assurances and Certifications Signature Page (Appendix C) and the Survey on Ensuring Equal Opportunity for Applicants (Appendix D).

Section II. Executive Summary (Project Synopsis). The Executive Summary may not be more than two single-spaced pages in length giving a clear summary of the project. This summary must include the following information:

(1) The applicant's name and qualifications;

(2) the planned period of performance;

(3) a list of all consortium members and their qualifications; and

(4) an overview of how the applicant will carry out the research required and present the findings.

Section III. Project Narrative. Applications must include a Project Narrative that addresses the work proposed to be accomplished under the cooperative agreement, and the evaluation/selection criteria in Part V(1) that will be used by reviewers in evaluating the application.

Applicants must limit Section III to the equivalent of not more than 50 pages using the following standard. This page limit does not apply to Section I, the Project Financial Plan (Budget), Section II, the Executive Summary and the Appendices (the assurances and certifications, resumes, a bibliography or references, and the documentation of commitment/formal agreement/letters of support and other materials relevant to the application). A page is 8.5″ x 11″ (on one side only) with one-inch margins (top, bottom, and sides). All text in the application narrative, including titles, headings, footnotes, quotations, and captions must be double-spaced (no more than three lines per vertical inch); and, if using a proportional computer font, use no smaller than a 12-point font, and an average character density no greater than 18 characters per inch (if using a non-proportional font or a typewriter, do not use more than 12 characters per inch.)

The successful applicant will be a Research Consortium and will describe in their Project Narrative their innovative and comprehensive plan for accomplishing the activities described in Part I (A), Description and Purpose, above. The applicant must describe their procedures and approaches for partnering with employers.

The Project Narrative must:

(1) Identify members of the consortium (including the lead entity, a minimum of 3 consortium members is required) and provide documentation (such as letters of intent and memorandum of agreement which will be included in an Appendix) of a formal agreement of participation;

(2) Demonstrate each of the consortium members' experience in conducting qualitative analysis in corporate settings;

(3) Describe a proposed standard design that each member of the consortium will use to conduct one or more case studies of individual companies and produce a case study report;

(4) Identify criteria for selection of case studies and describe the process for ensuring employer involvement;

(5) Describe how each consortium member will apply the standard design, conduct the case study, and produce a report of its findings;

(6) Identify how the lead entity will conduct a comprehensive cross-case analysis to identify strategies utilized by successful companies that promote employment of people with disabilities and how the lead entity will produce a comparative analysis report; and

(7) Identify how the applicant proposes to disseminate research findings and products (including but not limited to the individual case studies, cross-case comparative analysis, and topical research briefs), using accessible formats, to employer and industry associations and to educational institutions for use in business school curriculums and professional development courses to educate future business leaders.

Each Project Narrative must include:

(1) A detailed 18 month management plan for project goals, objectives, and activities;

(2) A detailed 18 month timeline for project activities, including producing and submitting a final report;

(3) A detailed outline for an evaluation of the project (see Section VI, part 3 for more information);

(4) A description of procedures and approaches that will be used to provide ongoing communication, collaboration with, and input from ODEP's Project Officer on all grant-related activities.

Proposals are expected to include clearly defined research designs, which may include such options as surveys, quasi-experimental studies, observational research methodologies and others. To the extent surveys are included in the final research design the grantee will be responsible for designing those surveys in conjunction with ODEP and working with ODEP to develop an OMB clearance package and ensuring appropriate clearances. Surveys may be mixed mode (mail, Internet and phone) and should be designed to achieve an overall response rate of at least 80%. After selection, depending upon the type of questions specified and research design proposed, ODEP reserves the right to modify the research design, as appropriate. Investigators also will be required to develop outcome measures, instruments, and data analysis procedures so that study findings are reportable.

The Project Narrative must describe the proposed staffing for the project and must identify and summarize the qualifications of the personnel who will carry it out. In addition, the evaluation criteria listed in Section V (1) include consideration of the qualifications,

including relevant education, training and experience of key project personnel, as well as the qualifications, including relevant training and experience, of project consultants or subcontractors. Resumes must be included in the appendices. Key personnel include: Principle Investigator, Project Director, Project Coordinator, Project Manager, Research analyst, etc. Minimum qualifications should be commensurate with the role identified in the application. In addition, the applicant must specify in the application, the percentages of time to be dedicated by each key person on the project.

For each staff person named in the application, please provide documentation of all internal and external time commitments. In instances where a staff person is committed on a Federally supported project, please provide the project name, Federal office, program title, the project Federal award number, and the amount of committed time by each project year. This information (*e.g.*, Staff: Jane Doe; Project Name: Succeeding in the General Curriculum; Federal office: Office of Special Education Programs; Program title: Field Initiated Research; Award number: H324C980624; Time commitments: Year 1–30%; Year 2–25% and Year 3–40%) can be provided as an Appendix to the application.

In general, ODEP will not reduce time commitments on currently funded grants from the time proposed in the original application. Therefore, we will not consider for funding any application where key staff are bid above a time commitment level that staff have available to bid. Further, the time commitments stated in newly submitted applications will not be negotiated down to permit the applicant to receive a new grant award.

The Project Narrative should also describe how the applicant plans to comply with the employment discrimination and equal employment opportunity requirements of the various laws listed in the assurances section.

3. Submission Dates, Times, and Addresses

Applications will be accepted commencing May 10, 2006. The closing date for receipt of applications by DOL under this announcement is June 9, 2006.

Applications, including those hand-delivered, must be received by 4:45 p.m. (ET) on the closing date at the address specified below. No exceptions to the mailing and hand-delivery conditions set forth in this notice will be granted. Applications that do not meet the conditions set forth in this notice will be considered non-responsive.

Applications must be mailed or hand-delivered to: U.S. Department of Labor, Procurement Services Center, Attention: Cassandra Mitchell, Reference SGA 06–01, Room N–5416, 200 Constitution Avenue, NW., Washington, DC 20210. Applications sent by e-mail or telefacsimile (FAX) will not be accepted.

Hand-Delivered Proposals: It is preferred that applications be mailed at least five (5) days prior to the closing date to ensure timely receipt. Hand-delivered applications will be considered for funding, but must be received by the above specified date and time. Overnight express delivery from carriers other than the U.S. Postal Service will be considered hand-delivered applications. Failure to adhere to the above instructions will serve as a basis for a determination of non-responsiveness.

Applicants are advised that mail in the Washington, DC area may be delayed due to mail decontamination procedures and may wish to take this information into consideration when preparing to meet the application deadline.

Late Applications: Any application received by the designated office after the exact date and time specified will be considered non-responsive, unless it is received before awards are made and it: (a) Is determined that its late receipt was caused by DOL error after timely delivery to the Department of Labor; (b) was sent by U.S. Postal Service registered or certified mail not later than the fifth calendar day before the date specified for receipt of applications (*e.g.*, an application submitted in response to a solicitation requiring receipt of applications by the 20th of the month must have been postmarked by the 15th of that month); or (c) was sent by the U.S. Postal Service Express Mail Next Day Service to addressee not later than 5 p.m. at the place of mailing two (2) working days prior to the date specified for receipt of applications. The term ''working days'' excludes weekends and Federal holidays. ''Postmarked'' means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied or affixed on the date of mailing by an employee of the U.S. Postal Service.

Withdrawal of Applications: An application that is timely submitted may be withdrawn by written notice or telegram (including mailgram) at any time before an award is made. Applications may be withdrawn in person by the applicant or by an authorized representative thereof, if the representative's identity is made known and the representative signs a receipt for the proposal.

4. Intergovernmental Review

This funding opportunity is not subject to Executive Order 12371, ''Intergovernmental Review of Federal Programs.''

5. Funding Restrictions

(a) Funding Levels: The total funding available for this solicitation is $500,000. The Department of Labor reserves the right to negotiate the amount to be awarded under this competition. Please be advised that requests exceeding the maximum stated amount in the Executive Summary section of this solicitation will be considered non-responsive. Additionally, there will be no reimbursement of pre-award costs.

(b) Period of Performance: The period of performance will be for 18 months from date of the award unless modified. It is expected that the successful applicant will begin program operations under this solicitation immediately upon receiving the ''Notice of Award.''

(c) Option Year Funding: Not applicable.

(d) Indirect Charges: If indirect charges are claimed in the proposed budget, the recipient must provide on a separate sheet, the following information:

(1) Name and address of cognizant Federal Audit Agency;

(2) Name, address and phone number (including area code) of the Government auditor;

(3) Documentation from the cognizant agency indicating:

(a) Current Indirect cost rate and the base against which the rate should be applied;

(b) Effective period (dates) for the rate; and

(c) Date last rate was computed and negotiated;

(4) If no government audit agency computed and authorized the rate claimed, a proposed rate with justification may be submitted to provide a brief explanation of computation, who computed and the date; successful applicants will be required to negotiate an acceptable and allowable rate within 90 days of grant award with the appropriate DOL Regional Office of Cost Determination or with the applicant's cognizant agency for indirect cost rates (See Office of Management and Budget Web site at *http//www.whitehouse.gov/omb/grants/*

attach.html). The recipient shall call the Office of Cost Determination at 202–693–4100 for the initial contact.

However, applications claiming an indirect cost rate greater than 15% will not be considered.

V. Application Review Information

1. Evaluation Criteria

Proposals will be evaluated on the basis of the following criteria, as further described below:

(1) The significance of the proposed project;

(2) the quality of the design of the research activities;

(3) the organizational capacity and quality of key personnel;

(4) budget and resource capacity;

(5) the quality of the management plan; and

(6) the quality of project evaluation.

Maximum point values are shown for each criterion.

A. Significance of the Proposed Project (10 Points)

In determining the significance of the proposed project, the Department will consider the following factors:

1. The potential contribution of the proposed research to increase knowledge or understanding of the stated problems, issues, or effective strategies;

2. The extent to which the research activities proposed reflect a coherent, sustained approach to research in the field, including a substantial addition to the existing literature;

3. The extent to which the proposed research is likely to yield findings that can be used by other appropriate agencies and organizations; and

4. The extent to which the plans for dissemination and reporting of results and findings are of sufficient quality and intensity, and account for the accessibility needs of individuals with disabilities.

B. Quality of the Research Design (25 Points)

In evaluating the quality of the proposed project design, the Department will consider the following factors:

1. The extent to which the goals, objectives, and outcomes to be achieved by the proposed research are clearly specified and measurable;

2. The extent to which the methodology of each proposed research activity is meritorious, including a comprehensive and informed review of the current literature;

3. The extent to which the proposal provides a comprehensive description of a research plan that outlines specific elements of the anticipated research and incorporates the key activities identified in the Project Narrative of this SGA (IV (2), Section III) ;

4. The extent to which the design of the proposed project incorporates measures adequate to facilitate ODEP's external evaluation;

5. The extent to which the proposal details criteria for selection of case studies and describes the process for ensuring employer involvement and participation;

6. The adequacy of the documentation submitted in support of the proposed research design to demonstrate the commitment of each applicant and their consortium members and the quality of the plan that the applicant will use to recruit, enlist, and secure cooperation of other experts;

7. The extent to which the applicant encourages involvement of people with disabilities, relevant experts, and organizations in project activities; and

8. The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

C. Organizational Capacity and Quality of Key Personnel (20 Points)

Applications will be evaluated based on the extent to which the consortium's key personnel demonstrate organizational capacity to conduct the proposed research, including:

(1) Broad representation across multiple disciplines;

(2) experience with similar projects;

(3) qualifications and experience of the consortium's leadership;

(4) commitment to developing and sustaining work across key stakeholders;

(5) experience and commitment of any proposed consultants or subcontractors; and

(6) appropriateness of the organization's structure to carry out the project.

D. Budget and Resource Capacity (10 Points)

In evaluating the capacity of the applicant to carry out the proposed project, the Department will consider the following factors:

1. The applicant's demonstrated experience in managing resources to conduct research on corporate culture and employment of people with disabilities;

2. The extent to which the budget is adequate to support the proposed research project; and

3. The extent to which the anticipated costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

E. Quality of the Management Plan (20 Points)

In evaluating the quality of the management plan for the proposed project, the Department will consider the following factors:

1. The extent to which the management plan for project implementation appears likely to achieve the objectives of the proposed project on time and within budget, and includes clearly defined staff responsibilities, time allocation to project activities, time lines, milestones for accomplishing project tasks, and project deliverables;

2. The adequacy of mechanisms for ensuring high-quality products, including the reporting of research findings for the proposed project and plan for product dissemination; and

3. The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

F. Quality of Project Evaluation (15 Points)

In evaluating the quality of the proposed project evaluation, the Department will consider the following factors:

1. The extent to which the research methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, context, and outcomes of the proposed project;

2. The extent to which the evaluation will provide information to the Federal and State governments and other employers about the impact of corporate culture on employment of people with disabilities; and

3. The extent to which the methods of evaluation provide measures that will inform ODEP's annual performance goals and measures and ODEP's long-term strategic goals.

2. Review and Selection Process

A technical review panel will objectively rate each complete application against the criteria described in this SGA. The panel recommendations to the Grant Officer, including any point scores, are advisory in nature. The Grant Officer may elect to award a grant either with or without discussion with the applicant. In situations where no discussion occurs, an award will be based on the signed SF–424 form (see Appendix A), which constitutes a binding offer. The Grant Officer may consider the availability of funds and any information that is available and will make final award

decisions based on what is most advantageous to the government, considering factors such as: the advisory recommendations from the grant technical evaluation panel; and the availability of funds.

3. Anticipated Announcement and Award Dates

Announcement of this award is expected to occur within 30 days of award. The grant/cooperative agreement will be awarded by no later than September 30, 2006.

VI. Award Administration Information

1. Award Notices

The Notice of Award signed by the Grant Officer is the authorizing document and will be provided through United States Post Office mail and/or by electronic means to the authorized representative listed on the SF–424 Grant Application. Notice that an organization has been selected as a grant recipient does not constitute final approval of the grant application as submitted. Before the actual grant award, the Grant Officer and/or the Grant Officer's Technical Representative may enter into negotiations concerning such items as program components, funding levels, and administrative systems. If the negotiations do not result in an acceptable submittal, the Grant Officer reserves the right to terminate the negotiation and decline to fund the proposal.

2. Administrative and National Policy Requirements

All grantees, including faith-based and community organizations, will be subject to applicable Federal laws (including provisions of appropriations law), regulations, and the applicable Office of Management and Budget (OMB) Circulars. The grant(s) awarded under this SGA will be subject to the following administrative standards and provisions, and requirements applicable to particular entities. The applicant must include assurances and certifications that it will comply with these laws in its grant application. The assurances and certifications are attached in Appendix C.

A. Regulations

- 29 CFR Parts 31 and 32—Nondiscrimination in Federally Assisted Programs of the Department of Labor (respectively, effectuation of Title VI of Civil Rights Act of 1964, and on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance)
- 29 CFR Part 35—Nondiscrimination on the Basis of Age in Programs or Activities receiving Federal Financial Assistance from the Department of Labor
- 29 CFR Part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
- 29 CFR Part 93—New Restrictions on Lobbying.
- 29 CFR Part 95—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, and with Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments and International Organizations.
- 29 CFR Part 96—Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements.
- 29 CFR Part 97—Uniform Administrative Regulations for Grants to States, Local Governments or Tribes.
- 29 CFR Part 98—Federal Standards for Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).
- 29 CFR Part 99—Federal Standards for Audits of States, Local Governments, and Non-Profit Organizations.
- 29 CFR Part 2—General Participation in Department of Labor Programs by Faith-Based and Community Organizations; Equal Treatment of All Department of Labor Program Participants and Beneficiaries.
- Applicable cost principles under OMB Circulars A–21, A–87, A–122, or 48 CFR Part 31.

B. Travel

Any travel undertaken in performance of this cooperative agreement shall be subject to and in strict accordance with Federal travel regulations.

C. Acknowledgement of USDOL Funding

Printed Materials: In all circumstances, the following shall be displayed on printed materials prepared by the grantee while in receipt of DOL grant funding: ''Preparation of this item was funded by the United States Department of Labor under SGA 06–01.''

- All printed materials must also include the following notice: ''This document does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.''

Public reference to grant: When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all Grantees receiving Federal funds must clearly state:

- The percentage of the total costs of the program or project, which will be financed with Federal money;
- The dollar amount of Federal financial assistance for the project or program; and
- The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Use of USDOL Logo: In consultation with USDOL ODEP, the Grantee must acknowledge USDOL's role as described below:

- The USDOL logo may be applied to USDOL-funded material prepared for world-wide distribution, including posters, videos, pamphlets, research documents, national survey results, impact evaluations, best practice reports, and other publications of global interest. The Grantee(s) must consult with USDOL on whether the logo may be used on any such items prior to final draft or final preparation for distribution. In no event shall the USDOL logo be placed on any item until USDOL has given the Grantee written permission to use the logo on the item.
- All documents must include the following notice: ''This document does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.''

D. Intellectual Property

Please be advised that DOL will reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, distribute, publicly display and perform, and create derivative works from, and to authorize others to use, for Federal Government purposes: (1) The copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and (2) any rights of copyright to which a grantee, subgrantee or a contractor purchases ownership with grant support.

In addition, the grantee will agree to notify DOL of any pre-existing copyrighted materials it intends to incorporate into materials developed under the grant, and, prior to such incorporation, the grantee will agree that it will acquire, on behalf of DOL, any necessary licenses to allow DOL to exercise the rights described in the paragraph above.

E. Approval of Key Personnel and Subcontractors

The recipient shall notify the Grant Officer at least 14 calendar days in advance if any key personnel are to be removed or diverted from the cooperative agreement, shall supply written justification as part of this notice as to why these persons are to be removed or diverted, shall provide the names(s) of the proposed substitute or replacement, and shall include information on each new individual, including such qualifications as education and work experience.

F. Reporting and Monitoring

The selected applicant must submit on a quarterly basis, beginning 90 days from the award of the grant, financial and activity reports under this program as prescribed by OMB Circular A–110 codified at 2 CFR Part 215 and 29 CFR Part 95. Specifically the following reports will be required:

1. *Quarterly report:* The form for the Quarterly Report will be provided by ODEP. The Department will work with the grantee to help refine the requirements of the report, which, among other things, will include measures of ongoing analysis for continuous improvement. This report will be filed using an on-line reporting system. The form will be submitted within 30 days of the close of the quarter;

2. *Standard Form 269 Financial Status Report Form:* This form is to be completed and submitted on a quarterly basis using the on-line electronic reporting system; and

3. *Final Project Report:* The Final Project Report is to include an assessment of project performance and outcomes achieved. This report will be submitted in hard copy and on electronic disk using a format, and following instructions, to be provided by the Department. A draft of the final report is due to the Department sixty (60) days before the end of the period of performance of the cooperative agreement. The final report is due to DOL ten (10) days before the end of the period of performance of the cooperative agreement.

The Department will arrange for an independent evaluation of the outcomes, impacts, accomplishments, and benefits of the project. The selected applicant must make records and data available to external evaluation personnel, as specified by the Department. All grantees must agree to cooperate with this evaluation and must make available records on all parts of project activity and provide access to personnel, as specified by the evaluator(s), under the direction of the ODEP. This independent evaluation is separate from the ongoing evaluation for continuous improvement required of the grantee for project implementation.

Project efforts will complement those of ODEP's technical assistance efforts, including: the National Center on Workforce and Disability for Adults (NCWD/A); the National Consortium on Workforce and Disability for Youth (NCWD/Y), the Job Accommodation Network (JAN), and the Employer Assistance Recruiting Network (EARN). Grantees must also agree to work with the ODEP in its other efforts in order to freely share with others what is learned. Grantees must agree to collaborate with other research institutes, centers, studies, and evaluations that are supported by the DOL and other relevant Federal agencies, as appropriate. Finally, Grantees must agree to utilize, when relevant, the programs sponsored by the ODEP, including the Job Accommodation Network, (*http://www.jan.wvu.edu*), and the Employer Assistance and Recruiting Network (*http://www.earnworks.com*).

G. Certification and Release by Corporate Subjects

Grantees shall notify any person from whom they gather information pursuant to this study, that such information may be submitted to DOL and may be published. Before submitting any such information to DOL, Grantee will obtain from such person the following certification and release, and will submit it to DOL:

On behalf of the company named below, I certify that the company has been advised that any information provided to the *Grantee* is being gathered pursuant to a Department of Labor (DOL) grant, and that such information may be disclosed to DOL and the public. I hereby release *Grantee* and DOL from any obligation or liability in connection therewith.

_____Date

Name

Title

Company

VII. Agency Contacts

Any questions regarding this SGA should be directed to Cassandra Mitchell, e-mail address: *mitchell.cassandra@dol.gov,* tel: 202–693–4570 (note that this is not a toll-free number). To obtain further information about the Office of Disability Employment Policy of the U.S. Department of Labor, visit the USDOL Web site of the Office of Disability Employment Policy at *http://www.dol.gov/odep.*

VIII. Other Information

1. References

Bruyère, S.M., Erickson, W.A., & VanLooy, S. (2000). HR's role in managing disability in the workplace. *Employment Relations Today,* 27 (3), 47–66.

Dixon, K.A., Kruse, D., & Van Horn, C.E. (2003). *Restricted access: A survey of employers about people with disabilities and lowering barriers to work.* New Brunswick, NJ: Rutgers University, John J. Heldrich Center for Workforce Development.

Hernandez, B., Keys, C. & and Balcazar, F. (2000). Employer attitudes toward workers with disabilities and their ADA employment rights: A literature review. *Journal of Rehabilitation,* 66 (4), 4–16.

Schein, E.H. (1992). *Organizational culture and leadership* (2nd ed.). San Francisco, CA: Jossey-Bass.

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Stone, D.L. & Colella, A. (1996). A model of factors affecting the treatment of disabled individuals in organizations. *Academy of Management Review,* 21 (2), 352–401.

Unger, D.D. (2002). Employers' attitudes toward persons with disabilities in the workforce: myths or realities? *Focus on Autism and Other Developmental Disabilities,* 17 (1), 2–10.

2. Appendices

The appendices are as follows:

Appendix A.—Application for Federal Assistance, Form SF–424

Appendix B.—Budget Information Sheet, Form SF–424A

Appendix C.—Assurances and Certifications Signature Page

(Appendices D and E are not applicable)

Appendix F.—Survey on Ensuring Equal Opportunity for Applicants

Detailed information and document locations:

Appendix A.—Application for Federal Assistance, Form SF–424 (OMB No. 4040–0004).

Appendix B.—Budget Information Sheet, Form SF–424A (OMB No. 0348–0044).

Both forms SF–424 and 424A can be obtained at the following Web address: *http://apply.grants.gov/agency/FormLinks?family=7.*

Appendix F.—Survey on Ensuring Equal Opportunity for Applicants (OMB No. 1890–0014).

The Survey on Ensuring Equal Opportunity for Applicants form can be obtained at the following Web address: *http://www.ed.gov/fund/grant/apply/appforms/surveyeo.pdf.* (If you are viewing this in an electronic format and are receiving ''page not found'', please cut and paste the URL into your browser window.)

Appendix C.—Assurances and Certifications Signature Page

Certifications and Assurances

Assurances and Certifications Signature Page

The Department of Labor will not award a grant or agreement where the grantee/recipient has failed to accept the assurances and certifications contained in this section. By signing and returning this signature page, the grantee/recipient is providing the certifications set forth below:

A. Certification Regarding Lobbying, Debarment, Suspension, Other Responsibility Matters—Primary Covered Transactions and Certifications Regarding Drug-Free/Tobacco-Free Workplace,

B. Certification of Release of Information

C. Assurances—Non-Construction Programs

D. Applicant is not a 501(c)(4) organization

Applicant Name and Legal Address:

If there is any reason why one of the assurances or certifications listed cannot be signed, please explain. Applicant need only submit and return this signature page with the grant application. All other instruction shall be kept on file by the applicant.

Signature of Authorized Certifying Official Title

Applicant Organization Date Submitted

Please Note: This signature page and any pertinent attachments which may be required by these assurances and certifications shall be attached to the applicant's Cost Proposal.

Signed at Washington, DC this 4th day of May, 2006.

Eric Vogt,

Grant Officer.

[FR Doc. E6–7120 Filed 5–9–06; 8:45 am]

BILLING CODE 4510–FK–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–58,893, TA–W–58,893X, and TA–W–58,893Y]

Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Including On-Site Leased Workers of Voit, Santa Rosa, CA; Including Employees of Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Santa Rosa, CA, Located in Saint Paul and Scandia, MN; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on March 29, 2006, applicable to workers of Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, including on-site leased workers of Voit, Santa Rosa, California. The notice was published in the **Federal Register** on April 17, 2006 (71 FR 19753).

At the request of a company official, the Department reviewed the certification for workers of the subject firm.

New information shows that worker separations have occurred involving employees of the Santa Rosa, California facility of Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions located in Saint Paul, Minnesota and Scandia, Minnesota. Mr. John Breen and Mr. Robert Higgins provided sales support services for the production of Radio Frequency (RF) Content for the Agilent 93000 Tester at the Santa Rosa, California location of the subject firm.

Based on these findings, the Department is amending this certification to include employees of the Santa Rosa, California facility of the subject firm located in Saint Paul, Minnesota and Scandia, Minnesota.

The intent of the Department's certification is to include all workers of the Santa Rosa, California location of the subject firm who was adversely affected by increased company imports.

The amended notice applicable to TA–W–58,893 is hereby issued as follows:

All workers of Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, including on-site leased workers of Voit, Santa Rosa, California (TA–W–58,893) including employees of Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Santa Rosa, California located in Saint Paul, Minnesota (TA–W–58,893X) and Scandia, Minnesota (TA–W–58,893Y), who became totally or partially separated from employment on or after February 22, 2005 through March 29, 2008, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974 and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed at Washington, DC this 26th day of April 2006.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–7126 Filed 5–9–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–58,754]

Allegheny Color Corp./Apollo Colors, Inc., Ridgway, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on March 30, 2006, applicable to workers of Allegheny Color Corporation, a division of Apollo Colors, Inc., Ridgway, Pennsylvania. The notice was published in the **Federal Register** on April 17, 2006 (71 FR 19754).

At the request of the State agency and a company official, the Department reviewed the certification for workers of the subject firm. New information shows that a worker separation has occurred involving an employee of the Ridgway, Pennsylvania facility of Allegheny Color Corp./Apollo Colors, Inc. working out of his home in Radnor, Pennsylvania. Mr. Paul Bacci provided sales support services for the production of ink pigments at the Ridgway, Pennsylvania location of the subject firm.

Based on these findings, the Department is amending this certification to include an employee of the Ridgway, Pennsylvania facility of the subject firm working out of his home in Radnor, Pennsylvania, and to correct the subject firm name to read Allegheny Color Corp./Apollo Colors, Inc.

The intent of the Department's certification is to include all workers of the Ridgway, Pennsylvania location of the subject firm who was adversely affected by increased customer imports.

The amended notice applicable to TA–W–58,754 is hereby issued as follows:

All workers of Allegheny Color Corp./Apollo Colors, Inc., Ridgway, Pennsylvania, including an employee of Allegheny Color Corp./Apollo Colors, Inc., Ridgway, Pennsylvania working out of his home in Radnor, Pennsylvania, who became totally or partially separated from employment on or after January 30, 2005 through March 30, 2008, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974 and are also eligible to apply for

alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 28th day of April 2006.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–7122 Filed 5–9–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–58,445]

Christiana Floral, Inc., Christiana, PA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Christiana Floral, Inc., Christiana, Pennsylvania. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, dismissal of the application was issued.

TA–W–58,445; Christiana Floral, Inc., Christiana, Pennsylvania, (April 26, 2006)

Signed at Washington, DC, this 1st day of May, 2006.

Erica R. Cantor,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E6–7117 Filed 5–9–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–59,215 and TA–W–59,215A]

Convergys Corporation, Tampa, FL and Hillsboro, OR; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 14, 2006 in response to a petition filed by a company official on behalf of workers at Convergys Corporation, Tampa, Florida (TA–W–59,215), and Convergys Corporation, Hillsboro, Oregon (TA–W–59,215A).

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 25th day of April, 2006

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–7127 Filed 5–9–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the periods of April 2006.

In order for an affirmative determination to be made and a certification of eligibility to apply for directly-impacted (primary) worker adjustment assistance to be issued, each of the group eligibility requirements of section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign county of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance as an adversely affected secondary group to be issued, each of the group eligibility requirements of section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of section 222 have

been met, and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–58,802; F. Schumacher and Company, Richburg Distribution Facility, Richburg, SC: February 8, 2005.

TA–W–58,802A; F. Schumacher and Company, New York, NY: February 8, 2005.

TA–W–58,888; General Motors, Lansing Metal Center, Lansing, MI: February 6, 2005.

TA–W–59,136; Cranston Print Works Company, Design and Engraving Division, Cranston, RI: March 6, 2005.

TA–W–59,147; Springs Global US, Inc., Piedmont Plants Division, Piedmont, AL: April 3, 2005.

TA–W–59,166; Guidecraft, Inc., Kaplan Manufacturing Division, Winthrop, MN: April 5, 2005.

TA–W–59,173; Russell Corporation, Spalding/Huffy Sports, Site Staffing, Sussex, WI: April 6, 2005.

TA–W–59,181; Syngenta, Inc., Chop Protection Cold Creek Site Div., Bucks, AL: April 10, 2005.

TA–W–59,184; John F. Turner and Company, Modesto, CA: April 7, 2005.

TA–W–59,192; Sauer-Danfoss, Propel Div., LaSalle, IL: April 11, 2005.

TA–W–58,397; J.S. McCarthy Co., Augusta, ME: November 15, 2004.

TA–W–58,996; EneFco USA, Inc., Restricted to Workers Producing Felt Glides, Auburn, ME: March 1, 2005.

TA–W–59,011; Race Quip, Inc., Columbus, OH: March 13, 2005.

TA–W–59,062; Machined Products Co., Lancaster, PA: March 12, 2005.

TA–W–59,017; Ford Motor Co., Atlanta Assembly Plant, Hapeville, GA: March 13, 2005.

TA–W–59,069; Renee's Manufacturing, Inc., San Francisco, CA: March 21, 2005.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of section 222 and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–58,894A; Russell Corporation, Atlanta, GA: February 22, 2005.

TA–W–58,894B; Cross Creek Apparel, Mt. Airy, NC: February 22, 2005.

TA–W–58,930; CTB McGraw Hill, LLC, On-Site Lease Workers of Kelly Services, Inc., Monterey, CA: February 27, 2005.

TA–W–59,072; Point Technologies, Div. of American Medical Instruments, Leased Workers of Corestaff, etc., Boulder, CO: March 21, 2005.

TA–W–59,098; York, A Johnson Controls Co., Building Efficiency Div., On-Site Leased Workers of Manpower and JFC Staffing, York, PA: October 31, 2005.

TA–W–59,105; Solo Cup Company, St. Albans, VT: March 28, 2005.

TA–W–59,142; Tenneco, Inc., Clevite-Pullman Division, Milan, OH: March 20, 2005.

TA–W–59,171; Starkey Labs, Microtech & Qualitone, Eden Praire, MN: April 6, 2005.

TA–W–59,191; ADC, On-Site Leased Workers from Aerotek and Adecco, Shakopee, MN: April 11, 2005.

TA–W–59,193; Creative Engineered Polymer Products, LLC, A Subsidiary of Reserve Group, West Alexandria, OH: April 11, 2005.

TA–W–58,809; Henry Pratt Company, Machine Shop and Weld/Paint Shop, Dixon, IL: January 26, 2005.

TA–W–58,954; Kidde Residential and Commercial, Div. of Walter Kidde Portable Equipment, Colorado Springs, CO: March 1, 2005.

The following certification has been issued. The requirement of supplier to a trade certified firm and section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

The following certification has been issued. The requirement of downstream producer to a trade certified firm and section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A)(I.A) and (a)(2)(B)(II.A) (no employment decline) has not been met.

None.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B) (shift in production to a foreign country) have not been met.

TA–W–59,033; BroadBus Technology, Boxborough, MA.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B) (No shift in production to a foreign country) have not been met.

TA–W–58,878; Creative Label, Inc., Martin, TN.

TA–W–58,879; Martin Engraving Corporation, Martin, TN.

TA–W–58,894C; Moving Comfort, Chantilly, VA.

The investigation revealed that criteria (a)(2)(A)(I.C.) (Increased imports and (a)(2)(B)(II.C) (has shifted production to a foreign country) have not been met.

TA–W–58,940; National Envelope, Earth City, MO.

TA–W–59,047; Blumenthal Mills, Marion, SC.

TA–W–59,073; Kordsa, Inc., On-Site Leased Workers of Young Blood, Whiteville, NC.

TA–W–59,119; Naston, Inc., Norcross, GA.

The workers firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–58,986; Ross Acquisition, Inc., dba Galerie Au Chocolat, Wellston, OH.

TA–W–59,051; EIC Corporation, Santa Clara, CA.

The investigation revealed that criteria (2) has not been met. The workers firm (or subdivision) is not a supplier or downstream producer to trade-affected companies.

None.

Affirmative Determinations for Alternative Trade Ajdustment Assistance

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of section 246(a)(3)(A)(ii) of the Trade Act must be met.

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determinations.

In the following cases, it has been determined that the requirements of section 246(a)(3)(ii) have been met.

I. Whether a significant number of workers in the workers' firm are 50 years of age or older.

II. Whether the workers in the workers' firm possess skills that are not easily transferable.

III. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Negative Determinations for Alternative Trade Adjustment Assistance

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of section 246(a)(3)(A)(ii) of the Trade Act must be met.

In the following cases, it has been determined that the requirements of

section 246(a)(3)(ii) have not been met for the reasons specified.

Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

TA–W–59,033; BroadBus Technology, Boxborough, MA.
TA–W–58,878; Creative Label, Inc., Martin, TN.
TA–W–58,879; Martin Engraving Corporation, Martin, TN.
TA–W–58,894C; Moving Comfort, Chantilly, VA.
TA–W–58,940; National Envelope, Earth City, MO.
TA–W–59,047; Blumenthal Mills, Marion, SC.
TA–W–59,073; Kordsa, Inc., On-Site Leased Workers of Young Blood, Whiteville, NC.
TA–W–59,119; Naston, Inc., Norcross, GA.
TA–W–58,986; Ross Acquisition, Inc., dba Galerie Au Chocolat, Wellston, OH.
TA–W–59,051; EIC Corporation, Santa Clara, CA.

The Department as determined that criterion (1) of section 246 has not been met. Workers at the firm are 50 years of age or older.

None.

The Department as determined that criterion (2) of section 246 has not been met. Workers at the firm possess skills that are easily transferable.

TA–W–59,184; John F. Turner and Company, Modesto, CA.
TA–W–58,397; J.S. McCarthy Co., Augusta, ME.
TA–W–58,894A; Russell Corporation, Atlanta, GA.
TA–W–59,142; Tenneco, Inc., Clevite-Pullman Division, Milan, OH.
TA–W–59,171; Starkey Labs, Microtech & Qualitone, Eden Praire, MN.

The Department as determined that criterion (3) of section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

I hereby certify that the aforementioned determinations were issued during the month of April 2006. Copies of These determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 1, 2006.

Erica R. Cantor,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E6–7123 Filed 5–9–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–58,624]

Fairchild Semiconductor International Mountain Top, PA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Fairchild Semiconductor International, Mountain Top, Pennsylvania. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, dismissal of the application was issued.

TA–W–58,624; Fairchild Semiconductor International Mountain Top, Pennsylvania, (April 26, 2006).

Signed at Washington, DC, this 1st day of May 2006.

Erica R. Cantor,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E6–7121 Filed 5–9–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–59,229]

Master Products, Wabash, IN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 18, 2006 in response to a worker petition filed by a California one stop operator on behalf of workers at Master Products, Wabash, Indiana.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 25th day of April 2006.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–7128 Filed 5–9–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–59,259]

Nautilus, Inc., Tyler, TX; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 21, 2006 in response to a petition filed by the Workforce Center Coordinator on behalf of workers at Nautilus, Inc., Tyler, Texas.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC this 26th day of April 2006.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–7129 Filed 5–9–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 22, 2006.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address

shown below, not later than May 22, 2006.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 2nd day of May 2006.

Erica R. Cantor,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 4/24/06 and 4/28/06]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
59265	Status Leather (Wkrs)	Booneville, MS	04/24/06	04/03/06
59266	Commercial Vehicle Group (Comp)	Spring Green, WI	04/24/06	04/21/06
59267	Good Times Ent. (GT Brands), LLC (Wkrs)	Jersey City, NJ	04/24/06	04/21/06
59268	Freedom Foods (State)	North Bend, NE	04/24/06	04/24/06
59269	Gemeinhardt, LLC (Union)	Elkhart, IN	04/24/06	04/24/06
59270	GC Services (Wkrs)	El Paso, TX	04/24/06	04/10/06
59271	World Plastic Extruders (Wkrs)	Moonachie, NJ	04/24/06	04/24/06
59272	Weyco Group (UFCW)	Beaver Dam, WI	04/25/06	04/24/06
59273	Guildcraft of California (Wkrs)	Rancho Dominguez, CA	04/25/06	04/24/06
59274	Memphis Hardwood Flooring (Union)	Memphis, TN	04/25/06	04/24/06
59275	Progressive Maintenance Tech., Inc. (Wkrs)	Lee's Summit, MO	04/25/06	04/11/06
59276	Unifi, Inc. (Comp)	Mayodan, NC	04/25/06	04/24/06
59277	Thomasville Furniture Ind., Inc. (Comp)	Thomasville, NC	04/25/06	04/24/06
59278	Rexnord Corp. (Union)	Warren, PA	04/25/06	04/18/06
59279	International Waxes, Inc. (USWA)	Smethport, PA	04/25/06	04/25/06
59280	Enesco Corp. (Wkrs)	Elk Grove Village, IL	04/26/06	04/08/06
59281	Super Hanger Supply Solutions, Inc. (Comp)	Longwood, FL	04/26/06	04/25/06
59282	Lyon Workspace Products (USW)	Montgomery, IL	04/26/06	04/05/06
59283	Staktek Group, LP (Wkrs)	Austin, TX	04/26/06	04/25/06
59284	Sound Advance Systems (Co.)	Santa Ana, CA	04/27/06	04/26/06
59285	Sony Electronics, Inc. (Wkrs)	Mt. Pleasant, PA	04/27/06	04/24/06
59286	Tecumseh Power Co. (Co.)	Salem, IN	04/27/06	04/26/06
59287	SNC Manufacturing Co., Inc. (UAW)	Oshkosh, WI	04/27/06	04/26/06
59288	Gold Star Coatings (Co.)	West Branch, MI	04/27/06	04/24/06
59289	Isola Group (Co.)	Franklin, NH	04/27/06	04/27/06
59290	Apollo Colors, Inc. (Comp)	Ridgway, PA	04/28/06	04/24/06
59291	Bagley and Hotchkiss, Ltd. (State)	Santa Rosa, CA	04/28/06	04/26/06
59292	GE Consumer Industrial Lighting (Union)	Willoughby, OH	04/28/06	04/27/06
59293	Invensys Controls (Comp)	N. Manchester, IN	04/28/06	04/28/06
59294	Osram/Sylvania (Comp)	Waldoboro, ME	04/28/06	04/07/06
59295	Sony Technology Pittsburgh (Wkrs)	Mt. Pleasant, PA	04/28/06	04/27/06
59296	ASI Synertech Health Solutions (Wkrs)	Harrisburg, PA	04/28/06	04/27/06
59297	Tooling Supply NAFTA (TSUS/FL) (Comp)	Fair Lawn, NJ	04/28/06	04/25/06
59298	Honeywell (State)	Phoenix, AZ	04/28/06	04/27/06
59299	Bayer Clothing Group, Inc. (Comp)	Clearfield, PA	04/28/06	04/25/06
59300	Philips Medical Systems (Wkrs)	Highland Heights, OH	04/28/06	04/28/06

[FR Doc. E6–7125 Filed 5–9–06; 8:45 am]

BILLING CODE 4510–30–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (06–030)]

Notice of Intent To Grant Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant Exclusive License.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive license in the United States to practice the inventions described and claimed in U.S. Patent Application Serial Number 11/158,354 to Bigelow Aerospace, Inc. having its principal place of business in North Las Vegas, Nevada. The patent rights in this invention have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, 2101 NASA Parkway, Houston, Texas 77058, Mail Code AL, 281–483–4871 (phone), 281–483–6939 (fax).

FOR FURTHER INFORMATION CONTACT: Theodore U. Ro, Patent Attorney, Office of Chief Counsel, 2101 NASA Parkway, Houston, Texas 77058, Mail Code AL.

(281) 244–7148 (phone); (281) 483–6936 (fax). Information about other NASA inventions available for licensing can be found online at *http://techtracs.nasa.gov/.*

Dated: May 3, 2006.

Keith T. Sefton,

Deputy General Counsel, Administration and Management.

[FR Doc. E6–7119 Filed 5–9–06; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (06–029)]

Notice of Intent To Grant Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially-exclusive license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant a partially exclusive license in the United States to practice the inventions described and claimed in ''Biochemical Sensors Using Carbon Nanotube Arrays,'' ARC–15205, to NanoWater, Inc., having its principal place of business in Seattle, WA. The patent rights in this invention have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially-exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective partially-exclusive license may be granted unless within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated partially-exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective partially-exclusive license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Ames Research Center, MS 202A–4, Moffett Field, CA 94035–1000, (650) 604–5104; Fax (650) 604–2767.

FOR FURTHER INFORMATION CONTACT: Robert M. Padilla, Chief Patent Counsel, Office of Chief Counsel, NASA Ames Research Center, MS 202A–4, Moffett Field, CA 94035–1000, (650) 604–5104; Fax (650) 604–2767. Information about other NASA inventions available for licensing can be found online at *http://techtracs.nasa.gov/.*

Dated: May 2, 2006.

Keith T. Sefton,

Deputy General Counsel, Administration and Management.

[FR Doc. E6–7118 Filed 5–9–06; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement, With Change, of a Previously Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until July 10, 2006.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, E-mail: *mcnamara@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request, should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0138.

Form Number: N/A.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: Community Development Revolving Loan Program for Credit Union Application for Funds.

Description: NCUA requests this information from credit unions to assess financial ability to repay the loans and to ensure that the funds are used to benefit the institution and the community it serves. The respondents are financial institutions that serve specific membership groups.

Estimated No. of Respondents/Recordkeepers: 30.

Estimated Burden Hours Per Response: 20 hours.

Frequency of Response: Reporting, on occasion.

Estimated Total Annual Burden Hours: 600 hours.

Estimated Total Annual Cost: $0.

By the National Credit Union Administration Board on May 4, 2006.

Mary Rupp,

Secretary of the Board.

[FR Doc. E6–7062 Filed 5–9–06; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until June 9, 2006.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, Fax No. 703–837–2861, E-mail: *mcnamara@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request, should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–NEW.

Form Number: N/A.

Type of Review: New collection.

Title: NCUA Economic Development Specialist Direct Assistance Survey.

Description: The survey will provide federally insured credit unions with an opportunity to give NCUA feedback on direct assistance provided by economic development specialists. NCUA will use the information to evaluate and improve the National Small Credit Union Program.

Respondents: Small Credit Unions.

Estimated No. of Respondents/Record keepers: 300.

Estimated Burden Hours Per Response: 15 minutes.

Frequency of Response: Semi-annually.

Estimated Total Annual Burden Hours: 150 hours.

Estimated Total Annual Cost: $471.00.

By the National Credit Union Administration Board on May 4, 2006.

Mary Rupp,

Secretary of the Board.

[FR Doc. E6–7063 Filed 5–9–06; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until July 10, 2006.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428. Fax No. 703–837–2861. E-mail: *mcnamara@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request, should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0144.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Title: Examination Survey.

Description: To provide federal credit unions with an opportunity to give NCUA feedback on its examination procedures. NCUA will use the information to evaluate and improve the examination process.

Respondents: Credit unions.

Estimated No. of Respondents/Record keepers: 5391.

Estimated Burden Hours Per Response: 5 minutes.

Frequency of Response: Reporting, and annually.

Estimated Total Annual Burden Hours: 449 hours.

Estimated Total Annual Cost: $0.00.

By the National Credit Union Administration Board on May 4, 2006.

Mary Rupp,

Secretary of the Board.

[FR Doc. E6–7064 Filed 5–9–06; 8:45 am]

BILLING CODE 7535–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and Purpose of Information Collection: Request for Medicare Payment; OMB 3220–0131. Under Section 7(d) of the Railroad Retirement Act, the RRB administers the Medicare program for persons covered by the railroad retirement system. The collection obtains the information needed by persons covered by the railroad retirement system. The collection obtains the information needed by Palmetto GBA, the Medicare carrier for railroad retirement beneficiaries, to pay claims for payments under Part B of the Medicare program. Authority for collecting the information is prescribed in 42 CFR 424.32.

The RRB currently utilizes Forms G–740S, Patient's Request for Medicare Payment, (along with Centers for Medicare and Medicaid Services Form CMS–1500) to secure the information necessary to pay Part B Medicare Claims. One response is completed for each claim. Completion is required to obtain a benefit. The RRB proposes no changes to RRB Form G–740S. The RRB estimates annual respondent burden associated with RRB Form G–740s as follows:

Estimated number of responses: 100.

Estimated completion time per response: 15 minutes.

Estimated annual burden hours: 25.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363 or send an e-mail request to *Charles.Mierzwa@RRB.GOV*. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or send an e-mail to *Ronald.Hodapp@RRB.GOV*. Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Clearance Officer.

[FR Doc. 06–4359 Filed 5–9–06; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Request for Public Comment

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17a–6; SEC File No. 270–433; OMB Control No. 3235–0489.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17a–6 (17 CFR 240.17a–6) under the Securities Exchange Act of 1934 permits national securities exchanges, national securities associations, registered clearing agencies, and the Municipal Securities Rulemaking Board (collectively, ''SROs'') to destroy or convert to microfilm or other recording media records maintained under Rule 17a–1, if they have filed a record destruction plan with the Commission and the Commission has declared such plan effective.

There are currently 22 SROs: 10 national securities exchanges, 1 national securities association, 10 registered clearing agencies, and the Municipal Securities Rulemaking Board. These respondents file no more than one record destruction plan per year, which requires approximately 160 hours for each new plan. However, the Commission is discounting that figure given its experience to date with the number of plans that have been filed. Further, any existing SRO record destruction plans may require revision, over time, in response to, for example, changes in document retention technology, which the Commission estimates will take much less than the 160 hours estimated for a new plan. Thus, the total annual compliance burden is estimated to be 60 hours, based on an estimated two respondents per year. The approximate cost per hour is $250, resulting in a total cost of compliance for these respondents of $15,000 per year (60 hours @ $250 per hour).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the 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.

Please direct your written comments to: (i) The Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to *David_Rostker@omb.eop.gov* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or by sending an e-mail to *PRA_Mailbox@sec.gov.* Comments must be submitted within 60 days of this notice.

Dated: May 3, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–7113 Filed 5–9–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53753; File No. SR–OPRA–2006–01]

Options Price Reporting Authority; Notice of Filing and Immediate Effectiveness of Proposed Amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information To Revise OPRA's Professional Subscriber Agreement and Its Direct Circuit Connection Rider and Indirect Circuit Connection Rider

May 2, 2006.

Pursuant to section 11A of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 608 thereunder,[2] notice is hereby given that on April 21, 2006, the Options Price Reporting Authority (''OPRA'') submitted to the Securities and Exchange Commission (''Commission'') an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA Plan'').[3] The proposed OPRA Plan amendment would revise OPRA's Professional Subscriber Agreement (''PSA''), which is required to be entered into between OPRA and professional subscribers to options information under Section VII(c) of the OPRA Plan, and amend the Direct Circuit Connection Rider and Indirect Circuit Connection Rider to the PSA. The Commission is publishing this notice to solicit comments from interested persons on the proposed OPRA Plan amendment.

I. Description and Purpose of the Amendment

OPRA states that the purpose of the proposed amendment is to revise the PSA that is required to be entered into between OPRA and professional subscribers to options information under section VII(c) of the OPRA Plan, to amend the Direct Circuit Connection Rider and the Indirect Circuit Connection Rider to the PSA to conform the language of these documents to OPRA's Vendor Agreement as revised in 2002, and to make certain other updating revisions.[4]

Significant changes that OPRA proposes to the PSA and the Riders are described below. In addition, OPRA proposes certain non-substantive editorial revisions, which are not described below but are reflected in the new PSA and the Riders thereto.

Professional Subscriber Agreement

OPRA has updated the list of participant exchanges. In addition, OPRA has supplemented the definition of the term ''Information'' by adding the phrase ''other information transmitted over the information reporting system administered by OPRA.''[5] According to OPRA, this ''other information'' would include real-time values of various indexes that underlie options traded on the markets of the participant exchanges, data with respect to open interest, and systems messages.

Section 7 of the PSA, which describes OPRA's inspection right, has been revised to refer explicitly to the Subscriber's records with respect to its use of Information to say explicitly that the inspection would be limited to confirming compliance with the provisions of the PSA, and to clarify

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The OPRA Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder (formerly Rule 11Aa3–2). *See* Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981).

The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The six participants to the OPRA Plan are the American Stock Exchange LLC, the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Incorporated, the International Securities Exchange, Inc., the NYSE Arca, Inc., and the Philadelphia Stock Exchange, Inc.

[4] OPRA's Vendor Agreement was revised in SR–OPRA–2002–03, and was approved by the Commission on January 22, 2003. *See* Securities Exchange Act Release No. 47230 (January 22, 2003), 68 FR 4259 (January 28, 2003).

[5] This change would conform the definition of the term ''Information'' in the PSA to the definition of the term ''OPRA Data'' in the Vendor Agreement and the Direct and Indirect Circuit Connection Riders. As described below, OPRA would use the revised PSA only on a prospective basis. OPRA believes that it is more desirable to maintain continuity in the use of the term ''Information'' in the PSA than to change the PSA to use the term that is used in its other contract forms.

that, upon request, OPRA would maintain the confidentiality of the Subscriber's confidential information. According to OPRA, these latter two points are consistent with language that is in the current Direct Circuit Connection Rider.[6]

Section 11, which describes OPRA's right to make changes in the data that it disseminates and in the means of dissemination, has been revised to conform to section 15 of the Vendor Agreement and the current Direct Circuit Connection Rider.[7]

Section 14, which currently provides that the PSA is subject to applicable provisions of the Act, has been expanded to provide that the PSA and any Riders would constitute the complete agreement between OPRA and the Subscriber, and that the PSA would supersede any prior agreements entered between OPRA and the Subscriber, except that any previously executed Riders would remain in effect unless terminated or superseded in accordance with their terms. The PSA has been expressly made subject to Illinois law, making it consistent in this respect with the current Vendor Agreement and the Direct and Indirect Circuit Connection Riders.

A new section 15 has been added to provide that the Subscriber could assign the PSA without the consent of OPRA only to a successor to its business, subject to OPRA's right to terminate without cause upon thirty days notice. A comparable provision is contained in the Direct and Indirect Circuit Connection Riders.[8]

Section 16 (formerly section 15) has been revised to state that if an exchange ceases to be a Participant Exchange in OPRA, that exchange would cease to be a party to the PSA, but that the PSA would remain in effect between the Subscriber and the remaining Participant Exchanges. A comparable provision is contained in the current Vendor Agreement and in the Direct and Indirect Circuit Connection Riders.

The PSA previously included a sentence stating that ''Subscriber remains responsible for all fees due to OPRA hereunder, even if a third party has agreed to pay such fees on behalf of Subscriber.'' That sentence has been deleted, and OPRA is revising its form ''Third Party Billing Agreement'' to state expressly that OPRA would look only to an approved third party payor for payment of OPRA's fees that it would otherwise expect a Subscriber to pay. These changes are intended to make it easier for Subscribers and third party payors to conclude, in appropriate situations, that payment of OPRA's fees by third party payors is eligible for the section 28(e) safe harbor.

Direct Circuit Connection Rider and Indirect Circuit Connection Rider to the PSA

The definitions have been modified to track the definitions in the revised Vendor Agreement. In addition, obsolete terminology, including references to OPRA's ''high speed transmission'' and to aspects of OPRA's direct access charge that are no longer in effect, has been eliminated.

In the Direct Circuit Connection Rider, the Subscriber's obligation to pay applicable direct access fees has been moved without substantial change into a separate section, which would parallel the structure of the current Indirect Circuit Connection Rider.

The description of Subscriber's rights to use OPRA Data has been expanded to incorporate terms from the revised Vendor Agreement with respect to delayed data and historical data.

Subscriber's recordkeeping, reporting, and auditing obligations with respect to its use of OPRA Data have been more fully described in a manner that is consistent with the way OPRA currently imposes these obligations and with the language of the Vendor Agreement.

Several provisions of the Riders have been deleted because they are redundant with the provisions of the proposed amended PSA. These include provisions describing OPRA's right to conduct inspections, OPRA's disclaimer of warranty, the proprietary rights of the OPRA Participant Exchanges to the OPRA Data, OPRA's right to make changes to OPRA Data and the means by which OPRA Data is transmitted, and the fact that the Riders are subject to Illinois law.

The provisions governing the effectiveness and termination of the Riders and the integration of the Riders with the PSA have been revised to treat separately the PSA and each Rider. These provisions would make clear that any revised PSA or Rider entered into by a Subscriber would supersede only the specific agreement it is intended to replace.

II. Implementation of the OPRA Plan Amendment

Pursuant to paragraphs (b)(3)(ii) and (iii) of Rule 608 under the Act,[9] OPRA designates this amendment as concerned solely with the administration of the OPRA Plan and/or as involving solely technical or ministerial matters, thereby qualifying for effectiveness upon filing. OPRA states that it will begin to use the proposed revised PSA and the Direct and Indirect Circuit Connection Riders upon filing with the Commission. However, OPRA states that these revised documents would be used only on a prospective basis, and existing Professional Subscribers would not be required to re-execute the revised forms of agreements. The only exception would be that an existing Professional Subscriber who subsequently enters into one or both of the revised Circuit Connection Riders would at that time be required to sign the revised PSA, since certain substantive provisions have been eliminated from the Riders only because they have been included in the revised PSA.

The Commission may summarily abrogate the amendment within sixty days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 608(b)(2) under the Act,[10] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed OPRA Plan amendment is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–OPRA–2006–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission,

[6] *See* section 4 of the current form of the Direct Circuit Connection Rider. Because the language on these points is being added to the PSA and because every Subscriber that agrees to a Direct Circuit Connection Rider also must have agreed to the PSA, this language is being deleted from the Direct Circuit Connection Rider.

[7] *See* section 7 of the current form of Direct Circuit Connection Rider. As with Section 4 of the Direct Circuit Connection Rider, because this language is being added to the PSA, it is being deleted from the Direct Circuit Connection Rider.

[8] *See* section 8 of the revised form of each Rider.

[9] 17 CFR 242.608(b)(3)(ii) and (iii).

[10] 17 CFR 242.608(b)(2).

100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OPRA–2006–01. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan amendment that are filed with the Commission, and all written communications relating to the proposed plan amendment 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 also will be available for inspection and copying at the principal office of OPRA. 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–OPRA–2006–01 and should be submitted on or before May 31, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Nancy M. Morris,

Secretary.

[FR Doc. E6–7111 Filed 5–9–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53749; File No. SR–Amex–2006–34]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Proposed Rule Change Relating to Minor Rule Violations and the Bunching of Odd-Lot Orders

May 2, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 12, 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, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Amex Rule 590 to permit violations of the rule governing the bunching of odd-lot orders (Amex Rule 208) to be sanctioned under the Exchange's existing Minor Rule Violation Plan (''Plan''). The text of the proposed rule change is available on Amex's Web site at *http://www.amex.com*, at the principal office of Amex, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it had received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has had a Plan since 1976 that provides a simplified procedure for the resolution of minor rule violations. Codified in Amex Rule 590, the Plan has three distinct sections: (1) Part 1 (''General Rule Violations''), which covers substantive matters that, nonetheless, are deemed ''minor'' by Amex; (2) Part 2 (''Floor Decorum''), which covers floor decorum and operational matters; and (3) Part 3 (''Reporting Violations''), which covers the late submission of routine reports.

Amex Rule 208, which governs the bunching of odd-lot orders, requires members to: (1) Obtain the prior approval of all interested customers before combining the orders given by several customers to buy or sell odd lots of the same stock into a round lot order; and (2) reject odd-lot orders that aggregate one or more round lots from a person trading for his own account, or accounts in which he has an interest or exercises discretion, unless the odd lots are consolidated into round lots.

The Exchange proposes that violations of Amex Rule 208 be incorporated into Part 1 of the Plan. Under the Plan, an individual (either a member, approved person, or employee of a member or member organization) may be fined $500, and a member organization $1,000, for a first offense. For second offenses and subsequent offenses within a rolling 24-month period from the date of the first violation, individuals may be fined $1,000 and $2,500 respectively, and member organizations may be fined $2,500 and $5,000, respectively. No fines greater than $5,000 may be imposed under Amex Rule 590.

The Exchange believes that inclusion of Amex Rule 208 within Part 1 of Amex Rule 590 would enable prompt resolution of violations of the odd-lot bunching rule that do not rise to the level of a formal enforcement action but warrant more significant action than issuance of a Letter of Caution.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Section 6(b)(5) of the Act,[4] in particular, in that it is designed to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[11] 17 CFR 200.30–3(a)(29).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which Amex consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Amex–2006–34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Amex–2006–34. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of 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 publicly available. All submissions should refer to File Number SR–Amex–2006–34 and should be submitted on or before May 31, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Nancy M. Morris,

Secretary.

[FR Doc. E6–7105 Filed 5–9–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53751]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Declaration of Effectiveness of the Fingerprint Plan of the National Association of Securities Dealers, Inc.

May 2, 2006.

On May 1, 2006, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') an amended fingerprinting plan (''Amended Plan'') pursuant to Rule 17f–2(c)[1] under the Securities Exchange Act of 1934 (''Act'').[2] The Amended Plan[3] supersedes and replaces the NASD's current fingerprinting plan.[4]

The NASD believes that the Amended Plan will be an improvement over the current NASD fingerprinting plan. It permits the NASD to record in the Central Registration Depository (''CRD'') the status of fingerprints submitted to the Attorney General. Through the CRD system, NASD makes available to a member or other securities industry participant that has submitted fingerprints the status and results of such fingerprints after submission to the Attorney General. In addition, the NASD has made other minor clarifying and typographical revisions.

Under the NASD's current fingerprinting plan, members or other securities industry participants submit fingerprints and identifying information, on paper or electronically, to the NASD, which then forwards the cards to the Federal Bureau of Investigation (''FBI'') (the fingerprint processing arm of the Office of the Attorney General of the United States). The FBI identifies submitted fingerprints, retrieves relevant criminal history information, and returns fingerprint reports (including the original paper fingerprint cards, if any) to the NASD. Under the terms of the Amended Plan, the member or other securities industry participant will be able to view the status and results of fingerprints, including any relevant criminal history information, through the CRD system.

The Commission has reviewed the procedures detailed in the Amended Plan and believes that the Amended Plan is consistent with the public interest and the protection of investors. Enabling members or other securities industry participants to view the status and results of fingerprints, including relevant criminal history information, through the CRD system should improve the efficiency of members or other securities industry participants in identifying persons who may be subject to statutory disqualification more rapidly. Thus, the Commission declares the Amended Plan to be effective.

The Commission notes that securities industry fingerprinting procedures are in a state of flux due to rapidly advancing technology. In the event that an industry-wide standard is adopted or becomes prevalent and in the event that this Amended Plan substantially differs therefrom, the Commission would expect the NASD to revise its fingerprinting plan to incorporate the industry-wide standard.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Nancy M. Morris,

Secretary.

Exhibit A—National Association of Securities Dealers, Incorporated; Fingerprint Plan

National Association of Securities Dealers, Inc. (''NASD'') submits this Fingerprint Plan (''Plan'') pursuant to Rule 17f–2(c) under the Securities Exchange Act of 1934 (''Exchange Act''). This Plan supersedes and replaces the NASD's Fingerprint Plan approved by the Securities and Exchange Commission (''Commission'') on June 22, 1976, and as amended thereafter.

The purpose of this Plan is to facilitate securities industry participants' compliance with Section 17(f)(2) of the Exchange Act and Rule 17f–2 thereunder, by providing a facility for securities industry participants to

[5] 17 CFR 200.30–3(a)(12).

[1] 17 CFR 240.17f–2(c).

[2] 15 U.S.C. 78a *et seq.*

[3] Attached hereto as Exhibit A.

[4] The Commission declared the current fingerprint plan of the NASD effective in 1988.

[5] 17 CFR 200.30–3(a)(17)(iii).

have the fingerprints of their partners, directors, officers, and employees processed by the Attorney General of the United States or his designee (hereinafter ''Attorney General'') as required by Section 17(f)(2) and Rule 17f–2, thereunder. NASD, pursuant to a Plan filed with and declared effective by the Commission, processes fingerprint records of securities industry participants as described herein consistent with those provisions.

NASD accepts fingerprints and identifying information from member firms and other securities industry participants required to be fingerprinted pursuant to Rule 17f–2. Securities industry participants may submit fingerprints and identifying information on paper or electronically, provided such submissions are consistent with protocols and requirements established by the Attorney General.

NASD accepts a single set of fingerprints and identifying information for an associated person in lieu of separate fingerprint submissions by affiliated NASD member firms with which the individual is associated in satisfaction of the Section 17(f)(2) fingerprinting requirement, provided that the NASD affiliate member firms are under common ownership or control as reported on Form BD, and that affiliate information is provided with the initial application for registration.

NASD transmits fingerprints and identifying information, on paper or electronically, to the Attorney General for identification and processing, consistent with protocols and requirements established by the Attorney General.

NASD receives processed results from the Attorney General (on paper or electronically) and transmits those results via paper or electronic means to authorized recipients (*i.e.*, to a member or other securities industry participant that submitted the fingerprints and to regulators for licensing, registration and other regulatory purposes), consistent with protocols and requirements established by the Attorney General. In cases where the Attorney General's search on the fingerprints submitted fails to disclose prior arrest data, NASD transmits that result to the securities industry participant that submitted the fingerprints. In cases where the Attorney General's search yields Criminal History Record Information (CHRI), NASD transmits that information to the securities industry participant that submitted the fingerprints. With respect to members, NASD also reviews any CHRI returned by the Attorney General to identify persons who may be subject to statutory disqualification under the Exchange Act and to take action, as appropriate, with respect to such persons.

NASD advises its members and member applicants of the availability of fingerprint services and any fees charged by NASD in connection with those services and the processing of fingerprints pursuant to this Plan. NASD will file any such NASD member fees with the Commission pursuant to Section 19(b) of the Exchange Act.

NASD maintains copies of fingerprint processing results received from the Attorney General with respect to fingerprints submitted by NASD pursuant to this Plan, in accordance with NASD's Record Retention Plan filed with the Commission. Any maintenance of fingerprint records by NASD shall be for NASD's own administrative purposes, and NASD is not undertaking to maintain fingerprint records on behalf of NASD members pursuant to Rule 17f–2(d)(2). NASD records in the Central Registration Depository (CRD®) the status of fingerprints submitted to the Attorney General. Through the CRD system, NASD makes available to a member that has submitted fingerprints the status and results of such fingerprints after submission to the Attorney General.

NASD shall not be liable for losses or damages of any kind in connection with its fingerprinting services, as a result of its failure to follow, or properly to follow, the procedures described above, or as a result of lost or delayed fingerprint cards, electronic fingerprint records, or fingerprint reports, or as a result of any action by NASD or NASD's failure to take action in connection with this Plan.

[FR Doc. E6–7100 Filed 5–9–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53752; File No. SR–PCX–2006–14]

Self-Regulatory Organizations; Pacific Exchange, Inc. (n/k/a NYSE Arca, Inc.); Order Approving Proposed Rule Change To Reduce the Fee Charged to a Lead Market Maker When It Transfers Options Issues to Another Lead Market Maker

May 2, 2006.

I. Introduction

On February 23, 2006, the Pacific Exchange, Inc. (n/k/a NYSE Arca, Inc.) (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] to reduce the fee charged to a Lead Market Maker (''LMM'') when it transfers options issues to another LMM. The proposed rule change was published for comment in the **Federal Register** on March 20, 2006.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

In its filing, the Exchange proposed to reduce the fee charged to an LMM, when the LMM transfers an allocated options issue to another LMM. The Exchange presently charges an LMM a $1000 fee, per issue, in the event that the LMM transfers the issue to another LMM, in accordance with the Exchange's allocation procedures. The $1000 per issue fee is subject to a cap when multiple issues are included as part of the same transfer. Under the new proposal, the fee will be $100 per issue transferred. The new lower fee will not be subject to a rate cap when multiple issues are transferred.

The Exchange proposes to make this fee effective retroactive to September 26, 2005, which coincides with the date that Archipelago Holdings Inc. acquired the Exchange (''Merger''). The Exchange will review all transfers that have occurred or may occur from September 26, 2005 through the effective date of this proposal and will make any fee adjustments that are deemed warranted pursuant to the proposed rate schedule contained in this filing.

III. Discussion

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b) of the Act [4] and the rules and regulations thereunder applicable to a national securities exchange.[5] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(4) of the Act,[6] which requires, among other things, that an exchange's rules provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 53476 (March 13, 2006), 71 FR 14046.

[4] 15 U.S.C. 78f(b).

[5] In approving the proposed rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f(b)(4).

Commission notes that, following the Merger, new management of the Exchange has reviewed fees and charges and determined to make this fee reduction retroactive to the date of the Merger.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (SR–PCX–2006–14) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Nancy M. Morris,

Secretary.

[FR Doc. E6–7107 Filed 5–9–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53754; File No. SR–Phlx–2006–25]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to its Equity Options Payment for Order Flow Program

May 3, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 19, 2006, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Phlx has designated this proposal as one changing a fee imposed by the Phlx under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend its equity options payment for order flow program to rebate, on a quarterly basis, any excess payment for order flow funds that were collected but not requested for rebate by a specialist or Directed Registered Options Trader (''ROT''). The Exchange would calculate after the end of each calendar quarter, any excess funds from the previous calendar quarter and would rebate, on a pro-rata basis, to the applicable specialists, Directed ROTs and ROTs who paid into that pool of funds. Rebated funds would be reflected as a credit on the members' invoices.

The Phlx states that the proposal would remain in effect as part of the Exchange's payment for order flow pilot program that is currently scheduled to expire on May 27, 2006.[5]

Below is the text of the proposed rule change. Proposed additions are *italicized.*

SUMMARY OF EQUITY OPTION CHARGES (p. 3/6)

* * * * *

REAL-TIME RISK MANAGEMENT FEE

$.0025 per contract for firms/members receiving information on a real-time basis.

EQUITY OPTION PAYMENT FOR ORDER FLOW FEES*

(1) For trades resulting from either Directed or non-Directed Orders that are delivered electronically and executed on the Exchange: Assessed on ROTs, specialists and Directed ROTs on those trades when the specialist unit or Directed ROT elects to participate in the payment for order flow program.* * *

(2) No payment for order flow fees will be assessed on trades that are not delivered electronically.

QQQQ (NASDAQ–100 Index Tracking Stock SM)—$0.75 per contract.

Remaining Equity Options, except FXI Options—$0.60 per contract.

See Appendix A for additional fees.

*Assessed on transactions resulting from customer orders. This proposal will be in effect for trades settling on or after October 1, 2005 and will remain in effect as a pilot program that is scheduled to expire on May 27, 2006.

* * * Any excess payment for order flow funds billed but not utilized by the specialist or Directed ROT will be carried forward unless the Directed ROT or specialist elects to have those funds rebated to the applicable ROT, Directed ROT or specialist on a pro rata basis, reflected as a credit on the monthly invoices. *At the end of each calendar quarter, the Exchange will calculate the amount of excess funds from the previous quarter and subsequently rebate excess funds on a pro-rata basis to the applicable ROT, Directed ROT or specialist who paid into that pool of funds.*

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

According to the Phlx, currently, the following payment for order flow rates are in effect at the Exchange: (1) Equity options other than QQQQ[6] and FXI Options are assessed $0.60 per contract; (2) options on QQQQ are assessed $0.75 per contract; and (3) no payment for order flow fees are assessed on FXI Options.[7] Trades resulting from either Directed or non-Directed Orders that are delivered electronically over AUTOM and that are executed on the Exchange, are assessed a payment for order flow fee, while non-electronically-delivered

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The Exchange states that the current payment for order flow program is in effect as a pilot program that is scheduled to expire on May 27, 2006, the same date as the one-year pilot program in effect in connection with Directed Orders. *See* Securities Exchange Act Release No. 51759 (May 27, 2005), 70 FR 32860 (June 6, 2005) (SR–Phlx–2004–91).

[6] The Nasdaq-100®, Nasdaq-100 Index®, Nasdaq®, The Nasdaq Stock Market®, Nasdaq-100 Shares SM, Nasdaq-100 Trust SM, Nasdaq-100 Index Tracking Stock SM, and QQQ SM are trademarks or service marks of The Nasdaq Stock Market, Inc. (''Nasdaq'') and have been licensed for use for certain purposes by the Philadelphia Stock Exchange pursuant to a License Agreement with Nasdaq. The Nasdaq-100 Index® (''Index'') is determined, composed, and calculated by Nasdaq without regard to the Licensee, the Nasdaq-100 Trust SM, or the beneficial owners of Nasdaq-100 Shares SM. The Exchange states that Nasdaq has complete control and sole discretion in determining, comprising, or calculating the Index or in modifying in any way its method for determining, comprising, or calculating the Index in the future.

[7] Specialists and Directed ROTs who participate in the Exchange's payment for order flow program are assessed a payment for order flow fee, in addition to ROTs. *See* Securities Exchange Act Releases Nos. 52568 (October 6, 2005), 70 FR 60120 (October 14, 2005) (SR–Phlx–2005–58) and 53078 (January 9, 2006), 71 FR 2289 (January 13, 2006) (SR–Phlx–2005–88).

orders (*i.e.,* represented by a floor broker) are not assessed a payment for order flow fee.[8]

The Exchange states that currently specialist units or Directed ROTs may request that any excess funds (funds collected but not requested by a specialist unit or Directed ROT) be rebated, on a pro-rata basis, to the applicable members who paid into that pool of funds. If any excess funds are rebated, they would be reflected as a credit on the invoices.[9] The amount a specialist unit or Directed ROT may request that the Exchange pay to Order Flow Providers is limited to the amount billed and collected for that month, plus any excess funds that were carried over from previous months.

The Exchange proposes to amend its equity options payment for order flow program to rebate, on a quarterly basis, any excess payment for order flow funds. After the end of each calendar quarter, any excess funds from the previous calendar quarter would be calculated and subsequently rebated, on a pro-rata basis, to the applicable specialists, Directed ROTs and ROTs who paid into that pool of funds.[10] The Exchange believes that this should allow for sufficient time to process any rebates. Consistent with current practice, rebated funds would be reflected as a credit on the invoices.[11]

Specialists and Directed ROTs would be able to continue to request that any excess funds be rebated, on a monthly basis, to the specialists, Directed ROTs and ROTs who paid into that pool of funds. In addition, specialists and Directed ROTs may continue to request that the Exchange pay to order flow providers an amount limited to the amount billed and collected for that month, plus any excess funds carried over from previous months. However, pursuant to the proposal, excess funds from the previous quarter would no longer be available to the specialists and Directed ROTs once they have directed the Exchange to make payments to order flow providers for activity covering order flow received for the last month of each subsequent calendar quarter.[12]

The Exchange states that the purpose of this proposal is to reduce the economic burden on members by rebating excess payment for order flow funds. In addition, the Exchange believes that while specialists and Directed ROTs may carry forward excess amounts that were not paid to order flow providers, there should be a reasonable time frame associated with such amounts that are carried forward.

The proposal would remain in effect as part of the Exchange's payment for the order flow pilot program that is currently scheduled to expire on May 27, 2006.

No other changes to the Exchange's payment for order flow program are being proposed at this time.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[13] in general, and furthers the objectives of Sections 6(b)(4) of the Act[14] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among Exchange members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act[15] and Rule 19b–4(f)(2)[16] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2006–25 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2006–25. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All

[8] The Exchange states that electronically-delivered orders do not include orders delivered through the Floor Broker Management System pursuant to Exchange Rule 1063.

[9] The Exchange states that if a specialist unit or Directed ROT leaves the Exchange mid-month, any excess funds in that specialist unit or Directed ROT pool are rebated to the applicable Exchange members on a pro rata basis.

[10] For example, after the end of March (the last month of the quarter covering the period from January, February and March), any excess funds from October, November and December (the previous quarter) would be calculated.

[11] Based on the proposal, the Exchange intends to rebate, in the form of a credit, any excess funds on an invoice reflecting activity in the month following the end of a calendar quarter. For example, after the end of March (the last month of a quarter) any excess funds from the October, November and December (the previous quarter) would be calculated and then reflected as a credit on the invoices that cover activity for the month of April (''April invoices''). The April invoices would typically be issued in the beginning of May.

[12] For example, after the specialists or Directed ROTs direct the Exchange to make payments to order flow providers at the end of March (last month of a quarter), any excess funds remaining from the previous quarter (October, November and December) would no longer be available to the specialists or Directed ROTs.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4).

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2006–25 and should be submitted on or before May 31, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Nancy M. Morris,

Secretary.

[FR Doc. E6–7094 Filed 5–9–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53757; File No. SR–Phlx–2005–69]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change To Amend Phlx Rule 784, Reports of Options

May 3, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 9, 2005, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx Rule 784, Reports of Options. The text of the proposed rule change is set forth below. Proposed deletions are in [brackets].

Rule 784, Report of Options

Each member and member organization shall report to the Exchange such information as may be required with respect to any substantial option relating to listed securities, or securities admitted to unlisted trading privileges on the Exchange, in which such member, member organization or partner or stockholder therein is directly or indirectly interested or of which such member, member organization or partner or stockholder has knowledge by reason of transactions executed by or through such member or organization; provided that this Rule shall not apply to an option which is a matter of record in a prospectus or registration statement filed with the Exchange, or with the Securities and Exchange Commission.

The Exchange may disapprove of the connection of any member, member organization or partner or stockholder therein with any such option which it shall determine to be contrary to the best interest or welfare of the Exchange, or to be likely to create prices which will not fairly reflect market values.

[* * * Supplementary Material: * * *

The Committee on Business Conduct, pursuant to such Rule, adopted the following directive: Each member and member organization is required to report all substantial options, selling agreements and kindred arrangements (excluding purchase warrants, puts and calls) relating to securities listed on the Exchange, or securities admitted to unlisted trading privileges on the Exchange, in which options they are directly or indirectly interested, or of which they have knowledge by reason of transactions executed by or through them. Such reports are to be made in letter form, addressed to the Committee on Business Conduct, and must be filed as soon as such interest therein or knowledge thereof has been acquired.

Information Required in Report of Options

The report should contain the following information for each option:

(a) The name of the security; if a stock, the number of shares; if a bond, the principal amount thereof;

(b) The duration and terms of the option;

(c) The names of the grantors and grantees;

(d) The names of all persons entitled as of the date of the report to exercise such option; and

(e) Copies of any agreements or instruments in writing relating to the option thus reported. Only an initial report of each option is required unless changes occur in the terms thereof, in which case such changes should be reported at once to the Committee.]

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it had received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to delete a requirement set forth in the Supplementary Material to Phlx Rule 784 to provide particular information items regarding over-the-counter options trades to the Exchange. Phlx Rule 784 is intended to facilitate the Exchange's surveillance for and enforcement of rules against manipulation in connection with over-the-counter options trading. However, the Exchange does not believe that the specific information required by the Supplementary Material to the rule is always necessary for assessing whether manipulative activity has occurred. The Exchange believes that the Supplementary Material's requirement that members and member organizations supply the specified information is therefore needlessly burdensome. The proposed rule change would in any event retain the Exchange's authority, pursuant to the main text of Phlx Rule 784, to require members and member organizations to report to the Exchange such information as the Exchange may require regarding the options that are covered by the rule. The Exchange would thus retain the flexibility to require this and other information at such time or times as the Exchange may determine would be beneficial for the Exchange's surveillance and enforcement efforts.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Section 6(b)(5) of the Act,[4] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the proposal would

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

streamline Exchange Rule 784 by eliminating an outdated and superfluous requirement to provide specific items of information which the Exchange does not necessarily need to monitor for manipulation. At the same time, the proposal will retain the Exchange's ability to require particular information to be provided from time to time as the Exchange may see fit.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Phlx consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2005–69 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2005–69. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–Phlx–2005–69 and should be submitted on or before May 31, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Nancy M. Morris,

Secretary.

[FR Doc. E6–7103 Filed 5–9–06; 8:45 am]

BILLING CODE 8010–01–P

[5] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5401]

30-Day Notice of Proposed Information Collection: Notice of Termination of Diplomatic, Consular, or Foreign Government Employment, OMB No. 1405–0061, Form DS–2008 and DS–2008E; Notification of Appointment of Foreign Diplomatic Officer, Career Consular Officer, and Foreign Government Employee, OMB No. 1405–0062, Form DS–2003, DS–2004, and DS–2003E; Notification of Appointment of Honorary Consular Officer, OMB No. 1405–0064, Form DS–2005; Notification of Change—Identification Card Request, OMB No. 1405–0089, DS–2006; Notification of Dependents of Diplomatic, Consular and Foreign Government Employees (Continuation Sheet), OMB No. 1405–0090, Form DS–2007

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

Title of Information Collection: Notice of Termination of Diplomatic, Consular, or Foreign Government Employment.

OMB Control Number: 1405–0061.

Type of Request: Extension of Currently Approved Collection.

Originating Office: Diplomatic Security/Office of Foreign Missions (DS/OFM/VTC/V).

Form Numbers: DS–2008 & DS–2008E.

Respondents: Foreign government representatives.

Estimated Number of Respondents: 350 missions.

Estimated Number of Responses: 7,200 forms per year.

Average Hours Per Response: 10 minutes.

Total Estimated Burden: 1,200 hours divided among the missions.

Frequency: On occasion.

Obligation to Respond: Mandatory.

Title of Information Collection: Notification of Appointment of Foreign Diplomatic Officer, Career Consular Officer, and Foreign Government Employee.

OMB Control Number: 1405–0062.

Type of Request: Revision of Currently Approved Collection.

Originating Office: Diplomatic Security/Office of Foreign Missions (DS/OFM/VTC/V).

Form Numbers: DS–2003, DS–2004, & DS–2003E.

Respondents: Foreign government representatives.

Estimated Number of Respondents: 350 missions.

Estimated Number of Responses: 7,000 forms per year.

Average Hours Per Response: 25 minutes.

Total Estimated Burden: 2,917 hours divided among the missions.

Frequency: On occasion.

Obligation to Respond: Mandatory.

Title of Information Collection: Notification of Appointment of Honorary Consular Officer.

OMB Control Number: 1405–0064.

Type of Request: Extension of Currently Approved Collection.

Originating Office: Diplomatic Security/Office of Foreign Missions (DS/OFM/VTC/V).

Form Numbers: DS–2005 & DS–2005E.

Respondents: Foreign government representatives.

Estimated Number of Respondents: 155 missions.

Estimated Number of Responses: 200 forms per year.

Average Hours Per Response: 20 minutes.

Total Estimated Burden: 67 hours divided among the missions.

Frequency: On occasion.

Obligation to Respond: Mandatory.

Title of Information Collection: Notification of Change—Identification Card Request.

OMB Control Number: 1405–0089.

Type of Request: Extension of Currently Approved Collection.

Originating Office: Diplomatic Security/Office of Foreign Missions (DS/OFM/VTC/V).

Form Numbers: DS–2006.

Respondents: Foreign government representatives.

Estimated Number of Respondents: 350 missions.

Estimated Number of Responses: 5,000 forms per year.

Average Hours Per Response: 9 minutes.

Total Estimated Burden: 750 hours divided among the missions.

Frequency: On occasion.

Obligation to Respond: Mandatory.

Title of Information Collection: Notification of Dependents of Diplomatic, Consular, and Foreign Government Employees (Continuation Sheet).

OMB Control Number: 1405–0090.

Type of Request: Extension of Currently Approved Collection.

Originating Office: Diplomatic Security/Office of Foreign Missions (DS/OFM/VTC/V).

Form Numbers: DS–2007.

Respondents: Foreign government representatives.

Estimated Number of Respondents: 350 missions.

Estimated Number of Responses: 7,000 forms per year.

Average Hours Per Response: 10 minutes.

Total Estimated Burden: 1,167 hours divided among the missions.

Frequency: On occasion.

Obligation to Respond: Mandatory.

DATES: Submit comments to the Office of Management and Budget (OMB) for up to 30 days from May 10, 2006.

ADDRESSES: Direct comments and questions to Alexander Hunt, the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB), who may be reached at 202–395–7860. You may submit comments by any of the following methods:

- E-mail: *ahunt@omb.eop.gov*. You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- Mail (paper, disk, or CD–ROM submissions): Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503.
- Fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information collection and supporting documents from Jacqueline Robinson, Diplomatic Motor Vehicle Director, Office of Foreign Missions, 3507 International Place, NW., State Annex 33, Washington, DC 20522–3302, who may be reached at 571–345–2751 or *RobinsonJD@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond.

Abstract of proposed collections: The forms associated with OMB numbers 1405–0061, 1405–0062, and 1405–0064 are the means by which the Department of State obtains information concerning the appointment and termination of foreign government employees and diplomatic, career and honorary consular officers serving in the United States. The DS–2007 (OMB number 1405–0090) is the means by which the Department of State obtains information to determine the acceptability of dependents and personal servants accompanying foreign government employees and diplomatic, career and honorary consular officers on tours in the United States. The DS–2006 (OMB number 1405–0089) is used to issue or make changes to identification cards and/or to update information previously submitted. These information collections instruments are used to extend or terminate privileges and immunities as is accorded under the Vienna Convention on Diplomatic Relations, 1961 and the Vienna Convention on Consular Relations, 1963, and to issue official identification cards and letters. The primary respondents are foreign government representatives.

Methodology: These forms/information collections are submitted by all foreign missions to the Office of Foreign Missions via the following methods: mail, personal delivery, and/or electronically.

Dated: April 12, 2006.

John P. Gaddis,

Deputy Assistant Secretary, Bureau of Diplomatic Security, Office of Foreign Missions, U.S. Department of State.

[FR Doc. E6–7130 Filed 5–9–06; 8:45 am]

BILLING CODE 4710–43–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending April 21, 2006

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart B (formerly subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2006–24538.

Date Filed: April 17, 2006.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 8, 2006.

Description: Application of Qatar Airways Q.C.S.C. requesting a foreign air carrier permit which would enable it to provide scheduled and nonscheduled foreign air transportation of passengers, cargo and mail on any and all routes authorized pursuant to the Air Transportation Service Agreement between the Government of the United States and the Government of Qatar (U.S.-Qatar Open Skies Agreement'').

Docket Number: OST–2006–24576.

Date Filed: April 20, 2006.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 11, 2006.

Description: Application of JetClub AG requesting an exemption and a foreign air carrier permit authorizing JetClub to provide charter foreign air transportation of persons, property and mail between any point or points in Switzerland and any point or points in the United States; and between any point or points in the United States and any point or points in a third country or countries, provided that such service constitutes part of a continuous operation, with or without a change of aircraft, that includes air service to Switzerland for the purpose of carrying local traffic between Switzerland and the United States, and other charters between third countries and the United States.

Barbara J. Hairston,

Supervisory Dockets Officer, Federal Register Liaison.

[FR Doc. E6–7108 Filed 5–9–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Approval of Finding of No Significant Impact (FONSI) on a Final Environmental Assessment (Final EA); Lake in the Hills Airport, Lake in the Hills, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of approval of documents.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public of the approval of a Finding of No Significant impact (FONSI) on an Environmental Assessment for proposed Federal actions at Lake in the Hills Airport, Lake in the Hills, Illinois. The FONSI specifies that the proposed Federal actions and local development projects are consistent with existing environmental policies and objectives as set forth in the National Environmental Policy Act of 1969 and will not significantly affect the quality of the environment.

A description of the proposed Federal actions is: (a) To issue an environmental finding to allow approval of the Airport Layout Plan (ALP) for the development items listed below; (b) approval of the Airport Layout Plan (ALP) for the development items listed below; and (c) establish eligibility of the Lake in the Hills Airport Authority to compete for Federal funding for the development projects depicted on the Airport Layout Plan.

The specific items in the local airport development project include: Acquire approximately 102 acres of land in fee simple title and approximately 57 acres of easements; these actions include relocation assistance, as required; install perimeter fencing to control deer and preserve security; Improve Runway 26 Safety Area, Stage 1—acquisition of land needed; Remove Airport design deviations and FAR Part 77 obstructions, Stage 1—acquisition of land needed; Replace Airport rotating beacon; Improve Runway 26 safety area, Stage 2—relocation of Pyott Road; Remove Airport design deviations and 14 CFR part 77 obstructions, Stage 2—acquisition of land needed; Install AWOS–III P/T to support 14 CFR part 135 Operators; Remove Airport design deviations and 14 CFR part 77 Obstructions, Stage 3—removal of buildings and objects; construct storm water management/detention system (dry bottom)—multi-phased construction; construct replacement electrical vault; construct parallel taxiway (for temporary runway use) to meet design standards; install MITL taxiway edge lighting and guidance signs; Remove Airport design deviations and 14 CFR part 77 obstructions, Stage 4—construction of replacement aircraft apron, Phase 1; Remove Airport design deviations and 14 CFR part 77 obstructions, Stage 5—relocation of existing access road to serve new replacement terminal area; construct auto parking in the new replacement terminal area—multi-phased construction; Widen Runway 8–26 to 100 feet; shift runway ends to East to meet design standards (runway safety area, object free area, and pavement width); install MIRL runway edge lights, and PAPI–4 approach lights, REIL lights and supplemental wind cones at each runway end; Remove Airport design deviations and 14 CFR part 77 obstructions, Stage 6—construction of replacement aircraft apron, Phase 2; construct new and replacement aircraft hangar pavements in the new replacement terminal area—multi-phased construction; construct new and replacement aircraft storage hangars in the new replacement terminal area—multi-phased construction; construct new and replacement Fixed Based Operator/Aircraft Maintenance hangars in the new replacement terminal area—multi-phased construction; construct replacement public terminal building in the new replacement terminal area; construct replacement aircraft fuel storage/dispensing facility in the new replacement terminal area; construct new Airport maintenance complex; Extend municipal water and sanitary sewer utilities to existing-to-remain and new building facilities requiring domestic water service and sanitary sewer collection and/or fire protection.

Copies of the environmental decision and the Final EA are available for public information review during regular business hours at the following locations:

1. Lake in the Hills Airport, 8407 Pyott Road, Lake in the Hills, Illinois 60156.

2. Division of Aeronautics—Illinois Department of Transportation, One Langhorne Bond Drive, Capital Airport, Springfield, IL 62707.

3. Chicago Airports District Office, Room 320, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: E. Lindsay Butler, Airports Environmental Program Manager, Federal Aviation Administration, Chicago Airports District Office, Room 320, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Ms. Butler can be contacted at (847) 294–7723 (voice), (847) 294–7046 (facsimile) or by e-mail at *lindsay.butler@faa.gov.*

Issued in Des Plaines, Illinois on April 17, 2006.

Jack Delaney,

Assistant Manager, Chicago Airports District Office, FAA, Great Lakes Region.

[FR Doc. 06–4333 Filed 5–9–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–06–24304 (Notice No. 06–2)]

Correction to Safety Advisory Concerning the Manufacture, Marking, and Sale of Untested Compressed Gas Cylinders

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Correction of a safety advisory notice.

SUMMARY: On May 1, 2006, PHMSA published a safety advisory notice advising the public that certain high pressure DOT exemption cylinders were not tested in accordance with applicable regulatory requirements. In the safety advisory notice, the serial numbers for the Goodrich cylinders ''Model No. T123–1 GOODR'' were listed incorrectly. This safety advisory notice corrects the May 1, 2006 safety advisory notice to provide the correct serial numbers for the affected cylinders. PHMSA published the safety advisory after learning of the manufacture, marking, and sale of certain high pressure DOT exemption cylinders that were not tested in accordance with applicable regulatory requirements. These cylinders were manufactured and/or distributed by Luxfer, Inc. (Luxfer), Riverside, CA. Luxfer and its independent inspection agency, Arrowhead Industrial Services, Inc. (Arrowhead), reported to PHMSA that 6,325 high pressure cylinders manufactured to the DOT CFFC and FRP–1 standards as authorized in DOT–E 10915, DOT–E 9634, and DOT–E 9894, had been shipped from Luxfer without undergoing the required autofrettage and hydrostatic tests. In a joint effort, Luxfer and Arrowhead have retrieved 2,581 of the untested cylinders. The model numbers and serial numbers of the remaining 3,859 cylinders are listed in this notice. Only cylinders with the listed serial numbers listed are affected. A person with a listed cylinder should discontinue use of the cylinder and return it to Arrowhead at the address below so the autofrettage and hydrostatic test can be completed before its next use. Shippers and compressed gas filling facilities are advised that these cylinders do not meet the requirements of the Hazardous Materials Regulations and may not be offered for transportation or transported until the required testing is completed.

FOR FURTHER INFORMATION CONTACT: Wayne E. Chaney, Cylinder Program Manager, Office of Hazardous Materials Enforcement, (202) 366–4700, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Room 7104, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Luxfer and its independent inspection agency, Arrowhead Industrial Services, Inc. (Arrowhead), reported to PHMSA that 6,325 high pressure cylinders manufactured to the DOT CFFC and FRP–1 standards as authorized in DOT–E 10915, DOT–E 9634, and DOT–E 9894, had been shipped from Luxfer without undergoing the required autofrettage and hydrostatic tests. In a joint effort, Luxfer and Arrowhead have retrieved 2,581 of the untested cylinders. PHMSA has compiled a list of all model and serial number markings of the remaining cylinders identified by Luxfer and Arrowhead that were not properly tested prior to distribution. Information provided to PHMSA indicates many of these cylinders are being used as self-contained breathing apparatus, in paint ball applications, and in aircraft slide service. Any person possessing a cylinder manufactured by Luxfer and marked with exemption number DOT–E 10915, DOT–E 9634, or DOT–E 9894 and marked with one of the serial numbers listed in this notice should take the cylinder to a qualified refilling station and have the pressure relieved from the cylinder. The cylinder should be returned to Arrowhead Industrial Services for autofrettage and hydrostatic testing before further use. Refilling stations and cylinder requalification facilities are advised that any cylinders marked with DOT–E 10915, DOT–E 9634, or DOT–E 9894 should be checked against the attached list of serial numbers before they are filled or requalified for service. To make arrangements to have an affected cylinder autofrettaged and hydrostatically tested, contact Arrowhead Industrial Services, Inc., 3537 South NC 119, P.O. Box 1000, Graham, NC 27253; telephone (336) 578–2777.

This safety advisory covers only the high-pressure DOT exemption cylinders manufactured by Luxfer that have a model number and serial listed on the attached list. Not all cylinders manufactured by Luxfer under DOT–E 10915, DOT–E 9634, and DOT–E 9894 are affected. In the May 1, 2006 safety advisory notice, the serial numbers for the Goodrich cylinders ''Model No. T123–1 GOODR'' were listed incorrectly. The serial numbers listed below include the corrected serial numbers for Goodrich cylinders ''Model No. T123–1 GOODR.''

Model No. (# of Cylinders)	Serial numbers
LI7A MSA (42)	6276, 6277, 6278, 6279, 6280, 6281, 6282, 6283, 6284, 6285, 6286, 6287, 6288, 6289, 6290, 6291, 6292, 6293, 6294, 6295, 6296, 6297, 6298, 6299, 6300, 6301, 6302, 6303, 6304, 6305, 6306, 6307, 6308, 6309, 6310, 6311, 6312, 6313, 6314, 6315, 6316, 6317
LI7D SURV (12)	154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165
LI7M MSA (3)	1282, 1287, 1307
L45G–1 SURV (38)	95899, 95900, 95903, 95904, 95905, 95906, 95907, 95908, 95909, 95910, 95911, 95912, 95913, 95914, 95915, 95917, 95918, 95919, 95921, 95922, 95925, 95927, 95928, 95929, 95930, 95931, 95932, 95933, 95934, 95935, 95936, 95938, 95940, 95941, 95942, 95943, 95944, 95945
L45G–2 SCOTT IJ (108).	111401, 111561, 113303, 111404, 111562, 113305, 111409, 111565, 113307, 111550, 111567, 113310, 111551, 111576, 113311, 111553, 111577, 113313, 111554, 111579, 113316, 111556, 111580, 113317, 111557, 111581, 113318, 111558, 111582, 113324, 111560, 111585, 113409, 111586, 113445, 111587, 113450, 111588, 113451, 111589, 113452, 111590, 113453, 112470, 113454, 112475, 113455, 112478, 113456, 112479, 113457, 113201, 113459, 113204, 113460, 113219, 113461, 113230, 113462, 113236, 113464, 113241, 113473, 113248, 113474, 113252, 113480, 113254, 113492, 113258, 113498, 113263, 113532, 113264, 113533, 113265, 113536, 113267, 113538, 113269, 113542, 113272, 113544, 113273, 113547, 113274, 113548, 113277, 113550, 113281, 113555, 113282, 113556, 113284, 113564, 113285, 113569, 113286, 113833, 113288, 113867, 113294, 113905, 113298, 114633, 113299, 114671, 113302

Model No. (# of Cylinders)	Serial numbers
L45J–1 SURV (117)	29576, 29630, 29838, 29577, 29631, 29840, 29578, 29632, 29841, 29579, 29633, 29844, 29580, 29634, 29845, 29581, 29635, 29846, 29582, 29636, 29848, 29583, 29637, 29849, 29584, 29638, 29850, 29586, 29639, 29853, 29587, 29640, 29858, 29588, 29641, 29860, 29589, 29642, 29861, 29590, 29643, 29862, 29591, 29644, 29863, 29592, 29645, 29864, 29593, 29647, 29865, 29594, 29648, 29866, 29595, 29649, 29867, 29596, 29650, 29597, 29651, 29598, 29652, 29599, 29653, 29600, 29654, 29602, 29655, 29603, 29656, 29604, 29657, 29605, 29658, 29606, 29659, 29607, 29660, 29609, 29661, 29610, 29662, 29611, 29663, 29612, 29665, 29613, 29667, 29615, 29668, 29616, 29670, 29617, 29812, 29618, 29815, 29619, 29816, 29620, 29818, 29621, 29822, 29622, 29823, 29623, 29824, 29624, 29832, 29625, 29833, 29626, 29834, 29628, 29836, 29629, 29837
L45J–14 SURV (1)	42177
L45J–19 SURV (7)	42986, 42987, 42988, 42989, 42990, 42991, 42992
L45M–44 SCOTT (54).	49855, 49904, 49856, 49905, 49857, 49906, 49858, 49907, 49859, 49908, 49860, 49861, 49862, 49863, 49864, 49865, 49866, 49867, 49868, 49869, 49870, 49871, 49872, 49873, 49874, 49875, 49876, 49877, 49878, 49879, 49880, 49881, 49882, 49883, 49884, 49885, 49886, 49887, 49888, 49889, 49890, 49891, 49892, 49893, 49894, 49895, 49896, 49897, 49898, 49899, 49900, 49901, 49902, 49903
L45M–1 MSA (73) ..	76785, 76786, 76787, 76788, 76789, 76790, 76791, 76792, 76793, 76794, 76795, 76796, 76797, 76798, 76799, 76800, 76801, 76802, 76803, 76804, 76805, 76806, 76807, 76808, 76809, 76810, 76811, 76812, 76813, 76814, 76815, 76816, 76817, 76818, 76819, 76820, 76821, 76822, 76823, 76824, 76825, 76826, 76827, 76828, 76829, 76830, 76831, 76832, 76833, 76834, 76835, 76836, 76837, 76838, 76839, 76840, 77553, 77559, 77560, 77564, 77565, 77568, 77575, 77579, 77580, 77585, 77589, 77596, 77597, 77615, 77634, 77649, 77650
L45M–18 SCOTT (888).	136584, 136585, 136586, 136587, 136588, 136589, 136590, 136591, 136592, 136593, 136594, 136595, 136596, 136597, 136598, 136599, 136600, 136601, 136602, 136603, 136604, 136605, 136606, 136607, 136608, 136609, 136610, 136611, 136612, 136613, 136614, 136615, 136616, 136617, 136618, 136619, 136620, 136621, 136622, 136623, 136624, 136625, 136626, 136627, 136628, 136629, 136630, 136631, 136632, 136633, 136634, 136635, 136636, 136637, 136638, 136639, 136640, 136641, 136809, 136810, 136811, 136812, 136813, 136814, 136815, 136816, 136817, 136818, 136819, 136820, 136821, 136822, 136823, 136824, 136825, 136826, 136827, 136828, 136829, 136830, 136831, 136832, 136833, 136834, 136835, 136836, 136837, 136838, 136839, 136840, 136841, 136842, 136843, 136844, 136845, 136846, 136847, 136848, 136849, 136850, 136851, 136852, 136853, 136854, 136855, 136856, 136857, 136858, 136859, 136860, 136861, 136862, 136863, 136864, 136865, 138145, 138146, 138147, 138148, 138149, 138150, 138151, 138152, 138153, 138154, 138155, 138156, 138157, 138158, 138159, 138160, 138161, 138162, 138163, 138164, 138165, 138166, 138167, 138168, 138169, 138170, 138171, 138172, 138173, 138174, 138175, 138176, 138177, 138178, 138179, 138180, 138181, 138182, 138183, 138184, 138185, 138186, 138187, 138188, 138189, 138190, 138191, 138192, 138193, 138194, 138195, 138196, 138197, 138198, 138199, 138200, 138915, 138916, 138917, 138918, 138919, 138920, 138921, 138922, 138923, 138924, 138925, 138926, 138927, 138928, 138929, 138930, 138931, 138932, 138933, 138934, 138935, 138936, 138937, 138938, 138939, 138940, 138941, 138942, 138943, 138944, 138945, 138946, 138947, 138948, 138949, 138950, 138951, 138952, 138953, 138954, 138955, 138956, 138957, 138958, 138959, 138960, 138961, 138962, 138963, 138964, 138965, 138966, 138967, 138968, 138969, 138970, 138971, 138972, 138973, 138974, 138975, 138976, 138977, 138978, 138979, 138980, 138981, 138982, 138983, 138984, 138985, 138986, 138987, 138988, 138989, 138990, 138991, 138992, 138993, 138994, 138995, 138996, 138997, 138998, 138999, 139000, 139001, 139002, 139003, 139004, 139005, 139006, 139007, 139008, 139009, 139010, 139011, 139012, 139013, 139014, 139015, 139016, 139017, 139018, 139019, 139020, 139021, 139022, 139023, 139024, 139025, 139026, 139027, 139028, 139029, 139030, 139031, 139032, 139033, 139034, 139035, 139036, 139037, 139038, 139039, 140757, 140758, 140759, 140760, 140761, 140762, 140763, 140764, 140765, 140766, 140767, 140768, 140769, 140770, 140771, 140772, 140773, 140774, 140775, 140776, 140799, 140800, 140801, 140802, 140803, 140804, 140805, 140806, 140807, 140808, 140809, 140810, 140811, 140812, 140813, 140814, 140815, 140816, 140817, 140818, 140819, 140820, 140821, 140822, 140823, 140824, 140825, 140826, 140827, 140828, 140829, 140830, 140831, 140832, 140833, 140834, 140835, 140836, 140837, 140838, 140839, 140840, 140841, 140842, 140843, 140844, 140845, 140846, 140847, 140848, 140849, 140850, 140851, 141582, 141583, 141584, 141585, 141585, 141587, 141588, 141589, 141590, 141591, 141592, 141593, 141594, 141595, 141596, 141597, 141598, 141599, 141600, 141601, 141602, 141603, 141604, 141605, 141606, 141607, 141608, 141609, 141610, 141611, 141612, 141613, 141614, 141615, 141616, 141617, 141618, 141619, 141620, 141621, 141622, 141623, 141624, 141625, 141626, 141627, 141628, 141629, 141630, 141631, 141632, 141633, 141634, 141635, 141636, 141637, 141638, 141639, 141640, 141641, 141642, 141643, 141644, 141645, 141646, 141647, 141648, 141649, 141650, 141651, 141652, 141653, 141654, 141655, 141656, 141657, 141658, 141659, 141660, 141661, 143205, 143206, 143207, 143208, 143209, 143210, 143211, 143212, 143213, 143214, 143215, 143216, 143217, 143218, 143219, 143220, 143221, 143222, 143223, 143224, 143225, 143226, 143227, 143228, 143229, 143230, 143231, 143232, 143233, 143234, 143235, 143236, 143237, 143238, 143239, 143240, 143241, 143242, 143243, 143244, 143245, 143246, 143247, 143248, 143249, 143250, 143251, 143252, 143253, 143254, 143255, 143256, 143257, 143258, 143259, 143260, 143261, 143262, 143263, 143264, 143265, 143266, 143267, 143268,

Model No. (# of Cylinders)	Serial numbers
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L45M–34 MSA (42)	200900, 200901, 200902, 200903, 200904, 200905, 200906, 200907, 200908, 200909, 200910, 200911, 200912, 200913, 200914, 200915, 200916, 200917, 200918, 200919, 200920, 200921, 200922, 200923, 200924, 200925, 200926, 200927, 200928, 200929, 200930, 200931, 200932, 200933, 200934, 200935, 200936, 200937, 200938, 200939, 200940, 200941
L45S–1 MSA (13) ...	112178, 112193, 112212, 114034, 114035, 114042, 114043, 114045, 114048, 114051, 114052, 114055, 114056
L65G–16 MSA (101)	158662, 158663, 158664, 158665, 158666, 158667, 158668, 158669, 158670, 158673, 158674, 158675, 158677, 158678, 158679, 158680, 158681, 158682, 158683, 158684, 158685, 158686, 158687, 158688, 158689, 158690, 158691, 158692, 158693, 158694, 158695, 158696, 158697, 158698, 158699, 158700, 158865, 158866, 158867, 158868, 158869, 158870, 158871, 158872, 158873, 158874, 158875, 158876, 158877, 158878, 158880, 158881, 158882, 158883, 158884, 158885, 158886, 158887, 158888, 158889, 158890, 158891, 158892, 158894, 158895, 158896, 158897, 158899, 158900, 158901, 158902, 158903, 158904, 158905, 158906, 158907, 158908, 158909, 158911, 158912, 158913, 158914, 158915, 158916, 158918, 158919, 158920, 158921, 158922, 158923, 158924, 159486, 159487, 159495, 159513, 159551, 159558, 159561, 159564, 159585, 159599
L65G–1 SURV (4) ..	201492, 201503, 201515, 201526
L65G–2 SCOTT (757).	216018, 216019, 216020, 216021, 216022, 216023, 216024, 216025, 216026, 216027, 216028, 216029, 216030, 216031, 216032, 216033, 216034, 216035, 216036, 216037, 216038, 216039, 216040, 216041, 216042, 216043, 216044, 216045, 216046, 216047, 216800, 216801, 216802, 216803, 216804, 216805, 216806, 216807, 216808, 216809, 216810, 216811, 216812, 216813, 216814, 216815, 216816, 216817, 216818, 216819, 216820, 216821, 216822, 216823, 216824, 216825, 216826, 216827, 216828, 216829, 216830, 216831, 216832, 216833, 216834, 216835, 216836, 216837, 216838, 216839, 216840, 216841, 216842, 217753, 217754, 217755, 217756, 217757, 217758, 217759, 217760, 217761, 217762, 217763, 217764, 217765, 217766, 217767, 217768, 217769, 217770, 217771, 217772, 217773, 217774, 217775, 217777, 217778, 217779, 217780, 217781, 217782, 217864, 217865, 217866, 217867, 217868, 217869, 217870, 217871, 217872, 217873, 217874, 217875, 217876, 217877, 217878, 217879, 217880, 217881, 217882, 217883, 217884, 217885, 217886, 217887, 217888, 217889, 217890, 217891, 217892, 217893, 217894, 217895, 217896, 217897, 217898, 217899, 217900, 217901, 217902, 217903, 217904, 217905, 217906, 217907, 217908, 217909, 217910, 217911, 217912, 217913, 217914, 217915, 217916, 217917, 217918, 217919, 217920, 217921, 217922, 217923, 217924, 217925, 217926, 217927, 217928, 217929, 218072, 218073, 218074, 218075, 218076, 218077, 218078,

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L65G–81 MSA (22)	301100, 301101, 301102, 301103, 301104, 301105, 301106, 301107, 301108, 301109, 301110, 301111, 301112, 301113, 301114, 301115, 301116, 301117, 301118, 301119, 301120, 301121
L65G–88 SCOTT (42).	301752, 301753, 301754, 301755, 301756, 301757, 301758, 301759, 301760, 301761, 301762, 301763, 301764, 301765, 301766, 301767, 301768, 301769, 301770, 301771, 301772, 301773, 301774, 301775, 301776, 301777, 301778, 301779, 301780, 301781, 301782, 301783, 301784, 301785, 301786, 301787, 301788, 301789, 301790, 301791, 301792, 301793
L65M–1 MSA (114)	57126, 57127, 57128, 57129, 57130, 57131, 57132, 57133, 57134, 57135, 57136, 57137, 57139, 57140, 57141, 57143, 57145, 57146, 57148, 57149, 57150, 57151, 57152, 57153, 57154, 57155, 57156, 57158, 57159, 57161, 57162, 57163, 57164, 57165, 57291, 57292, 57293, 57295, 57296, 57297, 57298, 57299, 57300, 57302, 57303, 57305, 57307, 57308, 57309, 57310, 57311, 57312, 57313, 57314, 57315, 57316, 57317, 57319, 57320, 57321, 57323, 57324, 57326, 57327, 57328, 57329, 57330, 57332, 57333, 57334, 57335, 57336, 57337, 57338, 57340, 57341, 57342, 57343, 57344, 57345, 57346, 57347, 57348, 57349, 57350, 57351, 57352, 57354, 57355, 57356, 57357, 57358, 57359, 57360, 57361, 57362, 57363, 57364, 57366, 57511, 57512, 57518, 57520, 57524, 57526, 57527, 57528, 57531, 57533, 57535, 57537, 57546, 57697, 57698
L65M–4 MSA (3)	61425, 61426, 61427
L65M–51 SCOTT (81).	62406, 62407, 62408, 62409, 62410, 62411, 62412, 62413, 62414, 62415, 62416, 62417, 62418, 62419, 62420, 62421, 62422, 62423, 62424, 62425, 62426, 62427, 62428, 62429, 62430, 62431, 62432, 62433, 62434, 62435, 62436, 62437, 62438, 62439, 62440, 62441, 62442, 62443, 62444, 62445, 62446, 62447, 62490, 62491, 62492, 62493, 62494, 62495, 62496, 62497, 62498, 62499, 62500, 62501, 62502, 62503, 62504, 62505, 62506, 62507, 62508, 62509, 62510, 62511, 62512, 62513, 62514, 62515, 62516, 62517, 62518, 62519, 62520, 62521, 62522, 62523, 62524, 62525, 62526, 62527, 62528
L65M–5 SCOTT (35).	62725, 62726, 62727, 62728, 62729, 62730, 62731, 62732, 62733, 62734, 62735, 62736, 62737, 62738, 62739, 62740, 62741, 62742, 62743, 62744, 62745, 62746, 62747, 62748, 62749, 62750, 62751, 62752, 62753, 62754, 62755, 62756, 62757, 62758, 62759
L65M–5 MSA (14) ..	62800, 62801, 62802, 62806, 62807, 62808, 62809, 62812, 62813, 62814, 62815, 62816, 62817, 62818

Model No. (# of Cylinders)	Serial numbers
L87G–2 SCOTT (322).	149667, 149668, 149669, 149670, 149671, 149672, 149673, 149674, 149675, 149676, 149677, 149678, 149679, 149680, 149681, 149682, 149683, 149684, 149685, 149686, 149687, 149688, 149689, 149690, 149691, 149692, 149693, 149694, 149695, 149696, 149697, 149698, 149699, 149700, 149701, 149702, 149703, 149704, 149705, 149706, 149708, 149709, 149710, 149711, 149712, 149713, 149714, 149715, 149716, 149717, 149718, 149719, 149720, 149721, 149722, 149723, 149724, 149726, 149727, 149728, 149729, 149730, 149731, 149732, 149733, 149801, 149802, 149803, 149804, 149805, 149806, 149807, 149808, 149809, 149810, 149811, 149812, 149813, 149814, 149815, 149816, 149818, 149819, 149820, 149821, 149822, 149823, 149824, 149825, 149826, 149827, 149828, 149829, 149830, 149832, 149833, 149834, 149835, 149836, 149837, 149838, 149839, 149840, 149841, 149842, 149843, 149844, 149845, 149846, 149847, 149848, 149849, 149851, 149852, 149853, 149854, 149855, 149856, 149857, 149858, 149859, 149860, 149861, 149862, 149863, 149864, 149865, 149866, 149869, 149870, 149871, 149872, 149873, 149875, 149876, 149877, 149879, 149880, 149881, 150230, 150231, 150232, 150233, 150234, 150235, 150236, 150237, 150238, 150239, 150240, 150241, 150242, 150243, 150244, 150245, 150246, 150247, 150248, 150249, 150250, 150251, 150252, 150253, 150254, 150255, 150256, 150257, 150258, 150259, 150260, 150261, 150262, 150263, 150264, 150265, 150266, 150267, 151330, 151331, 151332, 151334, 151335, 151336, 151337, 151338, 151339, 151341, 151342, 151343, 151344, 151345, 151346, 151349, 151350, 151353, 151355, 151356, 151357, 151358, 151359, 151738, 151739, 151740, 151742, 151744, 151745, 151746, 151749, 151750, 151751, 151752, 151753, 151754, 151756, 152870, 152871, 152872, 152873, 152874, 152875, 152876, 152877, 152878, 152879, 152880, 152881, 152882, 152883, 152884, 152885, 152886, 152887, 152888, 152889, 152890, 152891, 152892, 152893, 152894, 152895, 152896, 152897, 152898, 152899, 152900, 152901, 152902, 152903, 152904, 152905, 153421, 153425, 153427, 153433, 153437, 153438, 153444, 153445, 153449, 153450, 153461, 153462, 153469, 153474, 153475, 153482, 153484, 153494, 153905, 153909, 153912, 153915, 153919, 153923, 153924, 153930, 153935, 153937, 153938, 153941, 153945, 153946, 153947, 153948, 153952, 153955, 153956, 153957, 153958, 153960, 153961, 153963, 153964, 153966, 153967, 153968, 153970, 153971, 153973, 153974, 153976, 153977, 153984, 153990, 153996, 153998, 154009, 154013, 154022, 154025, 154027, 154047, 154064, 154068, 154070, 154071, 154080, 154083, 154089, 154090, 154095, 154100
L87G–70 SCOTT (271).	170007, 170008, 170009, 170010, 170011, 170012, 170013, 170014, 170015, 170016, 170017, 170018, 170019, 170020, 170021, 170022, 170023, 170024, 170025, 170026, 170027, 170028, 170029, 170030, 170031, 170032, 170033, 170034, 170035, 170036, 170037, 170038, 170039, 170040, 170041, 170042, 170043, 170044, 170045, 170046, 170047, 170048, 170049, 170050, 170051, 170052, 170053, 170054, 170055, 170056, 170057, 170058, 170059, 170060, 170061, 170062, 170063, 170064, 170065, 170066, 170067, 170068, 170069, 170070, 170071, 170072, 170073, 170074, 170075, 170076, 170077, 170078, 170079, 170080, 170081, 170123, 170124, 170125, 170126, 170127, 170128, 170129, 170130, 170131, 170132, 170133, 170134, 170135, 170136, 170137, 170138, 170139, 170140, 170141, 170142, 170143, 170144, 170145, 170146, 170147, 170148, 170149, 170150, 170151, 170152, 170153, 170154, 170155, 170156, 170157, 170158, 170159, 170160, 170161, 170162, 170163, 170164, 170165, 170166, 170167, 170168, 170169, 170170, 170171, 170172, 170173, 170174, 170175, 170176, 170177, 170178, 170179, 170180, 170181, 170182, 170183, 170184, 170185, 170186, 170187, 170188, 170189, 170190, 170191, 170192, 170193, 170194, 170195, 170196, 170197, 170198, 170200, 170201, 170202, 170203, 170204, 170205, 170206, 170207, 170208, 170209, 170210, 170211, 170212, 170213, 170214, 170215, 170216, 170217, 170218, 170219, 170220, 170221, 170222, 170223, 170224, 170225, 170226, 170227, 170228, 170229, 170230, 170231, 170232, 170233, 170234, 170235, 170236, 170237, 170238, 170239, 170240, 170241, 170242, 170243, 170244, 170245, 170246, 170247, 170248, 170249, 170335, 170336, 170337, 170338, 170339, 170340, 170341, 170342, 170343, 170344, 170345, 170346, 170347, 170348, 170349, 170350, 170351, 170352, 170353, 170354, 170355, 170356, 170357, 170358, 170359, 170360, 170361, 170362, 170363, 170364, 170365, 170366, 170367, 170368, 170369, 170370, 170371, 170372, 170373, 170374, 170375, 170376, 170377, 170378, 170379, 170380, 170381, 170382, 170383, 170384, 170385, 170386, 170387, 170388, 170389, 170390, 170391, 170392, 170393, 170394, 170395, 170396, 170397, 170398, 170399, 170400, 170401, 170402, 170403, 170404
L87G–71 SCOTT (76).	171000, 171001, 171002, 171003, 171004, 171005, 171006, 171007, 171008, 171009, 171010, 171011, 171012, 171013, 171014, 171015, 171016, 171017, 171018, 171019, 171020, 171021, 171022, 171023, 171024, 171025, 171026, 171027, 171028, 171029, 171030, 171031, 171032, 171033, 171034, 171035, 171036, 171037, 171038, 171039, 171040, 171041, 171042, 171043, 171044, 171045, 171046, 171047, 171048, 171049, 171050, 171051, 171052, 171053, 171054, 171055, 171056, 171057, 171058, 171059, 171060, 171061, 171062, 171063, 171064, 171065, 171066, 171067, 171068, 171069, 171070, 171071, 171072, 171073, 171074, 171075
L87G–73 SCOTT (52).	173000, 173001, 173002, 173003, 173004, 173005, 173006, 173007, 173008, 173009, 173010, 173011, 173012, 173013, 173014, 173015, 173016, 173017, 173018, 173019, 173020, 173021, 173022, 173023, 173024, 173025, 173026, 173027, 173028, 173029, 173030, 173031, 173032, 173033, 173034, 173035, 173036, 173037, 173038, 173039, 173040, 173111, 173112, 173113, 173114, 173115, 173116, 173117, 173118, 173119, 173120, 173121
L87G–74 SCOTT (57).	174064, 174065, 174066, 174067, 174068, 174069, 174070, 174071, 174072, 174073, 174074, 174075, 174076, 174077, 174078, 174079, 174080, 174081, 174082, 174083, 174084, 174085, 174086, 174087, 174088, 174089, 174090, 174091, 174092, 174093, 174094, 174095, 174096, 174097, 174098, 174099, 174100, 174101, 174102, 174103, 174105, 174106, 174107, 174108, 174109, 174110, 174111, 174112, 174113, 174114, 174115, 174116, 174117, 174118, 174119, 174120, 174121
L87G–75 SCOTT (50).	175000, 175001, 175002, 175003, 175004, 175005, 175006, 175007, 175008, 175009, 175010, 175011, 175012, 175013, 175014, 175015, 175016, 175017, 175018, 175019, 175020, 175021, 175022, 175023, 175024, 175025, 175026, 175027, 175028, 175029, 175030, 175031, 175032, 175033, 175034, 175035, 175036, 175037, 175038, 175039, 175040, 175041, 175042, 175043, 175044, 175045, 175046, 175047, 175048, 175049
M15B–1 DRAGER (16).	2570, 2571, 2572, 2577, 2578, 2580, 2595, 2605, 2611, 2612, 2618, 2619, 2623, 2624, 2629, 2630

Model No. (# of Cylinders)	Serial numbers
P07A–4 PMI (105) ..	31650, 31651, 31652, 31653, 31654, 31655, 31656, 31657, 31658, 31659, 31660, 31661, 31662, 31663, 31664, 31665, 31666, 31667, 31668, 31669, 31670, 31671, 31672, 31673, 31674, 31675, 31676, 31677, 31678, 31679, 31680, 31681, 31682, 31683, 31684, 31685, 31686, 31687, 31688, 31689, 31690, 31691, 31692, 31693, 31694, 31695, 31696, 31697, 31698, 31699, 31700, 31701, 31702, 31703, 31704, 31705, 31706, 31707, 31708, 31709, 31710, 31711, 31712, 31713, 31714, 31715, 31716, 31717, 31718, 31719, 31720, 31721, 31722, 31723, 31724, 31725, 31726, 31727, 31728, 31729, 31730, 31731, 31732, 31733, 31734, 31735, 31736, 31737, 31738, 31739, 31740, 31741, 31742, 31743, 31744, 31745, 31746, 31747, 31748, 31749, 31750, 31751, 31752, 31753, 31754
P08F–3 PMI (210) ..	100234, 100235, 100236, 100237, 100238, 100239, 100240, 100241, 100242, 100243, 100244, 100246, 100247, 100248, 100249, 100250, 100251, 100252, 100253, 100254, 100255, 100256, 100258, 100259, 100260, 100261, 100262, 100263, 100264, 100265, 100266, 100267, 100268, 100269, 100270, 100271, 100272, 100273, 100274, 100275, 100276, 100514, 100515, 100517, 100519, 100520, 100521, 100522, 100523, 100525, 100527, 100528, 100529, 100530, 100531, 100532, 100534, 100535, 100536, 100537, 100538, 100539, 100540, 100541, 100542, 100543, 100546, 100547, 100548, 100550, 100551, 100552, 100553, 100554, 100555, 100556, 100557, 100558, 100559, 100560, 100561, 100562, 100563, 100564, 100565, 100566, 100567, 100568, 100569, 100570, 100571, 100572, 100573, 100574, 100575, 100576, 100577, 100578, 100579, 100580, 100581, 100582, 100583, 100584, 100585, 100586, 100587, 100588, 100589, 100590, 100591, 100592, 100593, 100594, 100595, 100597, 100598, 100599, 100600, 100601, 100602, 100603, 100604, 100605, 100606, 100607, 100608, 100609, 100610, 100611, 100612, 100613, 100614, 100616, 100617, 100618, 100619, 100620, 100621, 100622, 100623, 100624, 100625, 100626, 100627, 100628, 100629, 100630, 100631, 100632, 100633, 100634, 100635, 100636, 100637, 100638, 100639, 100640, 100641, 100642, 100643, 100644, 100645, 100646, 100647, 100649, 100650, 100651, 100652, 100653, 100654, 100655, 100656, 100657, 103005, 103016, 103018, 103026, 103028, 103045, 103052, 103055, 103056, 103067, 103069, 103070, 103074, 103120, 103180, 103219, 103227, 103234, 103261, 103271, 103290, 103310, 103335, 103342, 103391, 103399, 103412, 103563, 103571, 103572, 103573, 103615, 103626, 103665, 103666, 103675
P11F–2 PMI (2)	123248, 123249
P12A–2 PMI (11)	21974, 21976, 21977, 21980, 21981, 21985, 21986, 21992, 21993, 21995, 22078
T109A–1 GOODR (37).	6565, 6566, 6567, 6568, 6569, 6570, 6571, 6572, 6573, 6574, 6575, 6576, 6577, 6578, 6692, 6693, 6694, 6695, 6696, 6697, 6699, 6700, 6701, 6702, 6703, 6704, 6705, 6706, 6707, 6708, 6709, 6710, 6711, 6712, 6713, 6714, 6715
T112A–1 GOODR (25).	1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646
T123–1 GOODR (54).	2453, 2454, 2455, 2456, 2457, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508
Total Number (3,859).	

Issued in Washington, DC, on May 4, 2006.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. E6–7047 Filed 5–9–06; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Research and Innovative Technology Administration

[Docket Number: RITA–2006–24715]

Notice of Request for Approval To Collect New Information: Collection of Data for Program Evaluation

AGENCY: Bureau of Transportation Statistics (BTS), Research and Innovative Technology Administration (RITA), DOT.

ACTION: Notice and request for comments.

SUMMARY: This notice announces that the Bureau of Transportation Statistics (BTS) intends to request the Office of Management and Budget (OMB) to approve a data collection effort to evaluate a five-year research program on using information from close calls and near misses to improve safety in the rail industry. The study is conducted by the Office of Human Factors in the Federal Railroad Administration (FRA) and is designed to identify safety issues and propose corrective actions based on voluntary reports of close calls submitted to BTS. Because of the innovative nature of this program, the FRA is implementing an evaluation to determine whether the program is succeeding, how it can be improved, and what is needed to implement the program through out the railroad industry. This collection is necessary to obtain the data needed to carry out the evaluation. This notice is required by the Paperwork Reduction Act.

DATES: Comments must be received by July 10, 2006.

ADDRESSES: You can mail or hand-deliver comments to the U.S. Department of Transportation (DOT), Dockets Management System (DMS). You may submit your comments by mail or in person to the Docket Clerk, Docket No. RITA–2006–24715, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590–0001. Comments should identify the docket number; paper comments should be submitted in duplicate. The DMS is open for examination and copying, at the above address, from 9 a.m. to 5 p.m., Monday through Friday, except federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on Docket RITA–2006–24715.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (the Internet, fax, or professional delivery service) to submit comments to the docket and ensure their timely receipt at U.S. DOT. You may fax your comments to the DMS at (202) 493–2251.

If you wish to file comments using the Internet, you may use the DOT DMS Web site at *http://dms.dot.gov.* Please follow the online instructions for submitting an electronic comment. You can also review comments on-line at the DMS Web site at *http://dms.dot.gov.*

Please Note that anyone is able to electronically search all comments received into our docket management

system by the name of the individual submitting the comment (or signing the comment if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; pages 19477–78) or you may review the Privacy Act Statement at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Demetra V. Collia, RTS 31, Room 3430, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590; (202) 366–1610; FAX NO. (202) 493–0568; e-mail: *demetra.collia@dot.gov.*

Data Confidentiality Provisions: The confidentiality of data collected by BTS is protected under the BTS confidentiality statute (49 U.S.C. 111 (k) and the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2002 (Pub. L. 107–347, Title V). In accordance with these confidentiality statutes, only statistical and non-identifying data will be made publicly available through reports. Further, BTS will not release to FRA or any other public or private entity any information that might reveal the identity of individuals or organizations mentioned in the collected survey data.

SUPPLEMENTARY INFORMATION:

I. The Data Collection

The Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35; as amended) and 5 CFR part 1320 require each Federal agency to obtain OMB approval to initiate an information collection activity. BTS is seeking OMB approval for the following BTS information collection activity:

Title: Collection of Data for Program Evaluation.

OMB Control Number: 2139–NEW.

Type of Review: Approval of data collection.

Respondents: Employees of selected (pilot) railroad sites.

Number of Respondents: 1,200 (per annum).

Estimated Time per Response: 0.50 hours.

Frequency: The evaluation survey will be conducted three times: (1) At the onset of the Close Calls research program (baseline); (2) two to three years later; and (3) at the end of the Close Calls research program (five to six years from the baseline data collection.).

Total Annual Burden: 600 hours.

II. Background

Collecting data on the nation's transportation system is an important component of BTS' responsibility to the transportation community and is authorized in BTS statutory authority (49 U.S.C. 111(c)(1) and (2) and 49 U.S.C. 111(c)(5) (j)). Further, BTS and FRA share a common interest in promoting rail safety based on better data. In recognition of the need for new approaches to improving safety, the FRA has initiated a research program called the Confidential Close Call Reporting System (C^3RS). The C^3RS is designed to identify safety issues and propose corrective actions based on voluntary reports of close calls submitted to BTS. A close call represents a situation in which an ongoing sequence of events was stopped from developing further, preventing the occurrence of potentially serious safety-related consequences. This might include the following: (1) Events that happen frequently, but have low safety consequences; (2) events that happen infrequently but have the potential for high consequences (e.g., a train in dark territory proceeds beyond its authority); (3) events that are below the FRA reporting threshold (e.g., an event that causes a minor injury); and (4) events that are reportable to FRA but have the potential for a far greater accident than the one reported (e.g., a slow speed collision with minor damage to the equipment and no injuries.)

BTS will collect close call reports submitted by railroad employees, develop an analytical database containing the reported data and other pertinent information, and protect the confidentiality of these data through its own statute (49 U.S.C. 111(i)) and the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA). The operating assumption behind C^3RS is that by assuring confidentiality, employees will report events which, if dealt with, will decrease the likelihood of accidents. C^3RS therefore has both a confidential reporting component, and a problem analysis/solution component. C^3RS is expected to affect safety in two ways. First, it will lead to problem solving concerning specific safety conditions. Second, it will engender an organizational culture and climate that supports greater awareness of safety and a greater cooperative willingness to improve safety. BTS is seeking a separate OMB approval for the collection of close call reports (71 FR 24913, April 27, 2006) which does not involve the evaluation of the reporting system.

While C^3RS has been developed and is being implemented with the participation of the FRA, railroad labor, and railroad management, there are legitimate questions about whether it is being implemented in the most effective way, and whether it will have its intended effect. Further, even if C^3RS is successful, it will be necessary to know if it is successful enough to implement on a wide scale. To address these important questions, the FRA is implementing a formative evaluation to guide program development, a summative evaluation to assess impact, and a sustainability evaluation to determine how C^3RS can continue after the test period is over. The evaluation is needed to provide the FRA with guidance as to how it can improve the program, and how it might be scaled up throughout the railroad industry.

Program evaluation is an inherently data driven activity. Its basic tenet is that as change is implemented, data can be collected to track the course and consequences of the change. Because of the setting in which C^3RS is being implemented, that data must come from the railroad employees (labor and management) who may be affected. Employees of selected railroad sites (pilot sites) will be asked to fill out a questionnaire which will be made available to them at town hall meetings and mail back to BTS. The evaluation program questionnaire will request the respondent to provide information such as: (a) Beliefs about rail safety; (b) issues and personal concerns related to implementation of safety programs in their work environment; (c) knowledge and views on voluntary reporting of unsafe events; and (d) opinions and observations about the operation of C^3RS at their work site.

III. Request for Comments

BTS requests comments on any aspects of these information collections, including: (1) The accuracy of the estimated burden; (2) ways to enhance the quality, usefulness, and clarity of the collected information; and (3) ways to minimize the collection burden without reducing the quality of the information collected, including additional use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on May 3, 2006.

William Bannister,

Acting Deputy Director, Bureau of Transportation Statistics, Research and Innovative Technology Administration.

[FR Doc. E6–7109 Filed 5–9–06; 8:45 am]

BILLING CODE 4910–HY–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–853 (Sub-No. 3X)]

Kansas & Oklahoma Railroad, Inc.—Abandonment Exemption—in Rice County, KS

Kansas & Oklahoma Railroad, Inc. (KO), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 6-mile line of railroad between milepost 85.0, at Chase, and milepost 91.0 at Silica, in Rice County, KS. The line traverses United States Postal Service Zip Codes 67524 and 67573.[1]

KO has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 9, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by May 22, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 30, 2006, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicant's representative: Karl Morell, 1455 F St., NW., Suite 225, Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

K&O has filed an environmental report which addresses the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by May 15, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), KO shall file a notice of consummation with the Board to signify that it has exercised the authority granted abandoned its 6-mile line. Pursuant to the same provisions, KO shall file a notice of consummation with the Board to signify that it has exercised the authority granted to it to fully consummate the abandonment of the line after APR receives authority or an exemption to discontinue service over portion of the line between mileposts 87.0 and 91.0. If consummation has not been effected by KO's filing of a notice of consummation by May 10, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.[4]

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: May 3, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–6998 Filed 5–9–06; 8:45 am]

BILLING CODE 4915–01–P

[1] Atlantic & Pacific Transportation Company (APR) was granted an exemption to lease and operate an approximately 4-mile portion of the line that extends from approximately milepost 87.0 (at or near Chase, KS), to approximately milepost 91.0 (at or near Silica, KS), in *Atlantic & Pacific Railroad and Transportation Company—Lease and Operation Exemption—Kansas & Oklahoma Railroad,* STB Finance Docket No. 34451 (STB served July 20, 2004).

APR filed a petition for exemption to discontinue service over the 4-mile portion of the line. Notice of the filing was served on March 22, 2006, and published in the **Federal Register** on March 23, 2006 (71 FR 147709). KO may not consummate abandonment until APR receives authority or an exemption to discontinue its service over that portion of the line.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each offer of financial assistance must be accompanied by the filing fee which as of April 19, 2006, is set at $1,300. *See Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update,* STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006). *See* 49 CFR 1002.2(f)(25).

[4] KO shall serve a copy of this notice on APR within 5 days after its publication, and certify to the Board that it has done so.

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: The Gray Casualty & Surety Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 15 to the Treasury Department Circular 570, 2005 Revision, published July 1, 2005, at 70 FR 38502.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued under 31 U.S.C. 9305 to the following company:

The Gray Casualty & Surety Company (NAIC # 10671). *Business Address:* P.O. Box 6202, Metairie, Louisiana 70009–6202. *Phone:* (504) 888–7790. *Underwriting Limitation b/:* $1,204,000. *Surety Licenses c:/* AL, AR, GA, LA, MS, NM, OK, SC, TX. *Incorporated in:* Louisiana. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570 (''Circular''), 2005 Revision, at 70 FR 38520, to reflect this addition.

Certificates of Authority expire on June 30th each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as along as the companies remain qualified (*see* 31 CFR part 223). A list of qualified companies is published annually as of July 1 in the Circular, which outlines details as to the underwriting limitations, areas in which companies

are licensed to transact surety business, and other information.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570*. A hard copy may be purchased from the Government Printing Office (GPO) Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 769–004–05219–0.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: April 27, 2006.

Vivian L. Cooper,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 06–4339 Filed 5–9–06; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

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 Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Affidavit Of Forgery For United States Savings Bonds.

DATES: Written comments should be received on or before July 10, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Affidavit Of Forgery For United States Savings Bonds.

OMB Number: 1535–0067.

Form Number: PD F 0974.

Abstract: The information is requested to establish whether the registered owner signed the request for payment or if the signature was a forgery.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or households.

Estimated Number of Respondents: 2,500.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 625.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 4, 2006.

Vicki S. Thorpe,

Manager, Graphics, Printing, and Records Branch.

[FR Doc. E6–7076 Filed 5–9–06; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

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 Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Report/Application For Relief on Account of Loss, Theft, or Destruction of United States Bearer Securities (Individuals).

DATES: Written comments should be received on or before July 10, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Report/Application For Relief on Account of Loss, Theft, or Destruction of United States Bearer Securities (Individuals).

OMB Number: 1535–0016.

Form Number: PD F 1022–1.

Abstract: The information is requested to establish ownership and support a request for relief because of the loss, theft, or destruction of United States Bearer Securities owned by individuals.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 100.

Estimated Time Per Respondent: 55 minutes.

Estimated Total Annual Burden Hours: 92.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

Dated: May 4, 2006.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. E6–7082 Filed 5–9–06; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

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 Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Report/Application For Relief on Account of Loss, Theft, or Destruction of United States Bearer Securities (Organizations).

DATES: Written comments should be received on or before July 10, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Report/Application For Relief on Account of Loss, Theft, or Destruction of United States Bearer Securities (Organizations).

OMB Number: 1535–0015.

Form Number: PD F 1022.

Abstract: The information is requested to establish ownership and support a request for relief because of the loss, theft, or destruction of United States Bearer Securities.

Current Actions: None.

Type of Review: Extension.

Affected Public: Organizations.

Estimated Number of Respondents: 100.

Estimated Time Per Respondent: 55 minutes.

Estimated Total Annual Burden Hours: 92.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 4, 2006.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. E6–7083 Filed 5–9–06; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

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 Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Claim For Lost, Stolen, or Destroyed United States Registered Securities.

DATES: Written comments should be received on or before July 10, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Claim For Lost, Stolen, or Destroyed United States Registered Securities.

OMB Number: 1535–0014.

Form Number: PDF 1025.

Abstract: The information is requested to establish ownership and support a request for relief because of the loss, theft, or destruction of United States Registered Securities.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or businesses.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 55 minutes.

Estimated Total Annual Burden Hours: 460.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 4, 2006.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. E6–7084 Filed 5–9–06; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

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 Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Special Form of Request For Payment of United States Savings and Retirement Securities Where Use of a Detached Request is Authorized.

DATES: Written comments should be received on or before July 10, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Special Form of Request for Payment of United States Savings and Retirement Securities Where Use of A Detached Request is Authorized.

OMB Number: 1535–0004.

Form Number: PDF 1522.

Abstract: The information is requested to establish ownership and request for payment of United States Savings Bonds/Retirement Securities.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 56,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 14,000.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 4, 2006.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. E6–7085 Filed 5–9–06; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

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 Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Request for Reissue of United States Savings Bonds To Remove Name of One or More Living Registrants.

DATES: Written comments should be received on or before July 10, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Request For Reissue of United States Savings Bonds To Remove Name Of One Or More Living Registrants.

OMB Number: 1535–0008.

Form Number: PDF 1938.

Abstract: The information is requested to establish ownership and request reissue of United States Savings Bonds.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 87,000.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 14,529.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 4, 2006.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. E6–7087 Filed 5–9–06; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

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 Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Claim For United States Savings Bonds Not Received.

DATES: Written comments should be received on or before July 10, 2006, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Claim For United States Savings Bonds Not Received.

OMB Number: 1535–0098.

Form Number: PDF 3062–4.

Abstract: The information is used to support a request for substitute savings bonds in lieu of savings bonds not received.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 25,000.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 4,175.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 4, 2006.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. E6–7088 Filed 5–9–06; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Submission for OMB Review; Comment Request—Release of Non-Public Information

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. OTS is soliciting public comments on the proposal.

DATES: Submit written comments on or before June 9, 2006.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to OMB and OTS at these addresses: Office of Information and Regulatory Affairs, Attention: Desk Officer for OTS, U.S. Office of Management and Budget, 725—17th Street, NW., Room 10235, Washington, DC 20503, or by fax to (202) 395–6974; and Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, by fax to (202) 906–6518, or by e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov*, or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of the submission to OMB, please contact Marilyn K. Burton at *marilyn.burton@ots.treas.gov*, (202) 906–6467, or facsimile number (202) 906–6518, Litigation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Title of Proposal: Release of Non-Public Information.

OMB Number: 1550–0081.

Form Number: N/A.

Regulation requirement: 12 CFR 510.5.

Description: This information collection provides an orderly mechanism for expeditious processing of requests from the public (including litigants in lawsuits where OTS is not a party) for non-public or confidential OTS information (documents and testimony), while preserving OTS's need to maintain the confidentiality of such information.

Type of Review: Renewal.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 10.

Estimated Frequency of Response: On occasion.

Estimated Burden Hours per Response: 5 hours.

Estimated Total Burden: 50 hours.

Clearance Officer: Marilyn K. Burton, (202) 906–6467, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

OMB Reviewer: Desk Officer for OTS, Fax: (202) 395–6974, U.S. Office of Management and Budget, 725—17th Street, NW., Room 10235, Washington, DC 20503.

Dated: May 4, 2006.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E6–7099 Filed 5–9–06; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0321]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the

collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 9, 2006.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–6950 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0321.'' Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0321'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Appointment of Veterans Service Organization as Claimant's Representative, VA Form 21–22 and Appointment of Individual as Claimant's Representative, VA Form 21–22a.

OMB Control Number: 2900–0321.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants complete VA Forms 21–22 and 21–22a to appoint a veterans service organization or an individual to assist in the preparation, representation, and prosecution of claims for VA benefits and to authorize VA to disclose any or all records to the appointed representative.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on December 28, 2005 at pages 76914–76915.

Affected Public: Individuals or households.

Estimated Annual Burden: 27,616 hours.

a. VA Form 21–22—27,083 hours.

b. VA Form 21–22a—533 hours.

Estimated Average Burden Per Respondent:

a. VA Form 21–22—5 minutes.

b. VA Form 21–22a—5 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 331,400.

a. VA Form 21–22—325,000.

b. VA Form 251–22a—6,400.

Dated: April 26, 2006.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E6–7056 Filed 5–9–06; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0160]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine whether State homes providing nursing home care and adult day health care are providing high quality care to eligible veterans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 10, 2006.

ADDRESSES: Submit written comments on the collection of information to Ann Bickoff, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *ann.bickoff@mail.va.gov.* Please refer to ''OMB Control No. 2900–0160'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann Bickoff at (202) 273–8310.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles

a. Title 38, CFR Parts 51 and 52, State Home Programs.

b. State Home Inspection Staffing Profile, VA Form 10–3567.

c. State Home Report and Statement of Federal Aid Claimed, VA Form 10–5588.

d. State Home Program Application for Veteran Care—Medical Certification, VA Form 10–10SH.

e. Department of Veterans Affairs Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals, VA Form 10–0143.

f. Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, VA Form 10–0143a.

g. Certification Regarding Lobbying, VA Form 10–0144.

h. Statement of Assurance of Compliance with Equal Opportunity Laws, VA Form 10–0144a.

OMB Control Number: 2900–0160.

Type of Review: Extension of a currently approved collection.

Abstract: VA pays per diem to State homes providing nursing home and adult day health care services to eligible veterans. To ensure high quality care is furnished to the veterans, VA requires those facilities providing adult day health care to furnish an application for recognition based on certification; appeal information, application and justification for payment; records and reports which facility management must maintain regarding activities of residents or participants; information relating to whether the facility meets standards concerning residents' rights and responsibilities prior to admission or enrollment, during admission or enrollment, and upon discharge; the records and reports which facilities management and health care professionals must maintain regarding residents or participants and employees; documents pertain to the management of the facilities; food menu planning;

pharmaceutical records; and life safety documentation. This information is necessary to ensure that VA per diem payments are limited to facilities providing high quality care to eligible veterans.

Affected Public: State, Local or Tribal Government, Individuals or households, and Not for profit institutions.

Estimated Total Annual Burden: 15,535 hours.

a. Title 38, CFR Parts 51 and 52, State Home Programs—3,738 hours.
b. State Home Inspection Staffing Profile, VA Form 10–3567—90 hours.
c. State Home Report and Statement of Federal Aid Claimed, VA Form 10–5588—1,080 hours.
d. State Home Program Application for Veteran Care—Medical Certification, VA Form 10–10SH—10,566 hours.
e. Department of Veterans Affairs Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals, VA Form 10–0143—15 hours.
f. Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, VA Form 10–1043a—15 hours.
g. Certification Regarding Lobbying, VA Form 10–0144—15 hours.
h. Statement of Assurance of Compliance with Equal Opportunity Laws, VA Form 10–0144a—15 hours.

Estimated Average Burden Per Respondent

a. Title 38, CFR Parts 51 and 52, State Home Programs—7 minutes.
b. State Home Inspection Staffing Profile, VA Form 10–3567—30 minutes.
c. State Home Report and Statement of Federal Aid Claimed, VA Form 10–5588—30 minutes.
d. State Home Program Application for Veteran Care—Medical Certification, VA Form 10–10SH—30 minutes.
e. Department of Veterans Affairs Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals, VA Form 10–0143—5 minutes.
f. Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, VA Form 10–1043a—5 minutes.
g. Certification Regarding Lobbying, VA Form 10–0144—5 minutes.
h. Statement of Assurance of Compliance with Equal Opportunity Laws, VA Form 10–0144a—5 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents

a. Title 38, CFR Parts 51 and 52, State Home Programs—22,926.
b. State Home Inspection Staffing Profile, VA Form 10–3567—180.
c. State Home Report and Statement of Federal Aid Claimed, VA Form 10–5588—180.
d. State Home Program Application for Veteran Care—Medical Certification, VA Form 10–10SH—21,132.
e. Department of Veterans Affairs Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals, VA Form 10–0143—180.
f. Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, VA Form 10–1043a—180.
g. Certification Regarding Lobbying, VA Form 10–0144—180.
h. Statement of Assurance of Compliance with Equal Opportunity Laws, VA Form 10–0144a—180.

Estimated Total Annual Responses

a. Title 38, CFR Parts 51 and 52, State Home Programs—23,466.
b. State Home Inspection Staffing Profile, VA Form 10–3567—180.
c. State Home Report and State of Federal Aid Claimed, VA Form 10–5588—2,160.
d. State Home Program Application for Veteran Care—Medical Certification, VA Form 10–10SH—21,132.
e. Department of Veterans Affairs Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals, VA Form 10–0143—180.
f. Statement of Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, VA Form 10–1043a—180.
g. Certification Regarding Lobbying, VA Form 10–0144—180.
h. Statement of Assurance of Compliance with Equal Opportunity Laws, VA Form 10–0144a—180.

Dated: May 2, 2006.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E6–7057 Filed 5–9–06; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 71, No. 90

Wednesday, May 10, 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 DEFENSE

Office of the Secretary

Defense Science Board

Correction

In notice document 06–3445 appearing on page 18292 in the issue of Tuesday, April 11, 2006, make the following correction:

In the first column, in the first paragraph, in the seventh line, ''*June 15, 2006*'' should read ''*June 13-15, 2006*''.

[FR Doc. C6–3445 Filed 5–9–06; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23647; Directorate Identifier 2006–CE–06–AD; Amendment 39–14564; AD 2002–11–05 R1]

RIN 2120–AA64

Airworthiness Directives; Air Tractor, Inc. Model AT–501 Airplanes

Correction

In rule document 06–3614 beginning on page 19628 in the issue of Monday, April 17, 2006, make the following corrections:

1. On page 19629, in the first column, under the heading ''**Discussion**'', in the third bulleted paragraph, in the first line, ''AD 2001–10–04, R1'' should read ''AD 2001–10–04 R1''.

2. On the same page, in the second column, in the first line, ''*AD 2000–14–51.*'' should read ''*AD 2000–14–51:*''.

3. On the same page, in the same column, in the second paragraph, in the fourth line, ''and AT–500''should read ''AT–500''.

§ 39.13 [Corrected]

4. On page 19631, in § 39.13(c)(3), in the eighth line, ''Ad'' should read ''AD''.

5. On the same page, in § 39.13(e), in the second column of Table 3, in the fifth line, ''AD 2002–2002–11'' should read ''AD 2002–11''.

Appendix to AD 2002–11–05 R1 [Corrected]

6. On page 19633, in Appendix to AD 2002–11–05 R1, in the second column, in numbered paragraph 2, in the first line, ''you'' should read ''your''.

7. On the same page, in the same appendix, in the same column, in numbered paragraph 7, in the first line, ''your'' should read ''you''.

[FR Doc. C6–3614 Filed 5–9–06; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9253]

RIN 1545–AY92

Revisions to Regulations Relating to Witholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Revisions of Information Reporting Regulations

Correction

In rule document 06–2443 beginning on page 13003 in the issue of Tuesday, March 14, 2006, make the following correction:

§ 301.6114–1 [Corrected]

On page 13008, in § 301.6114–1, in the second column, the fifth and sixth lines, consisting of paragraphs (c)(8)(i) and (ii), should read as follows:

''defined in § 1.441–1(c)(23),

(ii) The exception contained in paragraph''.

[FR Doc. C6–2443 Filed 5–9–06; 8:45 am]

BILLING CODE 1505–01–D



Federal Register

Wednesday,
May 10, 2006

Part II

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2005–0117; FRL–8164–9]

RIN 2060–AL97

Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating amendments to the air emission standards for existing and new large municipal waste combustor (MWC) units. Standards for MWC units were promulgated in 1995 and implemented in 2000. The Clean Air Act (CAA) requires review of these standards every 5 years. The review is to be conducted in accordance with CAA section 129 and section 111 requirements, with standards revised as necessary. For existing MWC units, the goal of this action is to amend the standards to reflect the actual performance levels being achieved by existing MWC units. For new MWC units, the goal of this action is to amend the standards to reflect the performance level achievable by MWC units constructed in the future. Other technical improvements are also being made to the standards for MWC units.

DATES: *Effective Dates:* The amendment to § 60.50 is effective May 10, 2006. The final rule amendments to the standards for new sources in subpart Eb of 40 CFR part 60 (§§ 60.50b, 60.51b, 60.52b, 60.53b, 60.54b, 60.57b, 60.58b, 60.59b) are effective November 6, 2006. The final rule amendments to the emission guidelines for existing sources in subpart Cb of 40 CFR part 60 (§§ 60.30b, 60.31b, 60.32b, 60.33b, 60.34b, Tables 1, 2, and 3 to subpart Cb) are effective July 10, 2006.

ADDRESSES: *Docket.* EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2005–0117. All documents in the docket are listed on the *www.regulations.gov* Web site. 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, 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* or in hard copy at the Air and Radiation Docket, Docket ID No. EPA–HQ–OAR–2005–0117, EPA/DC, EPA West Building, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Stevenson, Energy Strategies Group, Sector Policies and Programs Division (D243–01), U.S. EPA, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5264; e-mail address: *stevenson.walt@epa.gov*.

SUPPLEMENTARY INFORMATION:

Regulated Entities. Categories and entities potentially affected by the final rule are MWC units with a design combustion capacity of greater than 250 tons per day. The NSPS and emission guidelines for municipal waste combustors affect the following categories of sources:

Category	NAICS code	SIC code (optional)	Examples of potentially regulated entities
Industry, Federal government, and State/local/tribal governments.	562213 92411	4953 9511	Solid waste combustors or incinerators at waste-to-energy facilities that generate electricity or steam from the combustion of garbage (typically municipal solid waste); and solid waste combustors or incinerators at facilities that combust garbage (typically municipal solid waste) and do not recover energy from the waste combustion.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by the final rule. To determine whether your facility is regulated by the final rule, you should examine the applicability criteria in 40 CFR 60.32b of subpart Cb and 40 CFR 60.50b of subpart Eb. If you have any questions regarding the applicability of the final rule to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Docket. The docket number for the large MWC NSPS (40 CFR part 60, subpart Eb) and emission guidelines (40 CFR part 60, subpart Cb) is Docket ID No. EPA–HQ–OAR–2005–0117.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of the final rule is available on the WWW through the Technology Transfer Network Web site (TTN Web). Following signature, EPA posted a copy of the final rule 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 CAA section 307(b)(1), judicial review of the final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by July 10, 2006. Under CAA section 307(d)(7)(B), only an objection to the final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under CAA section 307(b)(2), the requirements established by today's final action may not be challenged separately in any civil or criminal proceedings brought by EPA to enforce these requirements.

Section 307(d)(7)(B) of the CAA further provides that ''only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review.'' This section also provides a mechanism for the EPA to convene a proceeding for reconsideration, ''if the person raising the objection can demonstrate to the EPA that is was impracticable to raise such an objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.'' Any person seeking to make such a demonstration to the EPA should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, Ariel Rios Building, 1200 Pennsylvania

Ave., NW., Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Director of the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC 20004.

Organization of This Document. The following outline is provided to aid in locating information in this preamble.

I. Background Information
II. Summary of Amendments
A. What are the major revisions resulting from the review?
B. What are the revised emission limits?
C. Are other amendments being promulgated?
D. Is an implementation schedule being promulgated?
E. Has EPA revised the applicability date of the NSPS?
III. Responses to Significant Comments
A. What areas of the proposal received the most comments?
B. Why did EPA not recalculate the MACT floor?
C. Relative to technical issues, how were statistical methods used to develop emission limits?
D. How were the final emission limits selected?
E. What types of comments were received on the EPA statistical methods?
F. What comments were received on the EPA database and data screening procedures?
G. What was the most important factor affecting emissions estimates?
H. What emission variability factor is appropriate?
I. What other significant comments were received on the proposal, and how were they addressed in the final rule?
J. What comments were received on the proposed 95 percent CEMS data availability requirement and how were they addressed in the final rule?
K. What comments were received on the expanded use of continuous emission monitors technology, and how were the comments addressed in the final rule?
L. Would the use of particulate matter continuous emission monitors or mercury continuous emission monitors for compliance testing require EPA to adopt alternative particulate matter and mercury emission limits?
IV. Impacts of the Final Amendments for Existing Units
V. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
G. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use
I. National Technology Transfer Advancement Act
J. Congressional Review Act

I. Background Information

Section 129 of the CAA, entitled ''Solid Waste Combustion,'' requires EPA to develop and adopt NSPS and emission guidelines for solid waste incineration units pursuant to CAA sections 111 and 129. Section 111(b) of the CAA (NSPS program) addresses emissions from new MWC units and section 111(d) of the CAA (emission guidelines program) addresses emissions from existing MWC units. The NSPS are directly enforceable Federal regulations. The emission guidelines are not directly enforceable but, rather, are implemented by State air pollution control agencies through sections 111(d)/129 State plans.

In December 1995, EPA adopted NSPS (subpart Eb of 40 CFR part 60) and emission guidelines (subpart Cb of 40 CFR part 60) for MWC units with a combustion capacity greater than 250 tons per day. These MWC units are referred to as large MWC units. Both the NSPS and emission guidelines require compliance with emission limitations that reflect the performance of maximum achievable control technology (MACT). The NSPS apply to new MWC units after the effective date of the NSPS or at start-up, whichever is later. The emission guidelines apply to existing MWC units built before the NSPS applicability date and required compliance by December 2000. These retrofits were completed on time, and the controls installed to meet the required emission limitations were highly effective in reducing emissions of all of the CAA section 129 pollutants emitted by large MWC units.

Section 129(a)(5) of the CAA requires EPA to conduct a 5-year review of the NSPS and emissions guidelines and, if appropriate, revise the NSPS and emission guidelines. The EPA has completed that review. On December 19, 2005 (70 FR 75348), EPA proposed amendments to the NSPS and emission guidelines to reflect the revisions EPA believes are appropriate. EPA carefully considered comments received on the proposal, and this action promulgates those revisions.

II. Summary of Amendments

A. What are the major revisions resulting from the review?

Two major revisions result from EPA's review: Revisions to the emission limits and revisions to compliance testing provisions. Relative to the 1995 emission guidelines for existing MWC units, the emission limits are revised for dioxin, cadmium, lead, mercury, and particulate matter. The nitrogen oxides emission limit for mass burn rotary waterwall type MWC units is also revised. Relative to the 1995 NSPS for new MWC units, the emission limits are revised for cadmium, lead, mercury, and particulate matter. For both the emission guidelines and NSPS, the compliance testing provisions have been revised to require increased data availability from continuous emissions monitoring systems (CEMS). The revisions require CEMS to generate at least 95 percent data availability on a calendar year basis and at least 90 percent data availability on a calendar quarter basis. The emission guidelines and NSPS have also been revised to allow the optional use of CEMS to monitor particulate matter and mercury.

B. What are the revised emission limits?

The final amendments revise many of the emission limits in both the NSPS and emission guidelines. Relative to the NSPS, the most significant revisions are in the cadmium and mercury emission limits. Relative to the emission guidelines, the most significant revisions are in the dioxin/furan (for units equipped with electrostatic precipitators (ESPs)) and mercury emission limits, as well as nitrogen oxides for mass burn rotary combustors. Table 1 of this preamble contains a summary of the final emission limits.

TABLE 1.—FINAL EMISSION LIMITS FOR LARGE MWC UNITS

Pollutant	Emission limit for existing MWC units [a]	Emission limit for new MWC units [a]
Dioxin/furan (CDD/CDF)	30 nanograms per dry standard cubic meter total mass basis (non-ESP equipped units)/ 35 nanograms per dry standard cubic meter total mass basis (ESP-equipped units).	[b] 13 nanograms per dry standard cubic meter total mass basis.
Cadmium (Cd)	35 micrograms per dry standard cubic meter ..	10 micrograms per dry standard cubic meter.

TABLE 1.—FINAL EMISSION LIMITS FOR LARGE MWC UNITS—Continued

Pollutant	Emission limit for existing MWC units [a]	Emission limit for new MWC units [a]
Lead (Pb)	400 micrograms per dry standard cubic meter	140 micrograms per dry standard cubic meter.
Mercury (Hg)	50 micrograms per dry standard cubic meter or 85 percent reduction of mercury emissions.	50 micrograms per dry standard cubic meter or 85 percent reduction of mercury emissions.
Particulate Matter (PM)	25 milligrams per dry standard cubic meter	20 milligrams per dry standard cubic meter.
Hydrogen chloride (HCl)	[b] 29 parts per million dry volume or 95 percent reduction of hydrogen chloride emissions.	[b] 25 parts per million dry volume or 95 percent reduction of hydrogen chloride emissions.
Sulfur dioxide (SO_2)	[b] 29 parts per million dry volume or 75 percent reduction of sulfur dioxide emissions.	[b] 30 parts per million dry volume or 80 percent reduction of sulfur dioxide emissions.
Nitrogen Oxides (NO_X)	Varies by combustor type (see table 1 to subpart Cb of part 60).	[b] 180 parts per million dry volume/150 parts per million dry volume after first year of operation.

[a] All emission limits are measured at 7 percent oxygen.
[b] No change promulgated.

C. Are other amendments being promulgated?

The final amendments also make the following changes based on information received during implementation of the MWC emission guidelines and apply equally to the NSPS and emission guidelines, unless otherwise specified. Following is a list of the most significant changes compared to the 1995 NSPS and emission guidelines.

Operating Practices

• The final amendments revise the operator stand-in provisions in § 60.54b(c) to clarify how long a shift supervisor is allowed to be off site when a provisionally certified control room operator is standing in. A provisionally certified control room operator may stand in for up to 12 hours without notifying EPA; for up to 2 weeks if EPA is notified; and longer than 2 weeks if EPA is notified and the MWC owner demonstrates to EPA that a good faith effort is being made to ensure that a certified chief facility operator or certified shift supervisor is on site as soon as practicable. In the final amendments, a provisionally certified operator who is newly promoted or recently transferred to a shift supervisor position or chief facility operator position is able to serve up to 6 months without notification before taking the American Society of Mechanical Engineer's (ASME) Standard for the Qualification and Certification of Resource Recovery Facility Operators (QRO) certification exam for full certification.

• The final amendments add two additional classifications of MWC units to the emission guidelines and add associated carbon monoxide limits to assure good combustion practices. The two new classifications are ''spreader stoker fixed floor refuse-derived fuel (RDF)-fired/100 percent coal capable combustor'' and ''semi-suspension RDF-fired combustor/wet RDF process conversion.''

Operating Parameters

• The final amendments revise § 60.58b(m) to establish an 8-hour block average for measuring activated carbon injection (ACI) rate. This makes the NSPS and emission guidelines for large MWC units consistent with the newer (year 2000) CAA section 129 regulations for small MWC units (40 CFR part 60, subparts AAAA and BBBB), which monitor ACI rate using an 8-hour block average.

Performance Testing and Monitoring

• The final amendments revise the annual mercury testing requirements to additionally allow for optimization of mercury control operating parameters by waiving operating parameter limits during the mercury performance test and during the 2 weeks preceding the mercury performance test. This is already done for dioxin testing. It is recommended that both dioxin and mercury testing be done during optimization testing.

• The final amendments revise the relative accuracy criterion for sulfur dioxide and carbon monoxide CEMS.

• The final amendments add flexibility to the annual compliance testing schedule so that a facility tests once per calendar year, but no less than 9 months and no more than 15 months since the previous test. The revision provides flexibility to facilities when facing scheduled and unscheduled outages, adverse local weather conditions, and other conditions, while still meeting the intent of the compliance testing. The final amendments also require at least five compliance tests be completed in each 5-year calendar period.

• The final amendments allow the use of parametric monitoring limits from an exceptionally well-operated MWC unit (*i.e.*, MWC unit with dioxin emissions for 2 years in a row below 15 nanogram/dry standard cubic meter (ng/dscm) for existing MWC units and below 7 ng/dscm for new MWC units) be applied to all identical units at the same plant site without retesting for dioxin.

• The final amendments revise the particulate matter and mercury compliance testing requirements to allow the optional use of a particulate matter CEMS or mercury CEMS in place of stack testing and would allow the optional use of multi-metal, hydrogen chloride, dioxin/furan CEMS in place of stack tests after which performance specifications for these CEMS are promulgated.

• The final amendments add provisions for monitoring the activated carbon injection pressure or equivalent parameter.

• The final amendments revise the data availability requirement for CEMS. Data must be available for at least 90 percent of the hours of operation per calendar quarter and at least 95 percent of the hours of operation per calendar year.

• The final amendments clarify the exclusion of monitoring data from compliance calculations during periods of startup, shutdown, or malfunctions, but requires identification of such periods and an explanation for exclusion of such data.

Other Amendments

• The final amendments clarify the meaning of the term ''Administrator'' in the standards.

D. Is an implementation schedule being promulgated?

Yes. Under the emission guidelines, and consistent with CAA section 129, revised State plans containing the revised emission limits and other

requirements in the revised emission guidelines are due within 1 year after promulgation of these revisions. That is, revised State plans must be submitted to EPA by May 10, 2007.

The emission guidelines then allow MWC units two compliance schedules. As a first option, MWC units have up to 2 years from the date of EPA approval of a State plan to comply. Consistent with CAA section 129, EPA expects States to require compliance as expeditiously as practicable. Large MWC units have already installed the emission control equipment necessary to meet the revised limits, and EPA, therefore, anticipates that most State plans will include compliance dates less than 2 years following approval of State plans. In most cases, the only changes necessary are to review the revisions and adjust the emission monitoring and reporting accordingly. State plan revisions are not approvable until the related State rule or enforceable mechanism is adopted and becomes effective. As a second compliance option, an owner or operator of an MWC unit that plans a substantial upgrade, can apply to the EPA Administrator (if the MWC is regulated by a Federal Section 111(d)/129 plan) or the State Administrator (if the MWC is regulated by an EPA approved State section 111(d)/129 plan), for a site-specific compliance schedule that can extend up to 5 years following publication of these amendments.

In revising the emission limits in a State plan, a State has two options. First, it could insert the new emission limits in place of the current emission limits, follow procedures in 40 CFR part 60, subpart B, and submit a revised State plan to EPA for approval. If the revised State plan contains only the new emission limits (*i.e.,* the existing emission limits are not retained), then the new emission limits must become effective immediately since the current limits would be removed from the State plan. A second approach would be for a State plan to include both the current and the new emission limits. This allows a phased approach in applying the new limits. That is, the State plan would make it clear that the existing emission limits remain in force and apply until the date the new emission limits are effective (as defined in the State plan).

E. Has EPA revised the applicability date of the NSPS?

No. The applicability date for the NSPS units remains September 20, 1994; however, units for which construction or modification is commenced after December 19, 2005, are subject to more stringent emission limits. Under the final amendments, units that commenced construction after September 20, 1994, and on or before December 19, 2005, continue to be subject to the NSPS emission limits that were promulgated in 1995 and that remain in the 40 CFR part 60, subpart Eb NSPS. Units that commence construction after December 19, 2005, are subject to the new NSPS limits being added to subpart Eb.

The EPA is not aware of, and commenters did not identify, any MWC units that were modified or reconstructed after June 19, 1996 (effective date of the December 19, 1995 NSPS), therefore, EPA simplified the applicability text for the NSPS to be MWC units that commenced construction, modification, or reconstruction after September 20, 1994. The use of one date is the most understandable. As noted in adopting regulations for MWC in 1995, any change made to an MWC unit for the principal purpose of complying with the subpart Cb, 40 CFR part 60, emission guidelines or subpart Eb NSPS is not considered to be a modification or reconstruction.

III. Responses to Significant Comments

A. What areas of the proposal received the most comments?

The comment letters received by EPA on the proposed rule, identified more than 50 issues for consideration. The most common issue was related to the statistical methods used by EPA to assist in development of the proposed emission limits. Associated comments included those on the adequacy of the database, appropriateness of the data screening procedures, and development of emissions variability factors. In addition, EPA received legal comments on recalculating the MACT floor.

B. Why did EPA not recalculate the MACT floor?

Section 129(a)(5) of the CAA requires EPA to ''* * * review, and in accordance with this section and section 111, revise'' performance standards and other requirements under section 129. The provision does not mandate that this review be conducted in a single, unvarying manner. One commenter, nevertheless, maintains that because of the reference to ''this section and section 111,'' EPA is necessarily required to repeat the CAA section 129(a) standards development process, which includes re-determining the MACT floor for new and existing MWC units. EPA does not read the provision as requiring another analysis of the MACT floor. A more natural reading of the provision is that EPA is to conduct a periodic review to determine whether advances in technology warrant revisions to the standards. This is the same general approach taken by EPA in reviewing CAA section 111 standards.

There is nothing in the language of section 129(a)(5) that speaks directly to the issue of whether another floor analysis is required. EPA believes that a reasonable interpretation of the reference cited by the commenter leads to the conclusion that such an analysis is not required. EPA believes that a reasonable interpretation of the reference requires EPA to determine ''the degree of emission limitation achievable through application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.'' See, Clean Air Act section 111(a)(1). Recalculating the floor as advocated by the commenter would eviscerate the Administrator's ability to effectively consider factors that Congress has otherwise mandated be considered. That is, once a new floor has been calculated, the Administrator cannot establish emission limits which are less stringent than that floor even if consideration of costs and other factors would otherwise lead him to conclude that this is appropriate. EPA believes that Congress would have been explicit in its instructions had it intended this result. Since it was not, EPA believes that a reasonable interpretation of section 129(a)(5) is that it does not require EPA to recalculate the floor for existing units.

EPA also believes that interpreting section 129(a)(5) as requiring additional floor determinations could effectively convert existing source standards into new source standards. After 5 years, all sources will be performing at least at the existing source MACT level of performance and some sources will be performing at the new source MACT level of performance. As a result, it is likely that the average performance of the best performing 12 percent of sources will be at or near the new source MACT level of performance. This would result in existing sources being subject to new source MACT requirements on a 5-year cycle regardless of whether those sources have undergone a change which would otherwise require compliance with that standard. EPA sees no indication that section 129(a)(5) was intended to have this inexorable downward ratcheting effect. Rather, we read the provision as

requiring EPA to consider developments in pollution control at the sources and to revise the standards based on it evaluation of the costs, non-air quality effects and energy implications of doing so.

C. Relative to technical issues, how were the statistical methods used to develop emission limits?

The statistical methods were used as an aid. One must remember that statistical methods attempt to estimate what could occur in the future based on what occurred in the past. Statistical methods provide an estimate of what could occur, but they are not the actual process. Actual events will determine what actually occurs. The usefulness of statistical methods is affected by the appropriateness of the model and assumptions used as well as the quality and size of the database. Statistical methods are a useful aid in making an informed decision but they alone cannot dictate a decision. Human judgment must always be applied in making the final decision.

D. How were the final emission limits selected?

The final emission limits were selected in a three-step process. The first step was to develop statistical estimates. The second step was to consider the statistical estimates in relation to current performance levels. The third step was for EPA to select emission limits. Relative to the first step, EPA identified an appropriate statistical model, defined reasonable assumptions, and applied the model to year 2000 compliance data for all MWC units with the relevant control technologies to estimate the peak emission rate that is estimated to occur from time to time, considering inherent variability in emission levels. Next, EPA obtained year 2000 to 2005 test data from more than a dozen MWC units. This data was compared to the statistical estimates and considered in relation to public comments. As a last step, EPA selected the emission limits for the final standards.

E. What types of comments were received on the EPA statistical methods?

A range of comments were received on the statistical methodology. Some commenters simply presented their own statistical methodology, which they claimed was more conventional or appropriate for the data analysis being conducted. They went on to claim their methodology would lead to more appropriate emission limits. The most common statistical methodology identified by commenters followed the approach presented by the Integrated Waste Services Association (IWSA). EPA concludes that the IWSA approach presents another generally acceptable methodology for developing emission limits. Based on public comments, EPA revised its methodology and updated the database and conducted another analysis. The revised methodology used by EPA followed that used by IWSA, but improved upon it with more accurate selection of frequency distributions on which to base the analyses. Regardless of the statistical methodology used, the results of the statistical analysis were used only as a tool to aid in selection of appropriate emission limits. That is, the estimates from the new statistical analysis were used as an aid in selecting the final emission limits. The new analysis is contained in the docket.

F. What comments were received on the EPA database and data screening procedures?

Although the MWC database is one of the larger databases EPA has had for standards development, a number of commenters indicated the database is inadequate because of its age. They indicated that the data from initial MACT compliance tests (year 2000) is old and should be supplemented with more current data. Some commenters suggested the more current data would address emission control performance over time including deterioration of the control system. (It could also be argued more current data could show improved performance as MWC operators became more familiar with operating an emission control system.) EPA believes the size of the year 2000 database adequate to address emission variability for developing estimates; however, EPA did collect 2000 to 2005 test data from more than a dozen MWC units to aid in reviewing emission control performance over time and to compare to the statistical estimates. Additionally, commenters identified a number of errors in the database. These were corrected by EPA. Relative to data screening as done by EPA at proposal, commenters claimed its use inappropriate and that it introduced bias to the results. At proposal, EPA had screened data to identify values that required additional investigation not because the values were high or low. Based on public comments, EPA dropped the data screening procedure in its final analysis. In some cases, using the unscreened data rather than the screened data changed estimates, but in other cases it did not. For example, the particulate matter emissions limit with or without data screening did not change. For cadmium, the change from data screening to non-screening changed the estimate by 1 micrograms/dry standard cubic meter (μg/dscm) (31 μg/dscm to 32 μg/dscm). A more significant change resulting from changing from data screening to non-screening was in the estimate for the lead emission limit.

EPA found that data received following proposal showed highly variable lead emissions. The statistical analysis data for lead used by EPA and IWSA was not as variable as data for subsequent years that were obtained after the statistical analyses were completed. Therefore, EPA discounted both the EPA and industry statistical estimates, and based the final limit on a review of the year 2000–2005 test data and public comment, selecting a higher emission limit.

In selecting the final mercury emission limit, EPA again discounted both the EPA and industry statistical estimates, and based the final limit on a review of the year 2000–2005 test data and public comment, this time selecting a lower emission limit. The EPA and IWSA analyses used year 2000 test data, and both analyses supported retention of the existing mercury limit of 80 μg/dscm. However, EPA obtained mercury test data for 68 different tests conducted on ESP-equipped MWC units in the 2000 to 2005 time period. These data showed that mercury emissions are considerably lower than suggested by the statistical analyses. To understand this performance, EPA reviewed uncontrolled mercury emissions data from a number of MWC units for the 1995 to 2005 time period. The data showed that in 1995, when the MACT standards were adopted, average uncontrolled mercury emission levels were about 250 μg/dscm, and, by 2005, the level was reduced by about 50 percent to about 125 μg/dscm. The result of application of 85 percent mercury control to these lower mercury inlet levels has resulted in much lower mercury outlet levels, as demonstrated by the test data. A 50 percent reduction in inlet mercury levels suggests an emission limit of 40 μg/dscm in the MACT standards. Public comments and test data suggested that levels less than 30 μg/dscm are being achieved. However, in consideration of the potential use of mercury CEMS and the higher mercury variability that may be observed with CEMS use, the final standards were set at 50 μg/dscm for both existing and new MWC units.

G. What was the most important factor affecting emissions estimates?

The emission variability factor was the most important factor affecting emissions estimates. The emission

variability factor is an emission factor that is added to the mean performance level in order to estimate the peak emissions level that will occur from time to time. For example, over an extended period (many years) particulate matter emissions from an MWC could average 15 milligrams per dry standard cubic meter (mg/dscm). Clearly, individual particulate matter tests would be above and below 15 mg/dscm. The emission variability factor addresses how much individual test values are estimated to be above the 15 mg/dscm mean value. If the variability factor were 10 mg/dscm, it would mean that it is estimated that from time to time particulate matter emissions could be as high as 25 mg/dscm (15 + 10 = 25).

H. What emission variability factor is appropriate?

Although most commenters and EPA used similar statistical methodology, differences were identified in assumptions used to develop emission variability factors. EPA used percentiles. The percentile addresses how often one would estimate that an emissions level may exceed a certain value (the standard). For analysis of CEMS data, such as sulfur dioxide or nitrogen oxides, where 365 tests (24-hr CEMS average) are conducted per year, EPA and commenters agreed the emission limit should be set at a level that would be expected to be exceeded only once per year at a well-operated MWC plant. Once per year translates into a 99.7 percentile level. A number of commenters suggested the use of a 99.7 percentile for development of limits using both CEMS data (sulfur dioxide and nitrogen oxide) and stack test data (cadmium, lead, mercury, particulate matter, dioxin, and hydrogen chloride). This is one area where EPA disagrees with these commenters. EPA concludes a different assumption is appropriate.

For stack test emission limits, EPA used a different and lower percentile. This is the same approach EPA used at proposal. Analysis of data to estimate emission limits to be enforced by stack test methods must be done using a different approach than where enforcement is to be based on CEMS. Historically, for stack test data, EPA used its judgment to select appropriate emission limits in consideration of emissions variability over a wide range of operating conditions, and consideration of the limitations of compliance determination by infrequent stack testing. For this rulemaking, EPA moved a step forward using statistical methods to aid in estimating appropriate emission levels for stack test compliance. The percentile for estimating emission limits enforced by infrequent stack testing must also reflect a reasonable consideration of emissions variability and compliance limitations of stack testing. Based on EPA's experience, EPA concluded a 99 percentile was appropriate to estimate achievable emission levels for emission limits enforced by stack testing. Therefore, just as done in the December 19, 2005 proposal, EPA continues to use a 99 percentile for estimating emission limits to be enforced by stack testing and 99.7 percentile for estimating emission limits to be enforced by CEMS. The commenters did not provide any persuasive information for the use of a 99.7 percentile for both CEMS and stack test compliance methods.

I. What other significant comments were received on the proposal, and how were they addressed in the final rule?

Other significant comment topics included CEMS data availability and increased use of CEMS, including particulate matter CEMS and other new CEMS technology. The CEMS data availability issue and increased use of CEMS technology are discussed below. Other comments are addressed in the response to comment document, which is contained in the docket.

J. What comments were received on the proposed 95 percent CEMS data availability requirement, and how were they addressed in the final rule?

Most commenters agreed that 95 percent CEMS data availability was achievable by a single CEMS, but indicated that legally requiring demonstration of such high availability levels on a short term basis may result in the installation of a second backup CEMS to assure compliance. Commenters indicated that from time to time it is necessary to obtain replacement parts for CEMS, sometimes from foreign suppliers, and this can quickly deteriorate data availability levels on a short term basis. In proposing the 95 percent data availability requirement, it was not EPA's intention to require installation of a second backup CEMS. To address these concerns, the final rule addresses CEMS data availability in two steps. First, a 90 percent CEMS data availability requirement is applied on a calendar quarter basis. Second, a 95 percent data availability requirement is applied on a calendar year basis. The procedure for calculation of data availability is also revised in the final rule to be hours of valid CEMS data collected divided by the hours of MWC operation. This is done on a calendar quarter basis for the 90 percent requirement and on a calendar year basis for the 95 percent requirement. The current requirement of obtaining CEMS data for 75 percent of the operating hours per day before data is counted toward the CEMS data availability requirement has been removed from the MWC regulations to assure consistency with CEMS requirements for other source categories.

K. What comments were received on the expanded use of CEMS technology, and how were the comments addressed in the final rule?

In the proposal, EPA allowed the optional use of particulate matter CEMS and requested comment on the optional use of particulate matter CEMS, multi-metal CEMS, hydrogen chloride CEMS, and semi-continuous dioxin monitoring. Some commenters stated the CEMS have not been validated on MWC units; that PM CEMS have not been installed in any MWC in the United States; and the use of PM CEMS on MWCs in Europe are not indicative of the appropriateness of their use in the United States, because of differences in how CEMS are used for enforcement. While PM CEMS are used in the United States on other types of sources, there could be some operational differences between these sources and MWCs that affect the performance of PM CEMS on MWCs.

In the final rule, EPA is allowing, as optional test methods, the use of particulate matter CEMS and mercury CEMS, since performance specifications are available for these CEMS. In the regulations, the owners or operators of an MWC would provide EPA a 30 day notice before starting to use the CEMS and provide a 30 day notice if they elect to discontinue the use of the CEMS. As an incentive for the optional application of CEMS in the MWC context, EPA is modifying the monitoring availability requirements. The 90 percent and 95 percent CEMS data availability requirements do not apply to particulate matter CEMS or mercury CEMS use for the first 2 years of application. For the other CEMS (multi-metal, hydrogen chloride, and semi-continuous dioxin monitoring), their optional use is allowed after their respective performance specifications are adopted by EPA. No dates for adoption are currently scheduled.

L. Would the use of particulate matter CEMS or mercury CEMS for compliance testing require EPA to adopt alternative particulate matter and mercury emission limits?

Theoretically, yes. The use of particulate matter CEMS or mercury

CEMS for compliance testing would theoretically require EPA to adopt alternative particulate matter and mercury emission limits. The move from once per year stack testing (where emission limits were calculated from the 99 percentile) to CEMS (99.7 percentile) suggests the emission limit should be increased if the same data averaging period is used. To address this, the final rule increases the data averaging period from 8 hours (typical particulate matter and mercury stack test period) to a 24-hr daily average if particulate matter or mercury CEMS are used. Past analysis of sulfur dioxide CEMS and nitrogen oxides CEMS data (and utility particulate matter CEMS data) indicate increasing the averaging period to a 24-hr daily average will reduce emissions variability and associated peak emissions estimates. EPA supports the optional use of particulate matter and mercury CEMS, but is fully aware that no particulate matter CEMS or mercury CEMS data from MWC units are available from domestic MWC units. EPA encourages MWC owners or operators who elect to apply particulate matter or mercury CEMS, to notify EPA as soon as data are collected to allow a determination if alternative emission limits are appropriate.

IV. Impacts of the Final Amendments

EPA projects the final amendments will have no additional impacts to air, water, or energy since the final emission limits can be achieved using the same air pollution control technology that was used to comply with the current emission limits. Similarly, EPA expects minimal cost and no economic impact for the same reason. Existing large MWC units will continue to use their existing MACT control technology to meet the emission limits, and will not incur costs to retrofit equipment. In addition, EPA does not believe that the revised limits will result in any increase in operating or maintenance costs. The same conclusions apply to new MWC units since EPA expects that new MWC units will be equipped with the same control technology used to comply with the 1995 NSPS.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is ''significant'' and, therefore, subject to review by OMB and the requirements of the Executive Order. The Executive Order defines ''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 entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

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

Pursuant to the terms of Executive Order 12866, OMB has notified EPA that it considers the final rule a ''significant regulatory action'' within the meaning of the Executive Order. EPA has submitted today's action to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

B. Paperwork Reduction Act

The Office of Management and Budget previously approved the information collection requirements contained in the NSPS and emission guidelines for large MWC units under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, at the time the NSPS and emission guidelines were promulgated on December 19, 1995 and subsequent recertifications. The information collection request has been assigned OMB Control Number 2060–0210 (EPA ICR No. 1506.10).

The final amendments result in no changes to the information collection requirements of the NSPS or emission guidelines and will have no impact on the information collection estimate of project cost and hour burden made and approved by OMB. Therefore, the information collection requests have not been revised.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the 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 40 CFR chapter 15.

C. Regulatory Flexibility Act

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

For purposes of assessing the impacts of the final rule on small entities, small entity is defined as follows: (1) A small business in the regulated industry that has gross annual revenues of less than $6 million; (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; or (3) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

After considering the economic impacts of the final rule on small entities, EPA has concluded that today's action will not have a significant economic impact on a substantial number of small entities. The final rule will not impose any requirements on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995, 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, 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 the 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 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 EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, EPA must have developed a small government agency plan under section 203 of the UMRA. 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's regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that the final rule 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 because the final rule does not require a change in the control technology applied. Thus, the final rule is not subject to the requirements of section 202 and 205 of the UMRA. In addition, EPA has determined that the final rule contains no regulatory requirements that might significantly or uniquely affect small governments. Therefore, the final rule 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 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 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. The final rule will not impose substantial direct compliance costs on State or local governments because the regulations will not require any change in the emission control technology currently used to comply with the 1995 NSPS and emissions guidelines, and will not preempt State law. Thus, Executive Order 13132 does not apply to the final amendments.

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

Executive Order 13175, (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.''

The final rule does not have tribal implications, as specified in Executive Order 13175. They will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. EPA is not aware of any large MWC unit owned or operated by tribal government. Thus, Executive Order 13175 does not apply to the final rule.

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

Executive Order 13045 (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, 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 EPA considered.

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 amendments are not subject to Executive Order 13045 because they are based on technology performance and not on health and safety risks.

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

This rule is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Since there would be no change in energy consumption resulting from the final rule, EPA does not expect any price increase for any energy type. We also expect that there will be no impact on the import of foreign energy supplies, and no other adverse outcomes are expected to occur with regards to energy supplies. Therefore, EPA concludes that the final rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113; 15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in regulatory 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) developed or adopted by one or more voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through annual reports to the Office of Management and Budget (OMB), with explanations when an agency does not use available and applicable voluntary consensus standards.

The MWC NSPS and emission guidelines involve technical standards. The EPA cites the following methods in the NSPS and emission guidelines: Methods 1, 3, 3A, 3B, 5, 6, 6A or 6C, 7 or 7A, 7C, 7D, or 7E, 9, 10, 10A or 10B, 19, 22, 23, 26, 26A, and 29 of 40 CFR part 60, appendix A; Performance Specifications (PS) 1, 2, 3, 4, and 11 of 40 CFR part 60, appendix B; and appendix F to 40 CFR part 60.

In previous searches and review, which have been documented and placed in the docket, EPA identified four voluntary consensus standards that have already been incorporated by reference in 40 CFR 60.17. The voluntary consensus standard ASTM D6216 (1998), ''Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications,'' is an acceptable alternative for opacity

monitor design specifications given in EPA's PS 1 (promulgated in March 1983). As a result, EPA incorporated ASTM D6216–98 by reference into PS 1 as the design specifications for opacity monitors in August 2000. (40 CFR part 60, appendix B.) The MWC NSPS and emission guidelines also incorporate by reference into 40 CFR part 60.17 ASME QRO–1–1994, ''Standard for the Qualification and Certification of Resource Recovery Facility Operators'' for operator qualification and certification; ASME PTC 4.1–1964 (reaffirmed 1991), ''Power Test Codes: Test Code for Steam Generating Units,'' for steam or feedwater flow; and ASME Interim Supplement 19.5 (6th Edition, 1971), ''Instruments and Apparatus: Application, Part II of Fluid Meters,'' for nozzle and orifice design.

In this search and review, EPA conducted searches to identify voluntary consensus standards in addition to EPA methods in the MWC NSPS and emission guidelines. No applicable voluntary consensus standards were identified for EPA Methods 7D, 9, 10A, 19, and 22; and PS 3 and 4A. The search for emissions measurement procedures identified 27 voluntary consensus standards potentially applicable to the final amendments. One of the 27 voluntary consensus standards identified in this search was not available at the time the review was conducted for the purposes of the amendments because the standard is under development by a voluntary consensus body: ASTM WK3159 (Begun in 2003), ''Practice for Quality Assurance of Instrumental Monitoring Systems.'' The EPA determined that two of the remaining 26 standards identified for measuring emissions subject to the NSPS and emission guidelines were practical alternatives to EPA test methods for the purposes of the final amendments. EPA determined that 24 standards were not practical alternatives to EPA test methods, therefore, EPA does not intend to adopt these standards for this purpose. The reasons for EPA's determinations are discussed in a memorandum in the docket.

EPA identified two voluntary consensus standards as alternatives to EPA test methods. ASME PTC 19–10–1981—Part 10, ''Flue and Exhaust Gas Analyses'' includes manual and instrumental methods of analyses for carbon monoxide, nitrogen oxides, oxygen, and sulfur dioxide. The manual methods of ASME PTC 19–10–1981—Part 10 for measuring the nitrogen oxide, oxygen, and sulfur dioxide content of exhaust gas are acceptable alternatives to Methods 3B, 6, 6A, 7, and 7C. The instrumental methods of ASME PTC 19–10–1981—Part 10 are not acceptable as a substitute for EPA Methods 3A, 6C, 7A, 7E, 10, and 10B. The instrumental methods are only general descriptions of procedures and are not true methods. Therefore, while some of the manual methods are acceptable alternatives to EPA methods, the instrumental methods are not.

The voluntary consensus standard ASTM D6784–02, ''Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method),'' is an alternative to EPA Method 29 (portion for mercury only) as a method for measuring mercury. A full discussion of acceptable and unacceptable voluntary consensus standards is contained in a memorandum in the docket.

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. EPA will submit a report containing the final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the final rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This final rule is not a major rule'' as defined by 5 U.S.C. 804(2). The final rule amendments to the standards of performance for new stationary sources is effective November 6, 2006. The final rule amendments to the emission guidelines for existing sources is effective on July 10, 2006.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 28, 2006.

Stephen L. Johnson,

Administrator.

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

PART 60—[AMENDED]

■ 1. The authority citation for part 60 continues to read as follows:

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

Subpart Cb—[Amended]

■ 2. Revise § 60.30b to read as follows:

§ 60.30b Scope and delegation of authority.

(a) This subpart contains emission guidelines and compliance schedules for the control of certain designated pollutants from certain municipal waste combustors in accordance with section 111(d) and section 129 of the Clean Air Act and subpart B of this part. The provisions in these emission guidelines apply instead of the provisions of § 60.24(f) of subpart B of this part.

(b) The following authorities are retained by EPA:

(1) Approval of exemption claims in § 60.32b(b)(1), (d), (e), (f)(1), (i)(1);

(2) Approval of a nitrogen oxides trading program under § 60.33b(d)(2);

(3) Approval of major alternatives to test methods;

(4) Approval of major alternatives to monitoring;

(5) Waiver of recordkeeping; and

(6) Performance test and data reduction waivers under § 608(b).

■ 3. Amend § 60.31b by adding the definitions of ''EPA,'' ''Semi-suspension refuse-derived fuel-fired combustor/wet refuse-derived fuel process conversion,'' and ''Spreader stoker fixed floor refuse-derived fuel-fired combustor/100 percent coal capable'' in alphabetical order to read as follows:

§ 60.31b Definitions.

EPA means the Administrator of the U.S. EPA or employee of the U.S. EPA who is delegated to perform the specified task.

* * * * *

Semi-suspension refuse-derived fuel-fired combustor/wet refuse-derived fuel process conversion means a combustion unit that was converted from a wet refuse-derived fuel process to a dry refuse-derived fuel process, and because of constraints in the design of the system, includes a low furnace height (less than 60 feet between the grate and the roof) and a high waste capacity-to-undergrate air zone ratio (greater than 300 tons of waste per day (tpd) fuel per each undergrate air zone).

Spreader stoker fixed floor refuse-derived fuel-fired combustor/100 percent coal capable means a spreader stoker type combustor with a fixed floor grate design that typically fires 100 percent refuse-derived fuel but is equipped to burn 100 percent coal instead of refuse-derived fuel to fulfill 100 percent steam or energy demand.

■ 4. Amend § 60.32b by:

■ a. Revising paragraph (b)(1);
■ b. Revising paragraph (d);
■ c. Revising paragraph (e);
■ d. Revising paragraph (f)(1);
■ e. Revising paragraph (i)(1); and
■ f. Adding paragraph (n) to read as follows:

§ 60.32b Designated facilities.

* * * * *

(b) * * *

(1) Notifies EPA of an exemption claim,

* * * * *

(d) A qualifying small power production facility, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy is not subject to this subpart if the owner or operator of the facility notifies EPA of this exemption and provides data documenting that the facility qualifies for this exemption.

(e) A qualifying cogeneration facility, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy and steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes, is not subject to this subpart if the owner or operator of the facility notifies EPA of this exemption and provides data documenting that the facility qualifies for this exemption.

(f) * * *

(1) Notifies EPA of an exemption claim, and

* * * * *

(i) * * *

(1) Notifies EPA of an exemption claim,

* * * * *

(n) Any affected facility meeting the applicability requirements under this section is not subject to subpart E of this part.

■ 5. Amend § 60.33b by:
■ a. Revising paragraph (a);
■ b. Revising paragraph (c);
■ c. Removing table 1 from paragraph (d) introductory text and table 2 from paragraph (d)(1)(iii); and
■ d. Revising paragraph (d)(2) and (d)(3) introductory text to read as follows:

§ 60.33b Emission guidelines for municipal waste combustor metals, acid gases, organics, and nitrogen oxides.

(a) The emission limits for municipal waste combustor metals are specified in paragraphs (a)(1) through (a)(3) of this section.

(1) For approval, a State plan shall include emission limits for particulate matter and opacity at least as protective as the emission limits for particulate matter and opacity specified in paragraphs (a)(1)(i) through (a)(1)(iii) of this section.

(i) Before April 28, 2009, the emission limit for particulate matter contained in the gases discharged to the atmosphere from a designated facility is 27 milligrams per dry standard cubic meter, corrected to 7 percent oxygen. On and after April 28, 2009, the emission limit for particulate matter contained in the gases discharged to the atmosphere from a designated facility is 25 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(ii) [Reserved].

(iii) The emission limit for opacity exhibited by the gases discharged to the atmosphere from a designated facility is 10 percent (6-minute average).

(2) For approval, a State plan shall include emission limits for cadmium at least as protective as the emission limits for cadmium specified in paragraphs (a)(2)(i) through (a)(2)(iv) of this section.

(i) Before April 28, 2009, the emission limit for cadmium contained in the gases discharged to the atmosphere from a designated facility is 40 micrograms per dry standard cubic meter, corrected to 7 percent oxygen. On and after April 28, 2009, the emission limit for cadmium contained in the gases discharged to the atmosphere from a designated facility is 35 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(ii) [Reserved].

(3) For approval, a State plan shall include emission limits for mercury at least as protective as the emission limits specified in this paragraph. Before April 28, 2009, the emission limit for mercury contained in the gases discharged to the atmosphere from a designated facility is 80 micrograms per dry standard cubic meter or 15 percent of the potential mercury emission concentration (85-percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent. On and after April 28, 2009, the emission limit for mercury contained in the gases discharged to the atmosphere from a designated facility is 50 micrograms per dry standard cubic meter or 15 percent of the potential mercury emission concentration (85-percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.

(4) For approval, a State plan shall include an emission limit for lead at least as protective as the emission limit for lead specified in this paragraph. Before April 28, 2009, the emission limit for lead contained in the gases discharged to the atmosphere from a designated facility is 440 micrograms per dry standard cubic meter, corrected to 7 percent oxygen. On and after April 28, 2009, the emission limit for lead contained in the gases discharged to the atmosphere from a designated facility is 400 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

* * * * *

(c) The emission limits for municipal waste combustor organics, expressed as total mass dioxin/furan, are specified in paragraphs (c)(1) and (c)(2) of this section.

(1) For approval, a State plan shall include an emission limit for dioxin/furan contained in the gases discharged to the atmosphere from a designated facility at least as protective as the emission limit for dioxin/furan specified in paragraphs (c)(1)(i), (c)(1)(ii), and (c)(1)(iii) of this section, as applicable.

(i) Before April 28, 2009, the emission limit for designated facilities that employ an electrostatic precipitator-based emission control system is 60 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

(ii) On and after April 28, 2009, the emission limit for designated facilities that employ an electrostatic precipitator-based emission control system is 35 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

(iii) The emission limit for designated facilities that do not employ an electrostatic precipitator-based emission control system is 30 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

(d) * * *

(2) A State plan may establish a program to allow owners or operators of municipal waste combustor plants to engage in trading of nitrogen oxides emission credits. A trading program must be approved by EPA before implementation.

(3) For approval, a State plan shall include emission limits for nitrogen oxides from fluidized bed combustors at least as protective as the emission limits listed in paragraphs (d)(3)(i) and (d)(3)(ii) of this section.

* * * * *

§ 60.34b [Amended]

■ 6. Amend § 60.34b by removing table 3 from paragraph (a) introductory text.

■ 7. Amend § 60.39b by:
■ a. Revising paragraph (b);
■ b. Revising paragraph (c) introductory text;

■ c. Revising paragraph (c)(4)(iii)(B);

■ d. Revising paragraph (e); and

■ e. Adding paragraphs (g) and (h) to read as follows:

§ 60.39b Reporting and recordkeeping guidelines and compliance schedules.

* * * * *

(b) Except as provided in paragraph (e) of this section, not later than December 19, 1996, each State in which a designated facility is located shall submit to EPA a plan to implement and enforce all provisions of this subpart except the revised April 28, 2009 emission limits in § 60.33b(a), (c), and (d). Not later than April 28, 2007, each State in which a designated facility is located shall submit to EPA a plan to implement and enforce all provisions of this subpart, as amended on May 10, 2006. The submittal schedule specified in this paragraph is in accordance with section 129(b)(2) of the Clean Air Act and applies instead of the schedule provided in § 60.23(a)(1) of subpart B of this part.

(c) For approval, a State plan that is submitted prior to May 10, 2006 shall include the compliance schedules specified in paragraphs (c)(1) through (c)(5) of this section.

* * * * *

(4) * * *

(iii) * * *

(B) The owner or operator of a designated facility may request that the Administrator waive the requirement specified in § 60.54b(d) of subpart Eb of this part for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers on or before the initial date of State plan approval.

* * * * *

(e) Not later than August 25, 1998, each State in which a designated facility is operating shall submit to EPA a plan to implement and enforce all provisions of this subpart specified in § 60.33b(b)(3) and (d)(3) and the emission limit in paragraph (a)(4) that applies before April 28, 2009.

* * * * *

(g) For approval, a revised State plan submitted not later than April 28, 2007 in accordance with paragraph (b) of this section, shall include compliance schedules for meeting the revised April 28, 2009 emission limits in § 60.33b(a), (c), and (d) and the revised testing provisions in § 60.38b(b).

(1) Compliance with the revised April 28, 2009 emission limits is required as expeditiously as practicable, but no later than April 28, 2009, except as provided in paragraph (g)(2) of this section.

(2) The owner or operator of an affected facility who is planning an extensive emission control system upgrade may petition the Administrator for a longer compliance schedule and must demonstrate to the satisfaction of the Administrator the need for the additional time. If approved, the schedule may exceed the schedule in paragraph (g)(1) of this section, but cannot exceed May 10, 2011.

(h) In the event no plan for implementing the emission guidelines is approved by EPA, all designated facilities meeting the applicability requirements under § 60.32b shall be in compliance with all of the guidelines, including the revised April 28, 2009 emission limits in § 60.33b(a), (b), (c), (d), and § 60.34b(a), and the revised testing provisions in § 60.38b(b), no later than May 10, 2011.

■ 8. Add tables 1, 2, and 3 to the end of subpart Cb to read as follows:

TABLE 1 TO SUBPART Cb OF PART 60.—NITROGEN OXIDES GUIDELINES FOR DESIGNATED FACILITIES

Municipal waste combustor technology	Before April 28, 2009, nitrogen oxides emission limit (parts per million by volume) [a]	On and after April 28, 2009, nitrogen oxides emission limit (parts per million by volume) [a]
Mass burn waterwall	205	205.
Mass burn rotary waterwall	250	210.
Refuse-derived fuel combustor	250	250.
Fluidized bed combustor	180	180.
Mass burn refractory combustors	No limit	No limit.

[a] Corrected to 7 percent oxygen, dry basis.

TABLE 2 TO SUBPART Cb OF PART 60.—NITROGEN OXIDES LIMITS FOR EXISTING DESIGNATED FACILITIES INCLUDED IN AN EMISSIONS AVERAGING PLAN AT A MUNICIPAL WASTE COMBUSTOR PLANT [b]

Municipal waste combustor technology	Before April 28, 2009, nitrogen oxides emission limit (parts per million by volume) [b]	On and after April 28, 2009, nitrogen oxides emission limit (parts per million by volume) [a]
Mass burn waterwall	185	185
Mass burn rotary waterwall	220	190
Refuse-derived fuel combustor	230	230
Fluidized bed combustor	165	165

[a] Mass burn refractory municipal waste combustors and other MWC technologies not listed above may not be included in an emissions averaging plan.

[b] Corrected to 7 percent oxygen, dry basis.

TABLE 3 TO SUBPART Cb OF PART 60.—MUNICIPAL WASTE COMBUSTOR OPERATING GUIDELINES

Municipal waste combustor technology	Carbon monoxide emissions levels (parts per million by volume) [a]	Averaging time (hrs) [b]
Mass burn waterwall	100	4

TABLE 3 TO SUBPART Cb OF PART 60.—MUNICIPAL WASTE COMBUSTOR OPERATING GUIDELINES—Continued

Municipal waste combustor technology	Carbon monoxide emissions levels (parts per million by volume) [a]	Averaging time (hrs) [b]
Mass burn refractory	100	4
Mass burn rotary refractory	100	24
Mass burn rotary waterwall	250	24
Modular starved air	50	4
Modular excess air	50	4
Refuse-derived fuel stoker	200	24
Fluidized bed, mixed fuel (wood/refuse-derived fuel)	200	[c] 24
Bubbling fluidized bed combustor	100	4
Circulating fluidized bed combustor	100	4
Pulverized coal/refuse-derived fuel mixed fuel-fired combustor	150	4
Spreader stoker coal/refuse-derived fuel mixed fuel-fired combustor	200	24
Semi-suspension refuse-derived fuel-fired combustor/wet refuse-derived fuel process conversion	250	[c] 24
Spreader stoker fixed floor refuse-derived fuel-fired combustor/100 percent coal capable	250	[c] 24

[a] Measured at the combustor outlet in conjunction with a measurement of oxygen concentration, corrected to 7 percent oxygen, dry basis. Calculated as an arithmetic average.
[b] Averaging times are 4-hour or 24-hour block averages.
[c] 24-hour block average, geometric mean.

Subpart E—[Amended]

■ 9. Amend § 60.50 by adding paragraphs (c), (d), and (e) to read as follows:

§ 60.50 Applicability and designation of affected facility.

* * * * *

(c) Any facility covered by subpart Cb, Eb, AAAA, or BBBB of this part is not covered by this subpart.

(d) Any facility covered by an EPA approved State section 111(d)/129 plan implementing subpart Cb or BBBB of this part is not covered by this subpart.

(e) Any facility covered by subpart FFF or JJJ of part 62 of this title (Federal section 111(d)/129 plan implementing subpart Cb or BBBB of this part) is not covered by this subpart.

Subpart Eb—[Amended]

■ 10. Amend § 60.50b by:
■ a. Revising paragraph (a);
■ b. Revising paragraph (b)(1);
■ c. Revising paragraph (e);
■ d. Revising paragraph (f);
■ e. Revising paragraph (g)(1);
■ f. Revising paragraph (j)(1); and
■ g. Revising paragraph (n).

§ 60.50b Applicability and delegation of authority.

(a) The affected facility to which this subpart applies is each municipal waste combustor unit with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction, modification, or reconstruction is commenced after September 20, 1994.

(b) * * *

(1) Notifies EPA of an exemption claim;

* * * * *

(e) A qualifying small power production facility, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy is not subject to this subpart if the owner or operator of the facility notifies EPA of this exemption and provides data documenting that the facility qualifies for this exemption.

(f) A qualifying cogeneration facility, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy and steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes, is not subject to this subpart if the owner or operator of the facility notifies EPA of this exemption and provides data documenting that the facility qualifies for this exemption.

(g) * * *

(1) Notifies EPA of an exemption claim; and

* * * * *

(j) * * *

(1) Notifies EPA of an exemption claim;

* * * * *

(n) The following authorities are retained by the Administrator of the U.S. EPA and are not transferred to a State:

(1) Approval of exemption claims in paragraphs (b), (e), (f), (g) and (j) of this section;

(2) Enforceability under Federal law of all Federally enforceable, as defined in § 60.51b, limitations and conditions;

(3) Determination of compliance with the siting requirements as specified in § 60.57b(a);

(4) Acceptance of relationship between carbon monoxide and oxygen as part of initial and annual performance tests as specified in § 60.58b(b)(7);

(5) Approval of other monitoring systems used to obtain emissions data when data is not obtained by CEMS as specified in § 60.58b(e)(14), (h)(12), (i)(11), and (n)(14), and (p)(11);

(6) Approval of a site-specific monitoring plan for the continuous emission monitoring system specified in ''60.58b(n)(13) and (o) of this section or the continuous automated sampling system specified in § 60.58b(p)(10) and (q) of this section;

(7) Approval of major alternatives to test methods;

(8) Approval of major alternatives to monitoring;

(9) Waiver of recordkeeping; and

(10) Performance test and data reduction waivers under ''608(b).

* * * * *

■ 11. Amend § 60.51b by revising the definition of ''Federally enforceable'' and adding the definitions for ''Administrator,'' ''Continuous automated sampling system,'' and ''EPA,'' in alphabetical order to read as follows:

§ 60.51b Definitions.

Administrator means:

(1) For approved and effective State Section 111(d)/129 plans, the Director of the State air pollution control agency, or employee of the State air pollution control agency that is delegated the authority to perform the specified task;

(2) For Federal Section 111(d)/129 plans, the Administrator of the EPA, an employee of the EPA, the Director of the State air pollution control agency, or employee of the State air pollution control agency to whom the authority has been delegated by the Administrator of the EPA to perform the specified task; and

(3) For NSPS, the Administrator of the EPA, an employee of the EPA, the Director of the State air pollution control agency, or employee of the State air pollution control agency to whom the authority has been delegated by the Administrator of the EPA to perform the specified task.

* * * * *

Continuous automated sampling system means the total equipment and procedures for automated sample collection and sample recovery/analysis to determine a pollutant concentration or emission rate by collecting a single or multiple integrated sample(s) of the pollutant (or diluent gas) for subsequent on-or off-site analysis; integrated sample(s) collected are representative of the emissions for the sample time as specified by the applicable requirement.

* * * * *

EPA means the Administrator of the U.S. EPA or employee of the U.S. EPA who is delegated to perform the specified task.

Federally enforceable means all limitations and conditions that are enforceable by EPA including the requirements of 40 CFR part 60, 40 CFR part 61, and 40 CFR part 63, requirements within any applicable State implementation plan, and any permit requirements established under 40 CFR 52.21 or under 40 CFR 51.18 and 40 CFR 51.24.

* * * * *

■ 12. Amend § 60.52b by:
■ a. Revising paragraph (a) introductory text;
■ b. Revising paragraph (a)(1);
■ c. Revising paragraph (a)(3);
■ d. Revising paragraph (a)(4); and
■ e. Revising paragraph (a)(5) to read as follows:

§ 60.52b Standards for municipal waste combustor metals, acid gases, organics, and nitrogen oxides.

(a) The limits for municipal waste combustor metals are specified in paragraphs (a)(1) through (a)(5) of this section.

(1) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility any gases that contain particulate matter in excess of the limits specified in paragraph (a)(1)(i) or (a)(1)(ii) of this section.

(i) For affected facilities that commenced construction, modification, or reconstruction after September 20, 1994, and on or before December 19, 2005, the emission limit is 24 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(ii) For affected facilities that commenced construction, modification, or reconstruction after December 19, 2005, the emission limit is 20 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

* * * * *

(3) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility any gases that contain cadmium in excess of the limits specified in paragraph (a)(3)(i) or (a)(3)(ii) of this section.

(i) For affected facilities that commenced construction, modification, or reconstruction after September 20, 1994, and on or before December 19, 2005, the emission limit is 20 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(ii) For affected facilities that commenced construction, modification, or reconstruction after December 19, 2005, the emission limit is 10 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(4) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from the affected facility any gases that contain lead in excess of the limits specified in paragraph (a)(4)(i) or (a)(4)(ii) of this section.

(i) For affected facilities that commenced construction, modification, or reconstruction after September 20, 1994, and on or before December 19, 2005, the emission limit is 200 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(ii) For affected facilities that commenced construction, modification, or reconstruction after December 19, 2005, the emission limit is 140 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(5) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of subpart A of this part, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from the affected facility any gases that contain mercury in excess of the limits specified in paragraph (a)(5)(i) or (a)(5)(ii) of this section.

(i) For affected facilities that commenced construction, modification, or reconstruction after September 20, 1994 and on or before December 19, 2005, the emission limit is 80 micrograms per dry standard cubic meter or 15 percent of the potential mercury emission concentration (85-percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.

(ii) For affected facilities that commenced construction, modification, or reconstruction after December 19, 2005, the emission limit is 50 micrograms per dry standard cubic meter, or 15 percent of the potential mercury emission concentration (85-percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.

* * * * *

■ 13. Amend § 60.53b by:
■ a. Revising paragraph (b)(1);
■ b. Revising paragraph (b)(2);
■ c. Revising paragraph (c)(1);
■ d. Revising paragraph (c)(2);
■ e. Adding paragraph (d) to read as follows:

§ 60.53b Standards for municipal waste combustor operating practices.

* * * * *

(b) * * *

(1) During the annual dioxin/furan or mercury performance test and the 2 weeks preceding the annual dioxin/furan or mercury performance test, no municipal waste combustor unit load limit is applicable if the provisions of paragraph (b)(2) of this section are met.

(2) The municipal waste combustor unit load limit may be waived in writing by the Administrator for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions. The municipal waste combustor unit load limit continues to apply, and remains enforceable, until and unless the Administrator grants the waiver.

(c) * * *

(1) During the annual dioxin/furan or mercury performance test and the 2 weeks preceding the annual dioxin/furan or mercury performance test, no particulate matter control device temperature limitations are applicable if

the provisions of paragraph (b)(2) of this section are met.

(2) The particulate matter control device temperature limits may be waived in writing by the Administrator for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions. The temperature limits continue to apply, and remain enforceable, until and unless the Administrator grants the waiver.

(d) Paragraph (m)(2) of § 60.58b addresses treatment of activated carbon injection rate during dioxin/furan or mercury testing.

■ 14. Amend § 60.54b by revising paragraph (c)(2) and adding paragraph (c)(3) to read as follows:

§ 60.54b Standards for municipal waste combustor operator training and certification.

* * * * *

(c) * * *

(2) If both the certified chief facility operator and certified shift supervisor are unavailable, a provisionally certified control room operator on site at the municipal waste combustion unit may fulfill the certified operator requirement. Depending on the length of time that a certified chief facility operator and certified shift supervisor are away, the owner or operator of the affected facility must meet one of three criteria:

(i) When the certified chief facility operator and certified shift supervisor are both off site for 12 hours or less, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor.

(ii) When the certified chief facility operator and certified shift supervisor are off site for more than 12 hours, but for two weeks or less, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Administrator. However, the owner or operator of the affected facility must record the period when the certified chief facility operator and certified shift supervisor are off site and include that information in the annual report as specified under § 60.59b(g)(5).

(iii) When the certified chief facility operator and certified shift supervisor are off site for more than two weeks, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without approval by the Administrator. However, the owner or operator of the affected facility must take two actions:

(A) Notify the Administrator in writing. In the notice, state what caused the absence and what actions are being taken by the owner or operator of the facility to ensure that a certified chief facility operator or certified shift supervisor is on site as expeditiously as practicable.

(B) Submit a status report and corrective action summary to the Administrator every four weeks following the initial notification. If the Administrator provides notice that the status report or corrective action summary is disapproved, the municipal waste combustion unit may continue operation for 90 days, but then must cease operation. If corrective actions are taken in the 90-day period such that the Administrator withdraws the disapproval, municipal waste combustion unit operation may continue.

(3) A provisionally certified operator who is newly promoted or recently transferred to a shift supervisor position or a chief facility operator position at the municipal waste combustion unit may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Administrator for up to six months before taking the ASME QRO certification exam.

* * * * *

■ 15. Amend § 60.57b by revising paragraphs (a) introductory text and (a)(6) to read as follows:

§ 60.57b Siting requirements.

(a) The owner or operator of an affected facility shall prepare a materials separation plan, as defined in § 60.51b, for the affected facility and its service area, and shall comply with the requirements specified in paragraphs (a)(1) through (a)(10) of this section. The initial application is defined as representing a good faith submittal as determined by EPA.

* * * * *

(6) As required under § 60.59b(a), the owner or operator shall submit to EPA a copy of the notification of the public meeting, a transcript of the public meeting, the document summarizing responses to public comments, and copies of both the preliminary and final draft materials separation plans on or before the time the facility's application for a construction permit is submitted under 40 CFR part 51, subpart I, or part 52, as applicable.

* * * * *

■ 16. Amend § 60.58b by:
■ a. Revising paragraph (a)(1) introductory text;
■ b. Revising paragraph (a)(1)(iii);
■ c. Revising paragraph (b) introductory text;
■ d. Revising paragraph (b)(6)(i);
■ e. Revising paragraph (b)(7);
■ f. Revising paragraph (c) introductory text;
■ g. Revising paragraph (c)(2);
■ h. Revising paragraph (c)(3);
■ i. Revising paragraph (c)(9);
■ j. Adding paragraph (c)(10);
■ k. Revising paragraph (c)(11);
■ l. Revising paragraph (d)(1)(ii);
■ m. Revising paragraph (d)(1)(vii);
■ n. Revising paragraph (d)(2)(ii);
■ o. Revising paragraph (d)(2)(iii);
■ p. Revising paragraph (d)(2)(iv);
■ q. Revising paragraph (d)(2)(ix);
■ r. Revising paragraph (e)(7) introductory text;
■ s. Revising paragraph (e)(12) introductory text;
■ t. Revising paragraph (e)(12)(i)(A);
■ u. Revising paragraph (e)(12)(i)(B);
■ v. Revising paragraph (e)(14);
■ w. Adding paragraph (f)(8);
■ x. Revising paragraph (g)(2);
■ y. Revising paragraph (g)(5)(i);
■ z. Adding paragraph (g)(5)(ii);
■ aa. Revising paragraph (g)(5)(iii);
■ bb. Revising paragraph (g)(7);
■ cc. Revising paragraph (h)(6) introductory text;
■ dd. Revising paragraph (h)(10)(i)(B);
■ ee. Revising paragraph (h)(12);
■ ff. Revising paragraph (i)(3)(ii) introductory text;
■ gg. Revising paragraph (i)(3)(ii)(B);
■ hh. Revising paragraph (i)(8);
■ ii. Revising paragraph (i)(9);
■ jj. Revising paragraph (i)(10) introductory text;
■ kk. Revising paragraph (i)(11);
■ ll. Revising paragraph (m) introductory text;
■ mm. Revising paragraph (m)(1)(ii);
■ nn. Revising paragraph (m)(2);
■ oo. Adding paragraph (b)(8);
■ pp. Adding paragraph (d)(3);
■ qq. Adding paragraph (d)(4);
■ rr. Adding paragraph (g)(10);
■ ss. Adding paragraph (m)(4);
■ tt. Adding paragraph (n);
■ uu. Adding paragraph (o);
■ vv. Adding paragraph (p); and
■ ww. Adding paragraph (q) to read as follows:

§ 60.58b Compliance and performance testing.

(a) * * *

(1) Except as provided by § 60.56b, the standards under this subpart apply

at all times except during periods of startup, shutdown, and malfunction. Duration of startup, shutdown, or malfunction periods are limited to 3 hours per occurrence, except as provided in paragraph (a)(1)(iii) of this section. During periods of startup, shutdown, or malfunction, monitoring data shall be dismissed or excluded from compliance calculations, but shall be recorded and reported in accordance with the provisions of 40 CFR 60.59b(d)(7).

* * * * *

(iii) For the purpose of compliance with the carbon monoxide emission limits in § 60.53b(a), if a loss of boiler water level control (*e.g.,* boiler waterwall tube failure) or a loss of combustion air control (*e.g.,* loss of combustion air fan, induced draft fan, combustion grate bar failure) is determined to be a malfunction, the duration of the malfunction period is limited to 15 hours per occurrence. During such periods of malfunction, monitoring data shall be dismissed or excluded from compliance calculations, but shall be recorded and reported in accordance with the provisions of § 60.59b(d)(7).

* * * * *

(b) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring the oxygen or carbon dioxide content of the flue gas at each location where carbon monoxide, sulfur dioxide, nitrogen oxides emissions, or particulate matter (if the owner or operator elects to continuously monitor emissions under paragraph (n) of this section) are monitored and record the output of the system and shall comply with the test procedures and test methods specified in paragraphs (b)(1) through (b)(8) of this section.

* * * * *

(6) * * *

(i) The fuel factor equation in Method 3B shall be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3, 3A, or 3B, or as an alternative ASME PTC–19–10–1981—Part 10, as applicable, shall be used to determine the oxygen concentration at the same location as the carbon dioxide monitor.

* * * * *

(7) The relationship between carbon dioxide and oxygen concentrations that is established in accordance with paragraph (b)(6) of this section shall be submitted to EPA as part of the initial performance test report and, if applicable, as part of the annual test report if the relationship is reestablished during the annual performance test.

(8) During a loss of boiler water level control or loss of combustion air control malfunction period as specified in paragraph (a)(1)(iii) of this section, a diluent cap of 14 percent for oxygen or 5 percent for carbon dioxide may be used in the emissions calculations for sulfur dioxide and nitrogen oxides.

(c) Except as provided in paragraph (c)(10) of this section, the procedures and test methods specified in paragraphs (c)(1) through (c)(11) of this section shall be used to determine compliance with the emission limits for particulate matter and opacity under § 60.52b(a)(1) and (a)(2).

* * * * *

(2) The EPA Reference Method 3, 3A or 3B, or as an alternative ASME PTC–19–10–1981—Part 10, as applicable, shall be used for gas analysis.

(3) EPA Reference Method 5 shall be used for determining compliance with the particulate matter emission limit. The minimum sample volume shall be 1.7 cubic meters. The probe and filter holder heating systems in the sample train shall be set to provide a gas temperature no greater than 160 °C. An oxygen or carbon dioxide measurement shall be obtained simultaneously with each Method 5 run.

* * * * *

(9) Following the date that the initial performance test for particulate matter is completed or is required to be completed under § 60.8 of subpart A of this part for an affected facility, the owner or operator shall conduct a performance test for particulate matter on a calendar year basis (no less than 9 calendar months and no more than 15 calendar months following the previous performance test; and must complete five performance tests in each 5-year calendar period).

(10) In place of particulate matter testing with EPA Reference Method 5, an owner or operator may elect to install, calibrate, maintain, and operate a continuous emission monitoring system for monitoring particulate matter emissions discharged to the atmosphere and record the output of the system. The owner or operator of an affected facility who elects to continuously monitor particulate matter emissions instead of conducting performance testing using EPA Method 5 shall install, calibrate, maintain, and operate a continuous emission monitoring system and shall comply with the requirements specified in paragraphs (c)(10)(i) through (c)(10)(xiv) of this section. The owner or operator who elects to continuously monitor particulate matter emissions instead of conducting performance testing using EPA Method 5 is not required to complete performance testing for particulate matter as specified in paragraph (c)(9) of this section and is not required to continuously monitor opacity as specified in paragraph (c)(8) of this section.

(i) Notify the Administrator one month before starting use of the system.

(ii) Notify the Administrator one month before stopping use of the system.

(iii) The monitor shall be installed, evaluated, and operated in accordance with § 60.13 of subpart A of this part.

(iv) The initial performance evaluation shall be completed no later than 180 days after the date of initial startup of the affected facility, as specified under § 60.8 of subpart A of this part or within 180 days of notification to the Administrator of use of the continuous monitoring system if the owner or operator was previously determining compliance by Method 5 performance tests, whichever is later.

(v) The owner or operator of an affected facility may request that compliance with the particulate matter emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in paragraph (b)(6) of this section.

(vi) The owner or operator of an affected facility shall conduct an initial performance test for particulate matter emissions as required under § 60.8 of subpart A of this part. Compliance with the particulate matter emission limit shall be determined by using the continuous emission monitoring system specified in paragraph (c)(10) of this section to measure particulate matter and calculating a 24-hour block arithmetic average emission concentration using EPA Reference Method 19, section 12.4.1.

(vii) Compliance with the particulate matter emission limit shall be determined based on the 24-hour daily (block) average of the hourly arithmetic average emission concentrations using continuous emission monitoring system outlet data.

(viii) After April 28, 2008, at a minimum, valid continuous monitoring system hourly averages shall be obtained as specified in paragraphs (c)(10)(viii)(A) and (c)(10)(viii)(B) for at least 90 percent of the operating hours per calendar quarter and 95 percent of the operating hours per calendar year that the affected facility is combusting municipal solid waste.

(A) At least two data points per hour shall be used to calculate each 1-hour arithmetic average.

(B) Each particulate matter 1-hour arithmetic average shall be corrected to 7 percent oxygen on an hourly basis using the 1-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.

(ix) The 1-hour arithmetic averages required under paragraph (c)(10)(vii) of this section shall be expressed in milligrams per dry standard cubic meter corrected to 7 percent oxygen (dry basis) and shall be used to calculate the 24-hour daily arithmetic average emission concentrations. The 1-hour arithmetic averages shall be calculated using the data points required under § 60.13(e)(2) of subpart A of this part.

(x) All valid continuous emission monitoring system data shall be used in calculating average emission concentrations even if the minimum continuous emission monitoring system data requirements of paragraph (c)(10)(viii) of this section are not met.

(xi) The continuous emission monitoring system shall be operated according to Performance Specification 11 in appendix B of this part.

(xii) During each relative accuracy test run of the continuous emission monitoring system required by Performance Specification 11 in appendix B of this part, particulate matter and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in paragraphs (c)(10)(xii)(A) and (c)(10)(xii)(B) of this section.

(A) For particulate matter, EPA Reference Method 5 shall be used.

(B) For oxygen (or carbon dioxide), EPA Reference Method 3, 3A, or 3B, as applicable shall be used.

(xiii) Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedure 2 in appendix F of this part.

(xiv) When particulate matter emissions data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained by using other monitoring systems as approved by the Administrator or EPA Reference Method 19 to provide, as necessary, valid emissions data for a minimum of 90 percent of the hours per calendar quarter and 95 percent of the hours per calendar year that the affected facility is operated and combusting municipal solid waste.

(11) Following the date that the initial performance test for opacity is completed or is required to be completed under § 60.8 of subpart A of this part for an affected facility, the owner or operator shall conduct a performance test for opacity on an annual basis (no less than 9 calendar months and no more than 15 calendar months following the previous performance test; and must complete five performance tests in each 5-year calendar period) using the test method specified in paragraph (c)(6) of this section.

(d) * * *

(1) * * *

(ii) The EPA Reference Method 3, 3A, or 3B, or as an alternative ASME PTC–19–10–1981—Part 10, as applicable, shall be used for flue gas analysis.

* * * * *

(vii) Following the date of the initial performance test or the date on which the initial performance test is required to be completed under § 60.8 of subpart A of this part, the owner or operator of an affected facility shall conduct a performance test for compliance with the emission limits for cadmium and lead on a calendar year basis (no less than 9 calendar months and no more than 15 calendar months following the previous performance test; and must complete five performance tests in each 5-year calendar period).

* * * * *

(2) * * *

(ii) The EPA Reference Method 3, 3A, or 3B, or as an alternative ASME PTC–19–10–1981—Part 10, as applicable, shall be used for flue gas analysis.

(iii) The EPA Reference Method 29 or as an alternative ASTM D6784–02 shall be used to determine the mercury emission concentration. The minimum sample volume when using Method 29 as an alternative ASTM D6784–02 for mercury shall be 1.7 cubic meters.

(iv) An oxygen (or carbon dioxide) measurement shall be obtained simultaneously with each Method 29 or as an alternative ASTM D6784–02 test run for mercury required under paragraph (d)(2)(iii) of this section.

* * * * *

(ix) Following the date that the initial performance test for mercury is completed or is required to be completed under § 60.8 of subpart A of this part, the owner or operator of an affected facility shall conduct a performance test for mercury emissions on a calendar year basis (no less than 9 calendar months and no more than 15 calendar months from the previous performance test; and must complete five performance tests in each 5-year calendar period).

* * * * *

(3) In place of cadmium and lead testing with EPA Reference Method 29 as an alternative ASTM D6784–02, an owner or operator may elect to install, calibrate, maintain, and operate a continuous emission monitoring system for monitoring cadmium and lead emissions discharged to the atmosphere and record the output of the system according to the provisions of paragraphs (n) and (o) of this section.

(4) In place of mercury testing with EPA Reference Method 29 or as an alternative ASTM D6784–02, an owner or operator may elect to install, calibrate, maintain, and operate a continuous emission monitoring system or a continuous automated sampling system for monitoring mercury emissions discharged to the atmosphere and record the output of the system according to the provisions of paragraphs (n) and (o) of this section, or paragraphs (p) and (q) of this section, as appropriate. The owner or operator who elects to continuously monitor mercury in place of mercury testing with EPA Reference Method 29 or as an alternative ASTM D6784–02 is not required to complete performance testing for mercury as specified in paragraph (d)(2)(ix) of this section.

(e) * * *

(7) At a minimum, valid continuous monitoring system hourly averages shall be obtained as specified in paragraphs (e)(7)(i) and (e)(7)(ii) for 90 percent of the operating hours per calendar quarter and 95 percent of the operating days per calendar year that the affected facility is combusting municipal solid waste.

* * * * *

(12) The continuous emission monitoring system shall be operated according to Performance Specification 2 in appendix B of this part. For sources that have actual inlet emissions less than 100 parts per million dry volume, the relative accuracy criterion for inlet sulfur dioxide continuous emission monitoring systems should be no greater than 20 percent of the mean value of the reference method test data in terms of the units of the emission standard, or 5 parts per million dry volume absolute value of the mean difference between the reference method and the continuous emission monitoring systems, whichever is greater.

(i) * * *

(A) For sulfur dioxide, EPA Reference Method 6, 6A, or 6C, or as an alternative ASME PTC–19–10–1981—Part 10, shall be used.

(B) For oxygen (or carbon dioxide), EPA Reference Method 3, 3A, or 3B, or

as an alternative ASME PTC–19–10–1981—Part 10, as applicable, shall be used.

* * * * *

(14) When sulfur dioxide emissions data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and/or zero and span adjustments, emissions data shall be obtained by using other monitoring systems as approved by EPA or EPA Reference Method 19 to provide, as necessary, valid emissions data for a minimum of 90 percent of the hours per calendar quarter and 95 percent of the hours per calendar year that the affected facility is operated and combusting municipal solid waste.

(f) * * *

(8) In place of hydrogen chloride testing with EPA Reference Method 26 or 26A, an owner or operator may elect to install, calibrate, maintain, and operate a continuous emission monitoring system for monitoring hydrogen chloride emissions discharged to the atmosphere and record the output of the system according to the provisions of paragraphs (n) and (o) of this section.

(g) * * *

(2) The EPA Reference Method 3, 3A, or 3B, or as an alternative ASME PTC–19–10–1981—Part 10, as applicable, shall be used for flue gas analysis.

* * * * *

(5) * * *

(i) For affected facilities, performance tests shall be conducted on a calendar year basis (no less than 9 calendar months and no more than 15 calendar months following the previous performance test; and must complete five performance tests in each 5-year calendar period).

(ii) For the purpose of evaluating system performance to establish new operating parameter levels, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions, the owner or operator of an affected facility that qualifies for the performance testing schedule specified in paragraph (g)(5)(iii) of this section, may test one unit for dioxin/furan and apply the dioxin/furan operating parameters to similarly designed and equipped units on site by meeting the requirements specified in paragraphs (g)(5)(ii)(A) through (g)(5)(ii)(D) of this section.

(A) Follow the testing schedule established in paragraph (g)(5)(iii) of this section. For example, each year a different affected facility at the municipal waste combustor plant shall be tested, and the affected facilities at the plant shall be tested in sequence (*e.g.*, unit 1, unit 2, unit 3, as applicable).

(B) Upon meeting the requirements in paragraph (g)(5)(iii) of this section for one affected facility, the owner or operator may elect to apply the average carbon mass feed rate and associated carbon injection system operating parameter levels for dioxin/furan as established in paragraph (m) of this section to similarly designed and equipped units on site.

(C) Upon testing each subsequent unit in accordance with the testing schedule established in paragraph (g)(5)(iii) of this section, the dioxin/furan and mercury emissions of the subsequent unit shall not exceed the dioxin/furan and mercury emissions measured in the most recent test of that unit prior to the revised operating parameter levels.

(D) The owner or operator of an affected facility that selects to follow the performance testing schedule specified in paragraph (g)(5)(iii) of this section and apply the carbon injection system operating parameters to similarly designed and equipped units on site shall follow the procedures specified in § 60.59b(g)(4) for reporting.

(iii) Where all performance tests over a 2-year period indicate that dioxin/furan emissions are less than or equal to 7 nanograms per dry standard cubic meter (total mass) for all affected facilities located within a municipal waste combustor plant, the owner or operator of the municipal waste combustor plant may elect to conduct annual performance tests for one affected facility (i.e., unit) per year at the municipal waste combustor plant. At a minimum, a performance test for dioxin/furan emissions shall be conducted on a calendar year basis (no less than 9 calendar months and no more than 15 months following the previous performance test; and must complete five performance tests in each 5-year calendar period) for one affected facility at the municipal waste combustor plant. Each year a different affected facility at the municipal waste combustor plant shall be tested, and the affected facilities at the plant shall be tested in sequence (*e.g.*, unit 1, unit 2, unit 3, as applicable). If each annual performance test continues to indicate a dioxin/furan emission level less than or equal to 7 nanograms per dry standard cubic meter (total mass), the owner or operator may continue conducting a performance test on only one affected facility per calendar year. If any annual performance test indicates either a dioxin/furan emission level greater than 7 nanograms per dry standard cubic meter (total mass), performance tests shall thereafter be conducted annually on all affected facilities at the plant until and unless all annual performance tests for all affected facilities at the plant over a 2-year period indicate a dioxin/furan emission level less than or equal to 7 nanograms per dry standard cubic meter (total mass).

* * * * *

(7) The owner or operator of an affected facility where activated carbon is used shall follow the procedures specified in paragraph (m) of this section for measuring and calculating the carbon usage rate.

* * * * *

(10) In place of dioxin/furan sampling and testing with EPA Reference Method 23, an owner or operator may elect to sample dioxin/furan by installing, calibrating, maintaining, and operating a continuous automated sampling system for monitoring dioxin/furan emissions discharged to the atmosphere, recording the output of the system, and analyzing the sample using EPA Method 23. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to dioxin/furan from monitors is published in the **Federal Register** or the date of approval of a site-specific monitoring plan. The owner or operator of an affected facility who elects to continuously sample dioxin/furan emissions instead of sampling and testing using EPA Method 23 shall install, calibrate, maintain, and operate a continuous automated sampling system and shall comply with the requirements specified in paragraphs (p) and (q) of this section.

(h) * * *

(6) At a minimum, valid continuous emission monitoring system hourly averages shall be obtained as specified in paragraphs (h)(6)(i) and (h)(6)(ii) of this section for 90 percent of the operating hours per calendar quarter and for 95 percent of the operating hours per calendar year that the affected facility is combusting municipal solid waste.

* * * * *

(10) * * *

(i) * * *

(B) For oxygen (or carbon dioxide), EPA Reference Method 3, 3A, or 3B, or as an alternative ASME PTC–19–10–1981—Part 10, as applicable, shall be used.

* * * * *

(12) When nitrogen oxides continuous emission data are not obtained because of continuous emission monitoring

system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained using other monitoring systems as approved by EPA or EPA Reference Method 19 to provide, as necessary, valid emissions data for a minimum of 90 percent of the hours per calendar quarter and 95 percent of the hours per calendar year the unit is operated and combusting municipal solid waste.

(i) * * *

(3) * * *

(ii) During each relative accuracy test run of the continuous emission monitoring system required by Performance Specification 4A in appendix B of this part, carbon monoxide and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in paragraphs (i)(3)(ii)(A) and (i)(3)(ii)(B) of this section. For affected facilities subject to the 100 parts per million dry volume carbon monoxide standard, the relative accuracy criterion of 5 parts per million dry volume is calculated as the absolute value of the mean difference between the reference method and continuous emission monitoring systems.

* * * * *

(B) For oxygen (or carbon dioxide), EPA Reference Method 3, 3A, or 3B, or ASME PTC–19–10–1981—Part 10 (incorporated by reference, see § 60.17 of subpart A of this part), as applicable, shall be used.

* * * * *

(8) The maximum demonstrated municipal waste combustor unit load shall be determined during the initial performance test for dioxins/furans and each subsequent performance test during which compliance with the dioxin/furan emission limit specified in § 60.52b(c) is achieved. The maximum demonstrated municipal waste combustor unit load shall be the highest 4-hour arithmetic average load achieved during four consecutive hours during the most recent test during which compliance with the dioxin/furan emission limit was achieved. If a subsequent dioxin/furan performance test is being performed on only one affected facility at the MWC plant, as provided in paragraph (g)(5)(iii) of this section, the owner or operator may elect to apply the same maximum municipal waste combustor unit load from the tested facility for all the similarly designed and operated affected facilities at the MWC plant.

(9) For each particulate matter control device employed at the affected facility, the maximum demonstrated particulate matter control device temperature shall be determined during the initial performance test for dioxins/furans and each subsequent performance test during which compliance with the dioxin/furan emission limit specified in § 60.52b(c) is achieved. The maximum demonstrated particulate matter control device temperature shall be the highest 4-hour arithmetic average temperature achieved at the particulate matter control device inlet during four consecutive hours during the most recent test during which compliance with the dioxin/furan limit was achieved. If a subsequent dioxin/furan performance test is being performed on only one affected facility at the MWC plant, as provided in paragraph (g)(5)(iii) of this section, the owner or operator may elect to apply the same maximum particulate matter control device temperature from the tested facility for all the similarly designed and operated affected facilities at the MWC plant.

(10) At a minimum, valid continuous emission monitoring system hourly averages shall be obtained as specified in paragraphs (i)(10)(i) and (i)(10)(ii) of this section for at least 90 percent of the operating hours per calendar quarter and 95 percent of the operating hours per calendar year that the affected facility is combusting municipal solid waste.

* * * * *

(11) All valid continuous emission monitoring system data must be used in calculating the parameters specified under paragraph (i) of this section even if the minimum data requirements of paragraph (i)(10) of this section are not met. When carbon monoxide continuous emission data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained using other monitoring systems as approved by EPA or EPA Reference Method 10 to provide, as necessary, the minimum valid emission data.

* * * * *

(m) The owner or operator of an affected facility where activated carbon injection is used to comply with the mercury emission limit under § 60.52b(a)(5), and/or the dioxin/furan emission limits under § 60.52(b)(c), or the dioxin/furan emission level specified in paragraph (g)(5)(iii) of this section shall follow the procedures specified in paragraphs (m)(1) through (m)(4) of this section.

(1) * * *

(ii) An average carbon mass feed rate in kilograms per hour or pounds per hour shall be estimated during the initial performance test for dioxin/furan emissions and each subsequent performance test for dioxin/furan emissions. If a subsequent dioxin/furan performance test is being performed on only one affected facility at the MWC plant, as provided in paragraph (g)(5)(iii) of this section, the owner or operator may elect to apply the same estimated average carbon mass feed rate from the tested facility for all the similarly designed and operated affected facilities at the MWC plant.

(2) During operation of the affected facility, the carbon injection system operating parameter(s) that are the primary indicator(s) of the carbon mass feed rate (*e.g.*, screw feeder setting) shall be averaged over a block 8-hour period, and the 8-hour block average must equal or exceed the level(s) documented during the performance tests specified under paragraphs (m)(1)(i) and (m)(1)(ii) of this section, except as specified in paragraphs (m)(2)(i) and (m)(2)(ii) of this section.

(i) During the annual dioxin/furan or mercury performance test and the 2 weeks preceding the annual dioxin/furan or mercury performance test, no limit is applicable for average mass carbon feed rate if the provisions of paragraph (m)(2)(ii) of this section are met.

(ii) The limit for average mass carbon feed rate may be waived in accordance with permission granted by the Administrator for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions.

* * * * *

(4) Pneumatic injection pressure or other carbon injection system operational indicator shall be used to provide additional verification of proper carbon injection system operation. The operational indicator shall provide an instantaneous visual and/or audible alarm to alert the operator of a potential interruption in the carbon feed that would not normally be indicated by direct monitoring of carbon mass feed rate (*e.g.*, continuous weight loss feeder) or monitoring of the carbon system operating parameter(s) that are the indicator(s) of carbon mass feed rate (*e.g.*, screw feeder speed). The carbon injection system operational indicator used to provide additional verification of carbon injection system operation, including basis for selecting the

indicator and operator response to the indicator alarm, shall be included in section (e)(6) of the site-specific operating manual required under § 60.54b(e) of this subpart.

(n) In place of periodic manual testing of mercury, cadmium, lead, or hydrogen chloride with EPA Reference Method 26, 26A, 29, or as an alternative ASTM D6784–02 (as applicable), the owner or operator of an affected facility may elect to install, calibrate, maintain, and operate a continuous emission monitoring system for monitoring emissions discharged to the atmosphere and record the output of the system. The option to use a continuous emission monitoring system for mercury takes effect on the date of approval of the site-specific monitoring plan required in paragraph (n)(13) and (o) of this section. The option to use a continuous emission monitoring system for cadmium, lead, or hydrogen chloride takes effect on the date a final performance specification applicable to cadmium, lead, or hydrogen chloride monitor is published in the **Federal Register** or the date of approval of the site-specific monitoring plan required in paragraphs (n)(13) and (o) of this section. The owner or operator of an affected facility who elects to continuously monitor emissions instead of conducting manual performance testing shall install, calibrate, maintain, and operate a continuous emission monitoring system and shall comply with the requirements specified in paragraphs (n)(1) through (n)(13) of this section.

(1) Notify the Administrator one month before starting use of the system.

(2) Notify the Administrator one month before stopping use of the system.

(3) The monitor shall be installed, evaluated, and operated in accordance with § 60.13 of subpart A of this part.

(4) The initial performance evaluation shall be completed no later than 180 days after the date of initial startup of the affected facility, as specified under § 60.8 of subpart A of this part or within 180 days of notification to the Administrator of use of the continuous monitoring system if the owner or operator was previously determining compliance by Method 26, 26A, 29, or as an alternative ASTM D6784–02 (as applicable) performance tests, whichever is later.

(5) The owner or operator may request that compliance with the emission limits be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in paragraph (b)(6) of this section.

(6) The owner or operator shall conduct an initial performance test for emissions as required under § 60.8 of subpart A of this part. Compliance with the emission limits shall be determined by using the continuous emission monitoring system specified in paragraph (n) of this section to measure emissions and calculating a 24-hour block arithmetic average emission concentration using EPA Reference Method 19, section 12.4.1.

(7) Compliance with the emission limits shall be determined based on the 24-hour daily (block) average of the hourly arithmetic average emission concentrations using continuous emission monitoring system outlet data.

(8) Beginning on April 28, 2008 for mercury and on the date two years after final performance specifications for cadmium, lead or hydrogen chloride monitors are published in the **Federal Register** or the date two years after approval of a site-specific monitoring plan, valid continuous monitoring system hourly averages shall be obtained as specified in paragraphs (n)(8)(i) and (n)(8)(ii) of this section for at least 90 percent of the operating hours per calendar quarter and 95 percent of the operating hours per calendar year that the affected facility is combusting municipal solid waste.

(i) At least two data points per hour shall be used to calculate each 1-hour arithmetic average.

(ii) Each 1-hour arithmetic average shall be corrected to 7 percent oxygen on an hourly basis using the 1-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.

(9) The 1-hour arithmetic averages required under paragraph (n)(7) of this section shall be expressed in micrograms per dry standard cubic meter for mercury, cadmium, lead and parts per million dry volume for hydrogen chloride corrected to 7 percent oxygen (dry basis) and shall be used to calculate the 24-hour daily arithmetic (block) average emission concentrations. The 1-hour arithmetic averages shall be calculated using the data points required under § 60.13(e)(2) of subpart A of this part.

(10) All valid continuous emission monitoring system data shall be used in calculating average emission concentrations even if the minimum continuous emission monitoring system data requirements of paragraph (n)(8) of this section are not met.

(11) The continuous emission monitoring system shall be operated according to the performance specifications in paragraphs (n)(11)(i) through (n)(11)(iii) of this section or the approved site-specific monitoring plan.

(i) For mercury, Performance Specification 12A in appendix B of this part.

(ii) [Reserved]

(iii) [Reserved]

(12) During each relative accuracy test run of the continuous emission monitoring system required by the performance specifications in paragraph (n)(11) of this section, mercury, cadmium, lead, hydrogen chloride, and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in paragraphs (n)(12)(i) through (n)(12)(iii) of this section.

(i) For mercury, cadmium, and lead, EPA Reference Method 29 or as an alternative ASTM D6784–02 shall be used.

(ii) For hydrogen chloride, EPA Reference Method 26 or 26A shall be used.

(iii) For oxygen (or carbon dioxide), EPA Reference Method 3, 3A, or 3B, as applicable shall be used.

(13) The owner or operator who elects to install, calibrate, maintain, and operate a continuous emission monitoring system for mercury, cadmium, lead, or hydrogen chloride must develop and implement a site-specific monitoring plan as specified in paragraph (o) of this section. The owner or operator who relies on a performance specification may refer to that document in addressing applicable procedures and criteria.

(14) When emissions data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, parametric monitoring data shall be obtained by using other monitoring systems as approved by EPA.

(o) The owner or operator who elects to install, calibrate, maintain, and operate a continuous emission monitoring system for mercury, cadmium, lead, or hydrogen chloride must develop and submit for approval by EPA, a site-specific mercury, cadmium, lead, or hydrogen chloride monitoring plan that addresses the elements and requirements in paragraphs (o)(1) through (o)(7) of this section.

(1) Installation of the continuous emission monitoring system sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of

control of the exhaust emissions (*e.g.*, on or downstream of the last control device).

(2) Performance and equipment specifications for the sample interface, the pollutant concentration analyzer, and the data collection and reduction system.

(3) Performance evaluation procedures and acceptance criteria (*e.g.*, calibrations).

(4) Provisions for periods when the continuous emission monitoring system is out of control as described in paragraphs (o)(4)(i) through (o)(4)(iii) of this section.

(i) A continuous emission monitoring system is out of control if either of the conditions in paragraphs (o)(4)(i)(A) or (o)(4)(ii)(B) of this section are met.

(A) The zero (low-level), mid-level (if applicable), or high-level calibration drift exceeds two times the applicable calibration drift specification in the applicable performance specification or in the relevant standard; or

(B) The continuous emission monitoring system fails a performance test audit (*e.g.*, cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit.

(ii) When the continuous emission monitoring system is out of control as defined in paragraph (o)(4)(i) of this section, the owner or operator of the affected source shall take the necessary corrective action and shall repeat all necessary tests that indicate that the system is out of control. The owner or operator shall take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the hour the owner or operator conducts a performance check (*e.g.*, calibration drift) that indicates an exceedance of the performance requirements established under this part. The end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits. During the period the continuous emission monitoring system is out of control, recorded data shall not be used in data averages and calculations or to meet any data availability requirements in paragraph (n)(8) of this section.

(iii) The owner or operator of a continuous emission monitoring system that is out of control as defined in paragraph (o)(4) of this section shall submit all information concerning out-of-control periods, including start and end dates and hours and descriptions of corrective actions taken in the annual or semiannual compliance reports required in § 60.59b(g) or (h).

(5) Ongoing data quality assurance procedures for continuous emission monitoring systems as described in paragraphs (o)(5)(i) and (o)(5)(ii) of this section.

(i) Develop and implement a continuous emission monitoring system quality control program. As part of the quality control program, the owner or operator shall develop and submit to EPA for approval, upon request, a site-specific performance evaluation test plan for the continuous emission monitoring system performance evaluation required in paragraph (o)(5)(ii) of this section. In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the operations described in paragraphs (o)(7)(i)(A) through (o)(7)(i)(F) of this section.

(A) Initial and any subsequent calibration of the continuous emission monitoring system;

(B) Determination and adjustment of the calibration drift of the continuous emission monitoring system;

(C) Preventive maintenance of the continuous emission monitoring system, including spare parts inventory;

(D) Data recording, calculations, and reporting;

(E) Accuracy audit procedures, including sampling and analysis methods; and

(F) Program of corrective action for a malfunctioning continuous emission monitoring system.

(ii) The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality objectives, and both an internal and external quality assurance program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data. The internal quality assurance program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of continuous emission monitoring system performance, for example, plans for relative accuracy testing using the appropriate reference method in § 60.58b(n)(12) of this section. The external quality assurance program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(6) Conduct a performance evaluation of each continuous emission monitoring system in accordance with the site-specific monitoring plan.

(7) Operate and maintain the continuous emission monitoring system in continuous operation according to the site-specific monitoring plan.

(p) In place of periodic manual testing of dioxin/furan or mercury with EPA Reference Method 23, 29, or as an alternative ASTM D6784–02 (as applicable), the owner or operator of an affected facility may elect to install, calibrate, maintain, and operate a continuous automated sampling system for determining emissions discharged to the atmosphere. This option takes effect on the date a final performance specification applicable to such continuous automated sampling systems is published in the **Federal Register** or the date of approval of a site-specific monitoring plan required in paragraphs (p)(10) and (q) of this section. The owner or operator of an affected facility who elects to use a continuous automated sampling system to determine emissions instead of conducting manual performance testing shall install, calibrate, maintain, and operate the sampling system and conduct analyses in compliance with the requirements specified in paragraphs (p)(1) through (p)(12) of this section.

(1) Notify the Administrator one month before starting use of the system.

(2) Notify the Administrator one month before stopping use of the system.

(3) The initial performance evaluation shall be completed no later than 180 days after the date of initial startup of the affected facility, as specified under § 60.8 of subpart A of this part or within 180 days of notification to the Administrator of use of the continuous monitoring system if the owner or operator was previously determining compliance by manual performance testing using Method 23, 29, or as an alternative ASTM D6784–02 (as applicable), whichever is later.

(4) The owner or operator may request that compliance with the emission limits be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in paragraph (b)(6) of this section.

(5) The owner or operator shall conduct an initial performance test for emissions as required under § 60.8 of subpart A of this part. Compliance with the emission limits shall be determined by using the continuous automated

sampling system specified in paragraph (p) of this section to collect integrated samples and analyze emissions for the time period specified in paragraphs (p)(5)(i) and (ii) of this section.

(i) For dioxin/furan, the continuous automated sampling system shall collect an integrated sample over each 2-week period. The collected sample shall be analyzed using Method 23.

(ii) For mercury, the continuous automated sampling system shall collect an integrated sample over each 24-hour daily period and the sample shall be analyzed according to the applicable final performance specification or the approved site-specific monitoring plan required by paragraph (q) of this section.

(6) Compliance with the emission limits shall be determined based on 2-week emission concentrations for dioxin/furan and on the 24-hour daily emission concentrations for mercury using samples collected at the system outlet. The emission concentrations shall be expressed in nanograms per dry standard cubic meter (total mass) for dioxin/furan and micrograms per dry standard cubic meter for mercury, corrected to 7 percent oxygen (dry basis).

(7) Beginning on the date two years after the respective final performance specification for continuous automated sampling systems for dioxin/furan or mercury is published in the **Federal Register** or two years after approval of a site-specific monitoring plan, the continuous automated sampling system must be operated and collect emissions for at least 90 percent of the operating hours per calendar quarter and 95 percent of the operating hours per calendar year that the affected facility is combusting municipal solid waste.

(8) All valid data shall be used in calculating emission concentrations.

(9) The continuous automated sampling system shall be operated according to the final performance specification in paragraphs (p)(9)(i) or (p)(9)(ii) of this section or the approved site-specific monitoring plan.

(i) [Reserved]

(ii) [Reserved]

(10) The owner or operator who elects to install, calibrate, maintain, and operate a continuous automated sampling system for dioxin/furan or mercury must develop and implement a site-specific monitoring plan as specified in paragraph (q) of this section. The owner or operator who relies on a performance specification may refer to that document in addressing applicable procedures and criteria.

(11) When emissions data are not obtained because of continuous automated sampling system breakdowns, repairs, quality assurance checks, or adjustments, parametric monitoring data shall be obtained by using other monitoring systems as approved by EPA.

(q) The owner or operator who elects to install, calibrate, maintain, and operate a continuous automated sampling system for dioxin/furan or mercury must develop and submit for approval by EPA, a site-specific monitoring plan that has sufficient detail to assure the validity of the continuous automated sampling system data and that addresses the elements and requirements in paragraphs (q)(1) through (q)(7) of this section.

(1) Installation of the continuous automated sampling system sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (*e.g.*, on or downstream of the last control device).

(2) Performance and equipment specifications for the sample interface, the pollutant concentration analytical method, and the data collection system.

(3) Performance evaluation procedures and acceptance criteria.

(4) Provisions for periods when the continuous automated sampling system is malfunctioning or is out of control as described in paragraphs (q)(4)(i) through (q)(4)(iii) of this section.

(i) The site-specific monitoring plan shall identify criteria for determining that the continuous automated sampling system is out of control. This shall include periods when the sampling system is not collecting a representative sample or is malfunctioning, or when the analytical method does not meet site-specific quality criteria established in paragraph (q)(5) of this section.

(ii) When the continuous automated sampling system is out of control as defined in paragraph (q)(4)(i) of this section, the owner or operator shall take the necessary corrective action and shall repeat all necessary tests that indicate that the system is out of control. The owner or operator shall take corrective action and conduct retesting until the performance requirements are within the applicable limits. The out-of-control period includes all hours that the sampling system was not collecting a representative sample or was malfunctioning, or hours represented by a sample for which the analysis did not meet the relevant quality criteria. Emissions data obtained during an out-of-control period shall not be used in determining compliance with the emission limits or to meet any data availability requirements in paragraph (p)(8) of this section.

(iii) The owner or operator of a continuous automated sampling system that is out of control as defined in paragraph (q)(4) of this section shall submit all information concerning out-of-control periods, including start and end dates and hours and descriptions of corrective actions taken in the annual or semiannual compliance reports required in § 60.59b(g) or (h).

(5) Ongoing data quality assurance procedures for continuous automated sampling systems as described in paragraphs (q)(5)(i) and (q)(5)(ii) of this section.

(i) Develop and implement a continuous automated sampling system and analysis quality control program. As part of the quality control program, the owner or operator shall develop and submit to EPA for approval, upon request, a site-specific performance evaluation test plan for the continuous automated sampling system performance evaluation required in paragraph (q)(5)(ii) of this section. In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the operations described in paragraphs (q)(7)(i)(A) through (q)(7)(i)(F) of this section.

(A) Correct placement, installation of the continuous automated sampling system such that the system is collecting a representative sample of gas;

(B) Initial and subsequent calibration of flow such that the sample collection rate of the continuous automated sampling system is known and verifiable;

(C) Procedures to assure representative (*e.g.*, proportional or isokinetic) sampling;

(D) Preventive maintenance of the continuous automated sampling system, including spare parts inventory and procedures for cleaning equipment, replacing sample collection media, or other servicing at the end of each sample collection period;

(E) Data recording and reporting, including an automated indicator and recording device to show when the continuous automated monitoring system is operating and collecting data and when it is not collecting data;

(F) Accuracy audit procedures for analytical methods; and

(G) Program of corrective action for a malfunctioning continuous automated sampling system.

(ii) The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality

objectives, and both an internal and external quality assurance program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data. The internal quality assurance program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of continuous automated sampling system performance, for example, plans for relative accuracy testing using the appropriate reference method in 60.58b(p)(3), and an assessment of quality of analysis results. The external quality assurance program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(6) Conduct a performance evaluation of each continuous automated sampling system in accordance with the site-specific monitoring plan.

(7) Operate and maintain the continuous automated sampling system in continuous operation according to the site-specific monitoring plan.

■ 17. Amend § 60.59b by:
■ a. Revising paragraph (d)(2)(i) introductory text;
■ b. Revising paragraph (d)(2)(ii) introductory text;
■ c. Revising paragraph (d)(3);
■ d. Revising paragraph (d)(6) introductory text;
■ e. Revising paragraph (d)(6)(iv);
■ f. Revising paragraph (d)(6)(v);
■ g. Revising paragraph (d)(7);
■ h. Adding paragraph (d)(10);
■ i. Revising paragraph (d)(12) introductory text;
■ j. Revising paragraph (d)(14);
■ k. Revising paragraph (g) introductory text;
■ l. Revising paragraph (g)(1)(ii);
■ m. Revising paragraph (g)(1)(iv);
■ n. Revising paragraph (g)(1)(v);
■ o. Revising paragraph (g)(4);
■ p. Revising paragraph (h)(1);
■ q. Adding paragraph (d)(2)(i)(E);
■ r. Adding paragraph (d)(2)(ii)(E);
■ s. Adding paragraph (d)(2)(ii)(F);
■ t. Adding paragraph (d)(6)(vi);
■ u. Adding paragraph (d)(6)(vii);
■ v. Adding paragraph (d)(12)(iv);
■ w. Adding paragraph (g)(5);
■ x. Adding paragraph (m);
■ y. Adding paragraph (n); and
■ z. Adding paragraph (o) to read as follows:

§ 60.59b Reporting and recordkeeping requirements.

* * * * *

(d) * * *

(2) * * *

(i) The measurements specified in paragraphs (d)(2)(i)(A) through (d)(2)(i)(F) of this section shall be recorded and be available for submittal to the Administrator or review on site by an EPA or State inspector.

* * * * *

(E) For owners and operators who elect to continuously monitor particulate matter, cadmium, lead, mercury, or hydrogen chloride emissions instead of conducting performance testing using EPA manual test methods, all 1-hour average particulate matter, cadmium, lead, mercury, or hydrogen chloride emission concentrations as specified under § 60.58b(n).

(ii) The average concentrations and percent reductions, as applicable, specified in paragraphs (d)(2)(ii)(A) through (d)(2)(ii)(F) of this section shall be computed and recorded, and shall be available for submittal to the Administrator or review on-site by an EPA or State inspector.

* * * * *

(E) For owners and operators who elect to continuously monitor particulate matter, cadmium, lead, mercury, or hydrogen chloride emissions instead of conducting performance testing using EPA manual test methods, all 24-hour daily arithmetic average particulate matter, cadmium, lead, mercury, or hydrogen chloride emission concentrations as specified under § 60.58b(n).

(F) For owners and operators who elect to use a continuous automated sampling system to monitor mercury or dioxin/furan instead of conducting performance testing using EPA manual test methods, all integrated 24-hour mercury concentrations or all integrated 2-week dioxin/furan concentrations as specified under § 60.586(p).

(3) Identification of the calendar dates when any of the average emission concentrations, percent reductions, or operating parameters recorded under paragraphs (d)(2)(ii)(A) through (d)(2)(ii)(F) of this section, or the opacity levels recorded under paragraph (d)(2)(i)(A) of this section are above the applicable limits, with reasons for such exceedances and a description of corrective actions taken.

* * * * *

(6) Identification of the calendar dates and times (hours) for which valid hourly data specified in paragraphs (d)(6)(i) through (d)(6)(vi) of this section have not been obtained, or continuous automated sampling systems were not operated as specified in paragraph (d)(6)(vii) of this section, including reasons for not obtaining the data and a description of corrective actions taken.

* * * * *

(iv) Municipal waste combustor unit load data;

(v) Particulate matter control device temperature data; and

(vi) For owners and operators who elect to continuously monitor particulate matter, cadmium, lead, mercury, or hydrogen chloride emissions instead of performance testing by EPA manual test methods, particulate matter, cadmium, lead, mercury, or hydrogen chloride emissions data.

(vii) For owners and operators who elect to use continuous automated sampling systems for dioxins/furans or mercury as allowed under ''60.58b(p) and (q), dates and times when the sampling systems were not operating or were not collecting a valid sample.

(7) Identification of each occurrence that sulfur dioxide emissions data, nitrogen oxides emissions data, particulate matter emissions data, cadmium emissions data, lead emissions data, mercury emissions data, hydrogen chloride emissions data, or dioxin/furan emissions data (for owners and operators who elect to continuously monitor particulate matter, cadmium, lead, mercury, or hydrogen chloride, or who elect to use continuous automated sampling systems for dioxin/furan or mercury emissions, instead of conducting performance testing using EPA manual test methods) or operational data (*i.e.*, carbon monoxide emissions, unit load, and particulate matter control device temperature) have been excluded from the calculation of average emission concentrations or parameters, and the reasons for excluding the data.

* * * * *

(10) An owner or operator who elects to continuously monitor emissions instead of performance testing by EPA manual methods must maintain records specified in paragraphs (10)(i) through (iii) of this section.

(i) For owners and operators who elect to continuously monitor particulate matter instead of conducting performance testing using EPA manual test methods), as required under appendix F of this part, procedure 2, the results of daily drift tests and quarterly accuracy determinations for particulate matter.

(ii) For owners and operators who elect to continuously monitor cadmium, lead, mercury, or hydrogen chloride instead of conducting EPA manual test methods, the results of all quality evaluations, such as daily drift tests and

periodic accuracy determinations, specified in the approved site-specific performance evaluation test plan required by § 60.58b(o)(5).

(iii) For owners and operators who elect to use continuous automated sampling systems for dioxin/furan or mercury, the results of all quality evaluations specified in the approved site-specific performance evaluation test plan required by § 60.58b(q)(5).

* * * * *

(12) The records specified in paragraphs (d)(12)(i) through (d)(12)(iv) of this section.

* * * * *

(iv) Records of when a certified operator is temporarily off site. Include two main items:

(A) If the certified chief facility operator and certified shift supervisor are off site for more than 12 hours, but for 2 weeks or less, and no other certified operator is on site, record the dates that the certified chief facility operator and certified shift supervisor were off site.

(B) When all certified chief facility operators and certified shift supervisors are off site for more than 2 weeks and no other certified operator is on site, keep records of four items:

(*1*) Time of day that all certified persons are off site.

(*2*) The conditions that cause those people to be off site.

(*3*) The corrective actions taken by the owner or operator of the affected facility to ensure a certified chief facility operator or certified shift supervisor is on site as soon as practicable.

(*4*) Copies of the written reports submitted every 4 weeks that summarize the actions taken by the owner or operator of the affected facility to ensure that a certified chief facility operator or certified shift supervisor will be on site as soon as practicable.

* * * * *

(14) For affected facilities that apply activated carbon, identification of the calendar dates when the average carbon mass feed rates recorded under paragraph (d)(4)(iii) of this section were less than either of the hourly carbon feed rates estimated during performance tests for mercury emissions and recorded under paragraphs (d)(4)(i) and (d)(4)(ii) of this section, respectively, with reasons for such feed rates and a description of corrective actions taken. For affected facilities that apply activated carbon, identification of the calendar dates when the average carbon mass feed rates recorded under paragraph (d)(4)(iii) of this section were less than either of the hourly carbon feed rates estimated during performance tests for dioxin/furan emissions and recorded under paragraphs (d)(4)(i) and (d)(4)(ii) of this section, respectively, with reasons for such feed rates and a description of corrective actions taken.

* * * * *

(g) Following the first year of municipal waste combustor operation, the owner or operator of an affected facility shall submit an annual report that includes the information specified in paragraphs (g)(1) through (g)(5) of this section, as applicable, no later than February 1 of each year following the calendar year in which the data were collected (once the unit is subject to permitting requirements under title V of the Act, the owner or operator of an affected facility must submit these reports semiannually).

(1) * * *

(ii) A list of the highest emission level recorded for sulfur dioxide, nitrogen oxides, carbon monoxide, particulate matter, cadmium, lead, mercury, hydrogen chloride, and dioxin/furan (for owners and operators who elect to continuously monitor particulate matter, cadmium, lead, mercury, hydrogen chloride, and dioxin/furan emissions instead of conducting performance testing using EPA manual test methods), municipal waste combustor unit load level, and particulate matter control device inlet temperature based on the data recorded under paragraphs (d)(2)(ii)(A) through (d)(2)(ii)(E) of this section.

* * * * *

(iv) Periods when valid data were not obtained as described in paragraphs (g)(1)(iv)(A) through (g)(1)(iv)(C) of this section.

(A) The total number of hours per calendar quarter and hours per calendar year that valid data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load, or particulate matter control device temperature data were not obtained based on the data recorded under paragraph (d)(6) of this section.

(B) For owners and operators who elect to continuously monitor particulate matter, cadmium, lead, mercury, and hydrogen chloride emissions instead of conducting performance testing using EPA manual test methods, the total number of hours per calendar quarter and hours per calendar year that valid data for particulate matter, cadmium, lead, mercury, and hydrogen chloride were not obtained based on the data recorded under paragraph (d)(6) of this section. For each continuously monitored pollutant or parameter, the hours of valid emissions data per calendar quarter and per calendar year expressed as a percent of the hours per calendar quarter or year that the affected facility was operating and combusting municipal solid waste.

(C) For owners and operators who elect to use continuous automated sampling systems for dioxin/furan or mercury, the total number of hours per calendar quarter and hours per calendar year that the sampling systems were not operating or were not collecting a valid sample based on the data recorded under paragraph (d)(6)(vii) of this section. Also, the number of hours during which the continuous automated sampling system was operating and collecting a valid sample as a percent of hours per calendar quarter or year that the affected facility was operating and combusting municipal solid waste.

(v) Periods when valid data were excluded from the calculation of average emission concentrations or parameters as described in paragraphs (g)(1)(v)(A) through (g)(1)(v)(C) of this section.

(A) The total number of hours that data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load, and particulate matter control device temperature were excluded from the calculation of average emission concentrations or parameters based on the data recorded under paragraph (d)(7) of this section.

(B) For owners and operators who elect to continuously monitor particulate matter, cadmium, lead, mercury, or hydrogen chloride emissions instead of conducting performance testing using EPA manual test methods, the total number of hours that data for particulate matter, cadmium, lead, mercury, or hydrogen chloride were excluded from the calculation of average emission concentrations or parameters based on the data recorded under paragraph (d)(7) of this section.

(C) For owners and operators who elect to use continuous automated sampling systems for dioxin/furan or mercury, the total number of hours that data for mercury and dioxin/furan were excluded from the calculation of average emission concentrations or parameters based on the data recorded under paragraph (d)(7) of this section.

* * * * *

(4) A notification of intent to begin the reduced dioxin/furan performance testing schedule specified in § 60.58b(g)(5)(iii) of this section during the following calendar year and notification of intent to apply the average carbon mass feed rate and associated carbon injection system operating parameter levels as

established in § 60.58b(m) to similarly designed and equipped units on site.

(5) Documentation of periods when all certified chief facility operators and certified shift supervisors are off site for more than 12 hours.

(h) * * *

(1) The semiannual report shall include information recorded under paragraph (d)(3) of this section for sulfur dioxide, nitrogen oxides, carbon monoxide, particulate matter, cadmium, lead, mercury, hydrogen chloride, dioxin/furan (for owners and operators who elect to continuously monitor particulate matter, cadmium, lead, mercury, or hydrogen chloride, or who elect to use continuous automated sampling systems for dioxin/furan or mercury emissions, instead of conducting performance testing using EPA manual test methods) municipal waste combustor unit load level, particulate matter control device inlet temperature, and opacity.

* * * * *

(m) Owners and operators who elect to continuously monitor particulate matter, cadmium, lead, mercury, or hydrogen chloride, or who elect to use continuous automated sampling systems for dioxin/furan or mercury emissions, instead of conducting performance testing using EPA manual test methods must notify the Administrator one month prior to starting or stopping use of the particulate matter, cadmium, lead, mercury, hydrogen chloride, and dioxin/furan continuous emission monitoring systems or continuous automated sampling systems.

(n) *Additional recordkeeping and reporting requirements for affected facilities with continuous cadmium, lead, mercury, or hydrogen chloride monitoring systems.* In addition to complying with the requirements specified in paragraphs (a) through (m) of this section, the owner or operator of an affected source who elects to install a continuous emission monitoring system for cadmium, lead, mercury, or hydrogen chloride as specified in § 60.58b(n), shall maintain the records in paragraphs (n)(1) through (n)(10) of this section and report the information in paragraphs (n)(11) through (n)(12) of this section, relevant to the continuous emission monitoring system:

(1) All required continuous emission monitoring measurements (including monitoring data recorded during unavoidable continuous emission monitoring system breakdowns and out-of-control periods);

(2) The date and time identifying each period during which the continuous emission monitoring system was inoperative except for zero (low-level) and high-level checks;

(3) The date and time identifying each period during which the continuous emission monitoring system was out of control, as defined in § 60.58b(o)(4);

(4) The specific identification (*i.e.*, the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the standard, that occurs during startups, shutdowns, and malfunctions of the affected source;

(5) The specific identification (*i.e.*, the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the standard, that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;

(6) The nature and cause of any malfunction (if known);

(7) The corrective action taken to correct any malfunction or preventive measures adopted to prevent further malfunctions;

(8) The nature of the repairs or adjustments to the continuous emission monitoring system that was inoperative or out of control;

(9) All procedures that are part of a quality control program developed and implemented for the continuous emission monitoring system under § 60.58b(o);

(10) When more than one continuous emission monitoring system is used to measure the emissions from one affected source (*e.g.*, multiple breechings, multiple outlets), the owner or operator shall report the results as required for each continuous emission monitoring system.

(11) Submit to EPA for approval, the site-specific monitoring plan required by § 60.58b(n)(13) and § 60.58b(o), including the site-specific performance evaluation test plan for the continuous emission monitoring system required by § 60.58(b)(o)(5). The owner or operator shall maintain copies of the site-specific monitoring plan on record for the life of the affected source to be made available for inspection, upon request, by the Administrator. If the site-specific monitoring plan is revised and approved, the owner or operator shall keep previous (*i.e.*, superseded) versions of the plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan.

(12) Submit information concerning all out-of-control periods for each continuous emission monitoring system, including start and end dates and hours and descriptions of corrective actions taken, in the annual or semiannual reports required in paragraphs (g) or (h) of this section.

(o) *Additional recordkeeping and reporting requirements for affected facilities with continuous automated sampling systems for dioxin/furan or mercury monitoring.* In addition to complying with the requirements specified in paragraphs (a) through (m) of this section, the owner or operator of an affected source who elects to install a continuous automated sampling system for dioxin/furan or mercury, as specified in § 60.58b(p), shall maintain the records in paragraphs (o)(1) through (o)(10) of this section and report the information in (o)(11) and (o)(12) of this section, relevant to the continuous automated sampling system:

(1) All required 24-hour integrated mercury concentration or 2-week integrated dioxin/furan concentration data (including any data obtained during unavoidable system breakdowns and out-of-control periods);

(2) The date and time identifying each period during which the continuous automated sampling system was inoperative;

(3) The date and time identifying each period during which the continuous automated sampling system was out of control, as defined in § 60.58b(q)(4);

(4) The specific identification (*i.e.*, the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the standard, that occurs during startups, shutdowns, and malfunctions of the affected source;

(5) The specific identification (*i.e.*, the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the standard, that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;

(6) The nature and cause of any malfunction (if known);

(7) The corrective action taken to correct any malfunction or preventive measures adopted to prevent further malfunctions;

(8) The nature of the repairs or adjustments to the continuous automated sampling system that was inoperative or out of control;

(9) All procedures that are part of a quality control program developed and implemented for the continuous automated sampling system under § 60.58b(q);

(10) When more than one continuous automated sampling system is used to measure the emissions from one affected source (*e.g.*, multiple breechings, multiple outlets), the owner or operator

shall report the results as required for each system.

(11) Submit to EPA for approval, the site-specific monitoring plan required by § 60.58b(p)(11) and § 60.58b(q) including the site-specific performance evaluation test plan for the continuous emission monitoring system required by § 60.58(b)(q)(5). The owner or operator shall maintain copies of the site-specific monitoring plan on record for the life of the affected source to be made available for inspection, upon request, by the Administrator. If the site-specific monitoring plan is revised and approved, the owner or operator shall keep previous (*i.e.*, superseded) versions of the plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan.

(12) Submit information concerning all out-of-control periods for each continuous automated sampling system, including start and end dates and hours and descriptions of corrective actions taken in the annual or semiannual reports required in paragraphs (g) or (h) of this section.

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Federal Register

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May 10, 2006

Part III

Department of Housing and Urban Development

Notice of Regulatory Waiver Requests Granted for the Fourth Quarter of Calendar Year 2005; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4997–N–04]

Notice of Regulatory Waiver Requests Granted for the Fourth Quarter of Calendar Year 2005

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on October 1, 2005, and ending on December 31, 2005.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Assistant General Counsel for Regulations, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276,Washington, DC 20410–0500, telephone (202) 708–3055 (this is not a toll-free number). Persons with hearing-or speech-impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the fourth quarter of calendar year 2005.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337) (1991 Policy Statement). This notice covers waivers of regulations granted by HUD from October 1, 2005, Through December 31, 2005. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Panning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about regulatory waivers granted during the period covered by this report (the fourth quarter of calendar year 2005) before the next report is published (the first quarter of calendar year 2006), HUD will include any additional waivers granted for the fourth quarter of 2005 in the first report for 2006.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: May 1, 2006.

Keith E. Gottfried,

General Counsel.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development October 1, 2005, Through December 31, 2005

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory waivers granted by the Office of Community Planning and Development

II. Regulatory waivers granted by the Office of Housing

III. Regulatory waivers granted by the Office of Public and Indian Housing

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person who immediately follows the description of the waiver granted.

- Regulation: 24 CFR 91.105(c)(2)

Project/Activity: The cities of Moss Point, Gulfport, and Biloxi, Mississippi, requested a waiver of § 91.105(c)(2) of the Consolidated Plan regulations (24 CFR part 91), which addresses the public comment period on substantial amendments to consolidated plan action plans.

Nature of Requirement: Section 91.105(c)(2) of HUD's Consolidated Plan regulations requires grantees' citizen participation plans to provide citizens with reasonable notice and an opportunity to comment on substantial amendments to consolidated plan action plans. The regulation requires a period of not less than 30-days to receive comments on substantial amendments before any amendments are implemented.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2005.

Reasons Waived: The cities of Moss Point, Gulfport, and Biloxi were severely impacted by the hurricanes and needed relief from the 30-day comment period to address the sudden needs

caused by hurricane related damage. Given the unexpected nature of this situation, the grantees' consolidated plans did not include activities designed to address these needs and expenses. In order to quickly address these costs, these entitlement grantees sought approval to waive the 30-day public comment period standard in order to amend approved consolidated plans. HUD was unable to totally waive this statutory requirement but the waiver granted reduces the comment period to 10-days.

Contact: Mark Walling, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–1577.

• Regulation: 24 CFR 91.105(c)(2), 24 CFR 91.115(c)(2)

Project/Activity: The states of Alabama, Louisiana Mississippi (and the communities in these states) requested waiver of 24 CFR 91.105(c)(2), 24 CFR 91.115(c)(2) of the Consolidated Plan regulations to reduce public comment period after amendments to consolidated plans.

Nature of requirement: These regulatory provisions require a public comment period of 30 days on amendments to consolidated plan.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 13, 2005.

Reasons Waived: Reducing the public comment period after changes in the consolidated plan from 30 days to 3 days gives these states, devastated by the hurricanes, the flexibility and the ability to streamline their citizen participation process and expedite the provision of relief and disaster recovery assistance. This is a re-issuance of the Hurricane Katrina waivers signed on September 5, 2005 (for Entitlement communities) and September 21, 2005 (for States), making the provision applicable to Hurricane Rita.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Regulation: 24 CFR 91.225(a)(6), 24 CFR 570.903, and a statutory suspension of 42 U.S.C. 12706

Project/Activity: The city of Gulfport, Mississippi, requested a waiver of 24 CFR 91.225(a)(6), 24 CFR 570.903, and a statutory suspension of 42 U.S.C. 12706, regarding jurisdictions that must certify that their housing activities are consistent with their strategic plans.

Nature of Requirement: HUD's Consolidated Plan regulation at 24 CFR 91225(a)(6) and its CDBG regulation at 24 CFR 570.903 require jurisdictions to submit a certification that its housing activities are consistent with its strategic plan.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2005.

Reasons Waived: Since submission of its last five-year consolidated plan, the city of Gulfport's housing and other community development needs suddenly changed due to the impact of Hurricane Katrina. It was determined unreasonable to hold the city to the previously identified needs and the waivers were granted concurrently with the statutory suspension that allows the city of Gulfport to respond to emergency needs without assuring consistency with its strategic plan.

Contact: Mark Walling, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–1577.

• Regulation: 24 CFR 92.300(a)(1)

Project/Activity: The State of Wisconsin's compliance with HOME program requirements.

Nature of Requirements: Section 92.300(a)(1) of the HOME program regulations (24 CFR part 92) permits PJs to award community housing development organizations (CHDOs) to set-aside funds to limited partnerships that include a qualified CHDO as the managing general partner.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: November 9, 2005.

Reasons Waived: The State of Wisconsin sought to permit its CHDOs to use the limited liability corporation (LLC) form of ownership rather than limited partnerships, because it is less expensive to form an LLC. The waiver was granted on the basis of the state's assurances that these CHDOs (or a wholly owned subsidy of these CHDOs) would be the sole managing members of the LLCs, and therefore in compliance with the requirement that CHDOs have effective management control of projects for which they receive CHDO set-aside funds.

Contact: Virginia Sardone, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–2684.

• Regulation: 24 CFR 92.300(a)(1)

Project/Activity: The city of Lake Charles, Louisiana, compliance with the HOME program requirements.

Nature of Requirements: Section 92.300(a)(1) of the HOME program regulations (24 CFR part 92) requires that a PJ reserve not less than 15 percent of each annual allocation for housing owned, sponsored or developed by CHDOs within 24 months after HUD notifies the PJ that HUD has executed the jurisdiction's HOME Investment Partnership Agreement.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2005.

Reasons Waived: Although the city had met its 24-month CHDO reservation requirement, the approved waiver allows the FY 2001–2004 and FY 2007 CHDO reservation requirements to be met as well as ensure that the needed HOME funds are not deobligated. Many of the city's CHDOs are no longer operational due to Hurricane Katrina and the city needed the flexibility to address the rebuilding of its devastated areas as well as adequate time to rebuild its CHDO capacity.

Contact: Ginger Macomber, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–2684.

• Regulation: 24 CFR 570.208(a)(3)

Project/Activity: The city of Minneapolis, Minnesota, requested a waiver of 24 CFR 570.208(a)(3) to allow an owner-occupied multiple building project, to be considered a single structure as is allowed for multiple rental buildings for the purpose of meeting the housing national objective for low- and moderate-income persons.

Nature of Requirements: The national objective regulation of the Community Development Block Grant (CDBG) program at 24 CFR 570.208 (a)(3) generally requires that at least 51 percent of the units in multi-unit residential structures and 100 percent of single-unit residential structures be occupied by low- and moderate-income households.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2005.

Reasons Waived: The granting of the waiver allowed six separate owner-occupied residential buildings to be considered a single structure for

purposes of determining compliance with the national objectives. Completion of the project allows low- and moderate-income households to occupy at least 33 of the 64 units.

Contact: Otis Collins, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–1577.

• Regulation: 24 CFR 570.207(b)(4)

Project/Activity: San Diego County requested a waiver on behalf of the city of Poway, California, regarding income payments to expand the emergency grant payment period.

Nature of Requirements: Section 570.207(b)(4) permits emergency grant payments for a period of up to three consecutive months and these payments must be made to the provider of such items or services on behalf of individuals or families.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: November 21, 2005.

Reasons Waived: Due to a substantial number of Hurricane Katrina evacuees having relocated to the city of Poway, this waiver was granted. The city of Poway is a participating community in San Diego County's CDBG Urban County program. The city requested that the county approve reallocation of $106,167 in CDBG funds to assist a minimum of five families for up to a year with emergency grant payments.

Contact: Michael Kelly, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–1577.

• Regulation: 24 CFR 570.207(b)(1)

Project/Activity: The city of Moss Point, Mississippi, requested a waiver of 24 CFR 570.207(b)(1) regarding the purchase of equipment with CDBG funds.

Nature of Requirement: The CDBG regulation at § 570.207(b)(1) generally prohibits the purchase of equipment with CDBG funds.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2005.

Reasons Waived: The city of Moss Point, like many communities impacted by Hurricane Katrina, did not have a steady source of electricity or other means of power, long after the hurricane. Having generators as a back up to power failures enabled sanitary and water systems to continue to operate and function, reducing the health risk to the community. A waiver of 24 CFR 570.207(b)(1)(iii) permitted the purchase of equipment such as emergency generators for municipal water and sewer facilities to be used for public purposes.

Contact: Mark Walling, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–1577.

• Regulation: 24 CFR 570.207(b)(3)

Project/Activity: The cities of Moss Point and Gulfport, Mississippi, requested a waiver of 24 CFR 570.207(b)(3), concurrent to a statutory suspension of 105(a) of the Housing and Community Development Act of 1974, regarding new housing construction.

Nature of Requirement: Under § 570.207(b)(3), CDBG funds may not be used for the construction of new permanent residential structures or for any program to subsidize or assist new construction directly by grantees.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2005.

Reasons Waived: Given the widespread destruction of housing units, it was determined in the community's best interest to be able to use all potential funding sources to provide new housing units for its residents.

Contact: Mark Walling, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–1577.

• Regulation: 24 CFR 570.208(a)(4)(ii), 24 CFR 570.208(a)(4)(iv)(A)(1) and (B) and (a)(4)(v)

Project/Activity: The city of Gulfport, Mississippi, requested a waiver of 24 CFR 570.208(a)(4)(ii), and 24 CFR 570.208(a)(4)(iv)(A)(1) and (B) and (a)(4)(v), regarding documentation requirements for job creation and retention activities.

Nature of Requirement: The CDBG regulations at 24 CFR 570.208(a)(4)(i) and 24 CFR 570.208(a)(4)(ii) set forth the requirements for demonstrating compliance of benefit to low- and moderate-income persons pursuant to Housing and Community Development Act of 1974. The regulations provide that for job retention, at the time of CDBG assistance, at least 51 percent of the jobs are either: (1) Known to be held by low- and moderate-income persons; or (2) can be expected to turnover within the following two years and be filled by, or made available to, low-or moderate-income persons; and (3) removes the requirement that ''* * * the recipient must document that the jobs would actually be lost without the CDBG assistance * * *'' The provisions of 24 CFR 570.208(a)(4)(iv)(A)(1) and (B) and (a)(4)(v) include criteria that presume low-or moderate-income benefit based on the location of the individual beneficiaries or assisted businesses. For job creation and/or retention activities, in addition to the presumption already allowed, a city may presume any census tract as meeting the criteria of paragraph 24 CFR 570.208(a)(4)(v), if at least 51 percent of the residents of the tract are of low- and moderate-income, according to either the latest low/mod income summary data (LMISD) or a more recent survey.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 2005.

Reasons Waived: The impact of the hurricanes on the city of Gulfport's economy was so severe that the city may presume that jobs would actually be lost from businesses that have been destroyed or whose continued operation is endangered. The Housing and Community Development Act of 1974, describes situations in which jobs may be presumed to principally benefit low- and moderate-income persons. The degree of socioeconomic and physical distress that now exists in Gulfport is functionally equivalent to the degree of distress recognized by the statutory criteria allowing such presumptions.

Contact: Mark Walling, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–1577.

• Regulation: 24 CFR 570.483(b)(4)(ii), 24 CFR 570.483(b)(4)(A)(1) and 24 CFR 570.483(b)(4)(v) and 24 CFR 570.483(b)(1)(v)(D) and 24 CFR 570.483(e)(5)(i)

Project/Activity: The states of Louisiana and Mississippi requested waiver of 24 CFR 570.483(b)(4)(ii) of the job retention requirement.

Nature of Requirement: These regulatory provisions require units of general local government, for job retention activities, to document that either or both of the following conditions apply to at least 51 percent of the jobs at the time CDBG assistance is provided: (1) the jobs are known to be held by low-or moderate-income persons, or (2) the jobs can be expected to turn over within two years and be

filled by or made available to low or moderate income persons upon turnover.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: November 9, 2005.

Reasons Waived: HUD recognized that the impact of the hurricane on the economies of the states of Louisiana and Mississippi (and on individual businesses) was so severe that, absent substantial evidence to the contrary, the states may presume that jobs would actually be lost from businesses that have been put out of operation or whose continued operation is endangered. The Housing and Community Development Act of 1974 describes certain situations in which jobs may be presumed to principally benefit low- and moderate-income persons. The degree of socioeconomic and physical distress that continues to exist in many communities, devastated by the hurricanes, is functionally equivalent to the degree of distress recognized by the statutory criteria allowing such presumptions. Similarly, HUD recognized that the degree of socioeconomic and physical distress that continues to exist in many communities, devastated by the hurricanes, is functionally equivalent to that envisioned by HUD when the community revitalization strategy concept was added to the regulations.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Regulation: 24 CFR 570.484, 24 CFR 91.325(b)(4)(ii)

Project/Activity: The state of Louisiana requested a change to the timeframe needed to demonstrate compliance with 24 CFR 570.484 of the CDBG regulations, and 24 CFR 91.325(b)(4)(ii) of the Consolidated Plan regulations, the requirement that 70 percent of funds must be expended for activities that benefit low- and moderate-income persons.

Nature of Requirement: These regulatory provisions require certification by a state that not less than 70 percent of CDBG will be used for activities that benefit low- and moderate-income persons.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 28, 2005.

Reason Waived: Allowing the state of Louisiana to change the timeframe to demonstrate compliance allowed the state to use a higher percentage of funds for activities meeting the urgent need or slum/blight national objective.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Regulation: 24 CFR 570.486(a)(5), 24 CFR 91.115(b)(3), 24 CFR 91.115(b)(4)

Project/Activity: The state of Louisiana requested waiver of 24 CFR 570.486(a)(5), 24 CFR 91.115(b)(3), and 24 CFR 91.115(b)(4) relating to the length of the public comment period, and the requirement for hearings (including an addition public hearing for its 2006 action plan) prior to the submission of an application to the State. The state of Mississippi requested waiver of 24 CFR 570.486(a)(5), and 24 CFR 91.115(b)(4) regarding the length of the public comment period, and the requirement for hearings prior to the submission of an application to the state.

Nature of Requirement: The regulatory provisions require full citizen participation in the proposed use of CDBG funds, and a 30-day public comment period to allow for changes to the action plan.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 28, 2005, for the state of Louisiana and November 9, 2005, for the state of Mississippi.

Reasons Waived: Reducing the public comment period from 30 days to 3 days gave these states, devastated by hurricanes, the flexibility and the ability to streamline their citizen participation process as well as that of local governments; and permits one public hearing, which still allows for adequate public input.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Regulations: 24 CFR 582.105(e)

Project/Activity: The City of Fort Worth Housing Authority, TX, requests waiver of 24 CFR 582.105(e) of the homeless Shelter Plus Care requirements.

Nature of Requirements: Section 582.105(e) of the Shelter Plus Care regulations states that up to 8 percent of the grant amount may be used to pay the administrative costs of administering housing assistance. Eligible administrative costs include processing rental payments to landlords, examining participant income and family composition, providing housing information and assistance, inspecting units for compliance with housing quality standards, and receiving new participants into the program.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 1, 2005

Reasons Waived: The Fort Worth Housing Authority extended the term the grant to serve homeless households for close to an additional year. The Shelter Plus Care regulations anticipated the 8 percent administrative fee would be spent over a five-year period. In this case, the five-year period has been completed but the ''no-cost'' extension did not provide for any additional administrative costs. The waiver permits an increase in the 8 percent cap to 9.6 percent to allow them to continue to administer the grant for the entire projected term of the extension.

Contact: Mark Johnston, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–4300.

• Statutes and Regulations: 42 U.S.C. 5304(d)(2), 42 U.S.C. 5304(d)(3), and 24 CFR 42.375, 24 CFR 42.350

Project/Activity: The states of Louisiana and Mississippi requested suspension of 42 U.S.C. 5304(d)(2), 42 U.S.C. 5304(d)(3), and waiver 24 CFR 42.375, 24 CFR 42.350 of the one-for-one replacement requirements for low- and moderate-income housing units that are demolished or converted to another use.

Nature of Requirement: These statutory provisions and corresponding regulatory provisions require that one-for-one replacement requirements provisions be adhered for the low- and moderate-income housing units that are demolished or converted to another use.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 28, 2005, for the state of Louisiana and November 9, 2005, for the state of Mississippi.

Reasons Suspended and Waived: These suspensions and waivers were determined necessary to relieve the state

and local governments of requirements that impede disaster recovery, discourage local governments from acquiring, demolishing or rehabilitating disaster-damaged housing and thereby inhibiting recovery efforts designed to address health and safety problems. The waiver still assures uniform and equitable treatment for all such tenants.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Statutes and Regulations: 42 U.S.C. 5304(j) and 24 CFR 570.489(e)(3)

Project/Activity: The states of Louisiana and Mississippi requested suspension of 42 U.S.C. 5304(j) and waiver of 24 CFR 570.489(e)(3) to permit retaining program income at the state level.

Nature of Requirement: This statutory provision and corresponding regulatory provision require units of general local government to return all program income not under contract to the state, allowing the state to manage the allocation of resources to areas of greatest needs.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 28, 2005, for the state of Louisiana and November 9, 2005, for the state of Mississippi.

Reasons Waived: Requiring units of general local governments to return all program income will allow these states, devastated by hurricanes, to manage the allocation of resources to the greatest needs. The waiver only applies to funding not under contract to units of general local government.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Statute: 42 U.S.C. 5305(a)

Project/Activity: The states of Louisiana and Mississippi requested suspension of 42 U.S.C. 5305(a) to permit construction of new housing.

Nature of Requirement: This statutory provision restricts the use of State CDBG for construction of new housing pursuant to section 105(a) of the Housing and Community Development Act of 1974.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 28, 2005, for the state of Louisiana, and November 9, 2005, for the state of Mississippi.

Reason Suspended: Given the widespread destruction of housing units by the hurricanes, it was determined in the best interest of the states to allow them to use all potential funding sources to provide housing units for its residents.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Statute: 42 U.S.C. 5305(a)

Project/Activity: The state of Mississippi requested suspension of 42 U.S.C. 5305(a) to permit the purchase of equipment.

Nature of Requirement: This statutory provision restricts the use of State CDBG funds for the purchase of new equipment pursuant to section 105(a) of the Housing and Community Development Act of 1974.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: November 9, 2005.

Reasons Waived: Many communities impacted by Katrina, well after the hurricanes, did not have a steady source of electricity or other means of power. Using State CDBG funds for the purchase of generators to use, as back up to power failures enabled sanitary and water systems to continue to operate and function reducing the health risk to the community.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Statute: 42 U.S.C. 5305(a)(24)(D) (formerly 42 U.S.C. 5305(a)(25)(D))

Project/Activity: The state of Louisiana requested suspension of 42 U.S.C. 5305(a)(24)(D), which limits downpayment assistance for direct homeownership assistance to low- and moderate-income homebuyers.

Nature of Requirement: This statutory provision places a 50 percent limit to down payment assistance for direct homeownership assistance to low- and moderate-income homebuyers.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 28, 2005.

Reason Suspended: Based on the large number of persons anticipated to need homeownership assistance, it was determined in the best interest of the state to suspend the statute to provide for higher levels of down payment assistance as needed.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, Telephone (202) 708–1322.

• Statute: 42 U.S.C. 5305(a)(8)

Project/Activity: The states of Alabama, Mississippi, and Louisiana requested suspension of 42 U.S.C. 5305(a)(8) of the cap on public services expenditures.

Nature of requirement: This statutory provision places a 15 percent cap on public services expenditure.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 13, 2005.

Reasons Waived: The damage attributable to Hurricane Rita was so great and widespread that it caused an exodus from the declared disaster areas. Addressing the damage caused by the federally declared disaster involved addressing the needs of the population displaced by the disaster. Many of the needs are public services expenses and activities eligible under the CDBG program. This is a re-issuance of the Hurricane Katrina waiver signed on September 5, 2005, making the provision applicable to Hurricane Rita.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Statutes and Regulations: 42 U.S.C. 5306(d)(3)(A), 42 U.S.C. 5306(d)(5), 42 U.S.C. 5306(d)(6); 24 CFR 570.489(a)(1)(i) and 24 CFR 570.489(a)(1)(iii)

Project/Activity: The states of Louisiana and Mississippi requested suspension of 42 U.S.C. 5306(d)(3)(A), 42 U.S.C. 5306(d)(5), 42 U.S.C. 5306(d)(6), and waiver of 24 CFR 570.489(a)(1)(i), 24 CFR 570.489(a)(1)(iii) of the matching funds used for State Administration and the limit for combined State Administrative expenses and technical assistance.

Nature of Requirement: These statutory provisions and corresponding regulatory provisions require that a state must match the amount of funds used for State Administration exceeding $100,000 and adhere to the three percent limit for State Administrative expenses and technical assistance combined. There is a 20 percent overall cap for administrative and technical assistance funds.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 28, 2005, for the state of Louisiana and November 9, 2005, for the state of Mississippi.

Reasons Suspended and Waived: By waiving the State Administration and Technical Assistance costs cap and allowing the use of matched funds for other purposes, HUD assisted the states of Louisiana and Mississippi in administering their program and using funds as best needed in affected communities. The 20 percent overall administrative cap was not waived.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Statues and Regulations: 42 U.S.C. 12705(a)(2), 42 U.S.C. 5304(m), 42 U.S.C. 5306(d)(2)(C)(iii); and 24 CFR 91.10, 24 CFR 91.320(c), 24 CFR 91.320(g)(1), 24 CFR 91.325(b)(2)(iv), 24 CFR 91.325(b)(3), 24 CFR 91.325(b)(2)(v)

Project/Activity: The states of Louisiana and Mississippi requested suspension of 42 U.S.C. 12705(a)(2), 42 U.S.C. 5304(m), 42 U.S.C. 5306(2)(C)(iii), and waiver of 24 CFR 91.10, 24 CFR 91.320(c), 24 CFR 91.320(g)(1), 24 CFR 91.325(b)(2)(iv), 24 CFR 91.325(c)(3), 24 CFR 91.325(b)(2)(v) of the action plan requirements.

Nature of Requirement: These statutory provisions and corresponding regulatory provisions require a state to submit annual action plan and adhere to citizen participation requirements.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 28, 2005, for the state of Louisiana, and November 9, 2005, for the state of Mississippi.

Reasons Suspended and Waived: These suspensions and waivers allowed the states of Louisiana and Mississippi to streamline their 2006 program year action plans and amendments to 2005 action plans, and to expedite the distribution of funds to meet communities' emergency and long-term recovery needs.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

• Statutes and Regulations: 42 U.S.C. 12706 and 24 CFR 91.325(a)(6)

Project/Activity: The states of Louisiana and Mississippi requested suspension of 42 U.S.C. 12706 and waiver of 24 CFR 91.325(a)(6), concerning the strategic plan.

Nature of Requirement: The provisions require that housing activities be consistent with the strategic plan.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: October 28, 2005, for the State of Louisiana and November 9, 2005, for the State of Mississippi.

Reasons Waived: Since the housing and other community development needs of the states suddenly changed due to the aftermath of Hurricanes Katrina and Rita, it was determined unreasonable to expect the states to thoroughly reinventory all of their needs and to finalize new strategies to address those needs. The states needed flexibility to respond to needs as soon as possible.

Contact: Steve Johnson, Director, State and Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 708–1322.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• Regulation: 24 CFR 200.217(a)

Project/Activity: FHA Project 093–13003 North Valley Hospital, Whitefish, Montana.

Nature of Requirement: Electronic submission of previous participation certificate (HUD–2530)

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 9, 2005.

Reason Waived: The lender was not set up timely in the new electronic system. If electronic filing had been required, there would have been a delay of several weeks before initial closing could occur. That delay could have imposed a financial hardship on the hospital by delaying the availability of funding to continue construction and leaving the hospital low on its operating cash on hand. For these reasons, a paper filing was permitted.

Contact: John Whitehead, Director, Program Support Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–0614.

• Regulation: 24 CFR 203.37a (b)(2)

Project/Activity: The Federal Emergency Management Agency (FEMA) declared individual assistance disaster areas affected by Hurricanes Katrina, Rita, and Wilma.

Nature of Requirement: Section 203.37a (b)(2) prohibits properties acquired and subsequently resold by the seller within 90 days of the acquisition from being eligible for FHA mortgage insurance. The restriction was established as one of several measures to avoid price-inflating practices known as property flipping.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner

Date Granted: November 21, 2005.

Reason Waived: Hurricanes Katrina, Rita and Wilma severely damaged or destroyed a significant number of dwellings

Contact: Margaret E. Burns, Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–2121.

• Regulation: 24 CFR 203.371(b) and 203.402(f)(2)

Project/Activity: For areas declared major disasters as a result of Hurricanes Katrina, Rita, and Wilma, there was a

request for waiver of regulation that states that mortgagors must be able to immediately resume full mortgage payments to receive a Partial Claim loss mitigation initiative.

Nature of Requirement: Waivers of the requirements of 24 CFR 203.371(b) allowed victims of Hurricanes Katrina, Rita and Wilma to receive a Mortgage Assistance Initiative (Partial Claim) immediately and did not require the mortgagor to begin making mortgage payments immediately. Those mortgagors that would be deemed eligible had to have had been in an area designated by FEMA as eligible for individual assistance and must have a reasonable basis to show that within 12 months they would have recovered financially and then be able to support full mortgage payments. Waiver of 24 CFR 203.402(g) provides that for mortgages insured on or after November 19, 1992, insurance benefits will include reimbursement for payments made by a mortgage for preserving and protecting a property.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: September 22, 2005.

Reason Waived: The regulatory sections were waived to provide loss mitigation assistance to mortgagors affected by Hurricanes Katrina, Rita and Wilma.

Contact: Leslie Bromer, Asset Management and Disposition, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–1672.

- Regulation: 24 CFR 207.72

Project/Activity: FHA Project 012–10036 St. Luke's-Roosevelt Hospital Center, New York, New York.

Nature of Requirement: Section 207.72 provides that insured project must comply with all applicable building and other governmental codes, ordinances, regulations, and requirements. This requirement includes having the appropriate Certificates of Occupancy.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 20, 2005.

Reason Waived: The regulation was waived in order to allow section 223(a)(7) refinancing to proceed. The refinancing in the amount of $319,555,000 provides the hospital with approximately $10 million per year in additional liquidity in order to avoid a default. It is extremely difficult to keep Certificates of Occupancy current given the workload of the New York City Building Department. The buildings in question have been in use for some time and the items that prevent obtainment of Certificates of Occupancy do not threaten patient safety. The hospital submitted an action plan to obtain all required Certificates, established monthly monitoring by its Board of Trustees to ensure this happens, engaged consultants to assist in obtaining the Certificates, and has escrowed funds to cover permit fees. HUD will monitor progress.

Contact: John Whitehead, Director, Program Support Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–0614.

- Regulation: 24 CFR 236.725

Project/Activity: Bronx, New York (Stevenson Commons—Project Number 012–148NI and 012–11041). The New York Multifamily Hub requested waiver of the rent supplement contract to continue project-based Rental Assistance Payments for this project.

Nature of Requirement: Section 236.725 requires that the rental assistance contract shall be limited to the term of the mortgage or 40 years from the date of the first payment made under the contract, whichever is the lesser.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 5, 2005.

Reason Waived: The waiver was granted for continuation of rental assistance payments (RAP) after the payoff of the original non-insured Section 236 mortgage under a Section 236(e)(2) decoupling transaction. This waiver is predicated on the fact that the decoupling proposal did not request an increase in the Section 236 units, hence the RAP subsidy is not being increased based on this transaction. Further RAP increases shall be based on budget driven project operating cost increases that will not include any new debt service costs attributable to the Decoupling transaction. Further, this waiver is predicated on the project owner entering into a Decoupling Use Restriction Agreement prescribed in the Section 236(e)(2) Decoupling program. There was good cause to waive the requirement because the project will be maintained as an affordable housing resource to the maturity date of the non-insured Section 236 mortgage plus an additional 5 years, through the execution and recording of a Decoupling Use Agreement.

Contact: Beverly J. Miller, Director, Office of Asset Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410–7000; telephone (202) 708–3730.

- Regulation: 24 CFR 236.725

Project/Activity: Jersey City, New York (Unico Towers Apartments—Project Number 031–046NI). The Philadelphia Multifamily Hub requested approval to permit the continuation of Rental Assistance Payments (RAP) after the payoff of the non-insured Section 236 mortgage under a Section 8 Decoupling transaction.

Nature of the Requirement: HUD regulations at 24 CFR part 236 states that the rental assistance contract shall be limited to the term of the mortgage or 40 years from the date of the first payment made under the contract, whichever is lesser.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 5, 2005.

Reason Waived: The waiver of the regulation was approved predicated on the project entering into a recorded use agreement that will restrict it to be operated under the Section 236 program requirements until the maturity date of the original non-insured Section 236 mortgage plus an additional five years. The project would generally terminate the rental assistance program (RAP) subsidy upon the prepayment of the non-insured Section 236 mortgage. Unico Towers is a 202-unit property that receives 190 units of RAP subsidy. The decoupling proposal did not request an increase in the Section 236 units; therefore, the RAP subsidy is not being increased. For these reasons, there is good cause to waive this regulation.

Contact: Beverly J. Miller, Director, Office of Asset Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410; telephone: (202) 708–3730.

- Regulation: 24 CFR 236.725

Project/Activity: Jersey City, New York (Battery View Apartments—Project Number 031–060NI). The Philadelphia Multifamily Hub has requested approval of a waiver of this regulation to permit the continuation of the rental assistance payments (RAP) after the payoff of the non-insured Section 236 mortgage under a Section 236(e)(2) Decoupling transaction.

Nature of the Requirement: HUD regulations at 24 CFR Part 236 states that the rental assistance contract shall be limited to the term of the mortgage or 40 years from the date of the first

payment made under the contract, whichever is lesser.

Granted by: Frank L. Davis, General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

Date Granted: December 5, 2006.

Reason Waived: The General Deputy Assistant Secretary for Housing approved waiver of the regulation predicated on the project entering into a recorded Use Agreement that will restrict it to be operated under the Section 236 program requirements until the maturity date of the original non-insured Section 236 mortgage plus an additional 5 years. The project would generally terminate the RAP subsidy upon the prepayment of the non-insured Section 236 mortgage. Battery View Apartments is a 238-unit property that receives 224 units of RAP subsidy. The Decoupling proposal did not request an increase in the Section 236 units; therefore, the RAP subsidy is not being increased. For these reasons, there is good cause to waive this regulation.

Contact: Beverly J. Miller, Director, Office of Asset Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410; telephone (202) 708–3730.

- Regulation: 24 CFR 291.210

Project/Activity: Request for Authorization for Direct Sale of 7429 Hillsdale, St. Louis, Missouri. The request was received from the Denver Homeownership Center. In June 2004, HUD announced the Homewise Initiative (''Homewise'') as a partnership between the Department and the National Housing Endowment Corporation. The objective was to demonstrate that the public sector and the private sector could work together to revitalize neighborhoods. In March of 2005, HUD and the National Housing Endowment mutually agreed to terminate the Homewise agreement and HUD shifted its focus to the creation of local partnerships in each of the 10 cities to accomplish the original objectives.

Nature of Requirement: Section 291.210 permits direct sales at deep discounts off the list price of properties sold without mortgage insurance to governmental entities and private nonprofit organizations for use in HUD and local housing or homeless programs.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner

Date Granted: December 22, 2005.

Reason Waived: In order to close out ''Homewise'' in St. Louis, the St Louis County, Office of Community Development submitted a request to purchase the subject property from HUD for $1. The County agreed to rehabilitate the property and pay all renovation expenses, including those already expended for lead-based paint removal. The County also agreed to sell the completed home at 50 percent of value to a qualified low- and moderate-income Homewise applicant. The direct sale of this property was determined in the best interest of HUD and resulted in the immediate disposition of the property.

Contact: Wanda Sampedro, Director of the Asset Management and Disposition Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–1672, ext. 2324.

- Regulation: 24 CFR 291.210

Project/Activity: Request for Authorization for Direct Sale of 7106 Avenue ''F;'', Council Bluffs, Iowa. The request was received from the Santa Anna Homeownership Center.

Nature of Requirement: Section 291.210 permits direct sales at deep discounts off the list price of properties sold without mortgage insurance to governmental entities and private nonprofit organizations for use in HUD and local housing or homeless programs.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 20, 2005.

Reason Waived: The city committed to use the property for a civic improvement, construction of a viaduct across the railway corridor that separates the west and east sides of the city. The direct sale of this property was determined in the best interest of HUD and resulted in the immediate disposition of the property. The Department may seek to dispose of properties through direct sales to other individuals or entities that do not meet any of the categories specified in 24 CFR 291.210.

Contact: Wanda Sampedro, Director of the Asset Management and Disposition Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–1672.

- Regulation: 24 CFR 291.210

Project/Activity: Request for Authorization for Direct Sale of 405 9th Avenue SE., Austin MN. The request was received from the Santa Anna Homeownership Center.

Nature of Requirement: Section 291.210 permits direct sales at deep discounts off the list price of properties sold without mortgage insurance to governmental entities and private nonprofit organizations for use in HUD and local housing or homeless programs.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 21, 2005.

Reason Waived: The city committed to use the property for a civic improvement, enlargement of an existing park. The direct sale of this property was determined in the best interest of HUD and resulted in the immediate disposition of the property. In addition, this sale maximized the return to the insurance fund by mitigating the loss associated with the demolition, avoiding the potential of further unidentified conditions with the property and the savings associated with the normal disposition of properties. The Department may seek to dispose of properties through direct sales to other individuals or entities that do not meet any of the categories specified in 24 CFR 291.210.

Contact: Wanda Sampedro, Director of the Asset Management and Disposition Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–1672.

- Regulation: 24 CFR 291.210

Project/Activity: Request for Authorization for Direct Sale of 1563 Rockwood Street, Los Angeles, California. The request was received from the Santa Anna Homeownership Center.

Nature of Requirement: Section 291.210 permits direct sales at deep discounts off the list price of properties sold without mortgage insurance to governmental entities and private nonprofit organizations for use in HUD and local housing or homeless programs.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 21, 2005.

Reason Waived: The property is located in a section of the community that the city has determined to be seriously underserved in the way of green space and recreational facilities. The direct sale of this property allowed the city to develop a neighborhood community park and was determined in the best interest of HUD and resulted in the immediate disposition of the property. In addition, this sale maximized the return to the insurance fund by mitigating the loss associated with the demolition, avoiding the potential of further unidentified conditions with the property and the

savings associated with the normal disposition of properties.

Contact: Wanda Sampedro, Director of the Asset Management and Disposition Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–1672.

• Regulation: 24 CFR 291.210

Project/Activity: Request for Authorization for Direct Sale of 10440 18th Avenue South, Seattle, Washington. The request was received from the Denver Homeownership Center. In June 2004, HUD announced the Homewise Initiative (''Homewise'') as a partnership between the Department and the National Housing Endowment Corporation. The objective was to demonstrate that the public sector and the private sector could work together to revitalize neighborhoods. In March of 2005, HUD and the National Housing Endowment mutually agreed to terminate the Homewise agreement and HUD shifted its focus to the creation of local partnerships in each of the 10 cities to accomplish the original objectives.

Nature of Requirement: Section 291.210 permits direct sales at deep discounts off the list price of properties sold without mortgage insurance to governmental entities and private nonprofit organizations for use in HUD and local housing or homeless programs.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 20, 2005.

Reason Waived: The city of Seattle and its partners, Habitat for Humanity and the Homestead Community Land Trust, agreed to rehabilitate the house, sell it to a low-income family. The direct sale of this property was in the best interest of the secretary and resulted in the immediate disposition of the property.

Contact: Wanda Sampedro, Director of the Asset Management and Disposition Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–1672.

• Regulation: 24 CFR 401.600

Project/Activity: The following projects requested waivers to the 12-month limit at above-market rents (24 CFR 401.600):

FHA No.	Project	State
01257247	Washington Plaza	NY
01735226	Talcott Gardens	CT
03135173	Aspen Temple	NJ
04635520	Miamisburg Manor	OH
06535307	Apple Manor Apartments.	MS
07335226	Hammond Elderly Apartments.	IN
11535245	Castle Manor Apartments.	TX
17144902	Orchard Villa Apartments.	ID

Nature of Requirement: Section 401.600 requires that projects be marked down to market rents within 12 months of their first expiration date after January 1, 1998. The intent of this provision is to ensure timely processing of requests for restructuring and that the properties will not default on their FHA insured mortgages during the restructuring process.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing Federal Housing Commissioner.

Date Granted: November 23, 2005.

Reason Waived: The projects listed above were not assigned to the participating administrative entities (PAEs) in a timely manner or the restructuring analysis was unavoidably delayed due to no fault of the owner.

Contact: Norman Dailey, Office of Affordable Housing Preservation, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–8000; telephone (202) 708–0614, ext.8371.

• Regulation: 24 CFR 401.600

Project/Activity: The following projects requested waivers to the 12-month limit at above-market rents (24 CFR 401.600):

FHA No.	Project	State
01335127	Park Drive Manor II	NY
07344118	Gardenside Terrace Cooperative I.	IN
07344119	Gardenside Terrace Cooperative II.	IN
08535262	JVL #16	MO
05435343	Manning Gardens	SC
01257324	McGee Hill Apartments	NY

Nature of Requirement: Section 401.600 requires that projects be marked down to market rents within 12 months of their first expiration date after January 1, 1998. The intent of this provision is to ensure timely processing of requests for restructuring and that the properties will not default on their FHA insured mortgages during the restructuring process.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 2, 2005.

Reason Waived: The projects listed above were not assigned to the participating administrative entities (PAEs) in a timely manner or the restructuring analysis was unavoidably delayed due to no fault of the owner.

Contact: Norman Dailey, Office of Affordable Housing Preservation, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–0614, ext.8371.

• Regulation: 24 CFR 811.108(a)(3)

Project/Activity: White Plains, New York (Armory Plaza Apartments—Project Number 012–32230). The New York Multifamily Hub requested approval for use of excess bond reserve balances to help finance project repairs, instead of rebating these funds to HUD, as required by regulation.

Nature of Requirement: HUD's regulations at 24 CFR part 811 provide a basis for determining tax exemption of obligations issued by public housing agencies pursuant to Section 11(b) of the U.S. Housing Act of 1937 to refund bonds for Section 8 new construction or substantial rehabilitation projects. Section 811.108(a)(3) requires that upon full payment of the principal and interest on the obligations any funds remaining in the debt service reserve shall be remitted to HUD.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 8, 2005.

Reason Waived: The waiver of this regulation was approved based on information concerning the urgent need for certain repairs at Armory Plaza Apartments from HUD's New York Multifamily Hub. The bonds were issued with HUD approval pursuant to 24 CFR part 8ll to refund prior bonds, which financed construction of Armory Plaza Apartments. Based on the immediate need for brick facade and window replacement, HUD agrees that the remaining bond reserves of 4160,000 should be used for capital improvements to preserve the physical integrity of Armory Plaza Apartments as an affordable housing resource.

Contact: Beverly J. Miller, Director, Office of Asset Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410; telephone (202) 708–3730.

• Regulation: 24 CFR 891.100(d)

Project/Activity: LSS Housing Eau Claire, Eau Claire, WI, Project Number: 075–HD080/WI39–Q031–005.

Nature of Requirement: Section 891.100(d) prohibits amendment of the

amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 5, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Villa Maria II, Birmingham, AL, Project Number: 062–EE064/AL09–S041–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 5, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Ability First Apartments Irvine, Irvine, CA, Project Number: 143–HD011/CA43–Q001–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 5, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: VOA Mora, Mora, MN, Project Number: 092–HD056/MN46–Q021–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 12, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Hemlock Nob Estates, Tannersville, NY, Project Number: 014–EE209/NY06–S011–008.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 12, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Windham Willows, Windham, NY, Project Number: 014–EE210/NY06–S011–009.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 12, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Faith Residence Apartments, Belle Plaine, MN, Project Number: 092–HD059/MN46–Q021–004.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 2, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Tri Cities Terrace South, Richland, WA, Project Number: 171–HD014/WA19–Q041–005.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 3, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Sierra Gateway Senior Residence, Fresno, CA, Project Number: 121–EE169/CA39–S031–006.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 9, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Village at Ascension Heights, Worcester, MA, Project Number: 023–EE168/MA06–S031–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 9, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: San Lorenzo Terrace, Tampa, FL, Project Number: 067–EE131/FL29–S041–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 10, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Abilities at English Park, Inc., Melbourne, FL, Project Number: 067–HD095/FL29–Q041–002.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 16, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: St. Matthew Manor, Raynel, LA, Project Number: 064–HD081/LA48–Q031–007.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: St. Mary Magdalene Apartments, New Iberia, LA, Project Number: 064–EE156/LA48–S031–010.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Oberlin—VOA Living Center, Oberlin, LA, Project Number: 064–HD080/LA48–Q031–006.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Mosaic Housing VII, Osceola, IA, Project Number: 074–HD025/IA05–Q031–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Spruce Street Golden Manor, Nashville, TN, Project Number: 086–EE054/TN43–S041–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 8, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Fayette Hills Unity, Oak Hill, WV, Project Number: 045–HD033/WV15–Q011–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 9, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Montgomery Manor, Sardinia, OH, Project Number: 046–HD031/OH10–Q041–004.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 9, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d)

Project/Activity: Malm Manor, Pawtucket, RI, Project Number: 016–HD044/RI43–Q031–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 14, 2005.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d) and 24 CFR 891.165

Project/Activity: NCR of Oak Creek II, East Brunswick, NJ, Project Number: 031–EE062/NJ39–S031–005.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 28, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner required additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d) and 24 CFR 891.165

Project/Activity: Haight Street Senior Housing, San Francisco, CA, Project Number: 121–EE165/CA39–S031–002.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 15, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner required additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d) and 24 CFR 891.165

Project/Activity: Elm Court II, Princeton, NJ, Project Number: 035–EE048/NJ39–S031–004.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 18, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner needed additional time to secure amendment funds.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d) and 24 CFR 891.165

Project/Activity: AHEPA—Bluewater NW, Albuquerque, NM, Project Number: 116–EE032/NM16–S031–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 30, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to

obtain additional funding from other sources. The sponsor/owner needed additional time to secure amendment funds.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d) and 24 CFR 891.165

Project/Activity: VOA Garland, Garland, TX, Project Number: 113–EE027/TX21–S021–005.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner needed additional time to secure amendment funds.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d) and 24 CFR 891.165

Project/Activity: Pear Grove, Houston, TX, Project Number: 114–HD027/TX24–Q031–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner needed additional time to secure amendment funds.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d). and 24 CFR 891.165

Project/Activity: Haley's Park, Nashville, TN, Project Number: 086–HD033/TN033–Q031–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 7, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner needed additional time to secure amendment funds.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d). and 24 CFR 891.165

Project/Activity: Point Church Place, Memphis, TN, Project Number: 081–HD018/TN40–Q021–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 7, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner needed additional time to secure amendment funds.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d). and 24 CFR 891.165

Project/Activity: The Upper Rooms, Pittsburgh, PA, Project Number: 033–EE114/PA28–S031–002.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 14, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d). and 24 CFR 891.165

Project/Activity: Woodlands Elder Housing, The Woodlands, TX, Project Number: 114–EE106/TX24–S031–005.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 16, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner needed

additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d) and 24 CFR 891.165

Project/Activity: San Antonio VOA Elderly Housing, San Antonio, TX, Project Number: 115–EE067/TX59–S031–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 22, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d).and 24 CFR 891.165

Project/Activity: San Antonio VOA Living Center, San Antonio, TX, Project Number: 115–HD040/TX59–Q031–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 22, 2005.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Windham Willows, Windham, NY, Project Number: 014–EE210/NY06–S011–009.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 5, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Unity Gardens Senior Apartments, Windham, ME, Project Number: 024–EE053/ME36–S001–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 6, 2005.

Reason Waived: The sponsor/owner needed additional time to finalize some legal documents.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Volunteers of America, Mora, Mora, MN, Project Number: 092–HD056/MN46–Q021–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 11, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Point Church Place, Memphis, TN, Project Number: 081–HD018/TN40–Q021–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 12, 2005.

Reason Waived: The Sponsor/owner needed additional time to issue the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Cecilian Village, Philadelphia, PA, Project Number: 034–EE121/PA26–S021–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 12, 2005.

Reason Waived: The sponsor/owner needed additional time to resolve issues with the survey of the parcel and the local municipality.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Nanaikeola Senior Apartments, Waianae, HI, Project Number: 140–EE019/HI10–S991–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 19, 2005.

Reason Waived: Additional time was needed to secure secondary financing and to issue the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Vernon Senior Housing, Vernon, VT, Project Number: 024–EE068/VT36–S021–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 19, 2005.

Reason Waived: Additional time was needed to drill and test three wells in order to receive a permit under the State of Vermont's Act 250.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Gulfport Manor, Gulfport, MS, Project Number: 065–EE031–MS26–S001–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 26, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Harvey II, Harvey, IL, Project Number: 071–EE174/IL06–S021–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 27, 2005.

Reason Waived: Additional time was needed to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Whalley Avenue Housing II, New Haven, CT, Project Number: 017–HD031/CT26–Q01–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 27, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Victor Hernandez Building, Aguadilla, PR, Project Number: 056–EE045/RQ46–S021–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 27, 2005.

Reason Waived: Additional time was needed to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project Activity: Gardens at Immanuel House, New Haven, CT, Project Number: 017–EE071/CT26–S021–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 27, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project Activity: Woonsocket Neighborhood Development, North Smithfield, RI, Project Number: 016–EE046/RI43–S021–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 2, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Barnes School Elderly Housing, East Boston, MA, Project Number: 023–EE153/MA06–S021–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 3, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project Activity: Green Garden Apartments, Lockport, IL, Project Number: 071–HD129/IL06–Q021–009.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 8, 2005.

Reason Waived: The sponsor/owner needed additional time to select a new contractor and to submit the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project Activity: Sahara Senior Villas, Hemet, CA, Project Number: 143–EE054/CA43–S031–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 9, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: St. George Housing Corporation, Superior, WI, Project Number: 075–HD074/WI39–Q021–005.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 10, 2005.

Reason Waived: The sponsor/owner needed additional time to process the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Residence Connection a/k/a Wood County Village, Bowling Green, OH, Project Number: 042-HD111/OH12-Q021–009.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 15, 2005.

Reason Waived: The sponsor/owner needed additional time to resolve concerns prior to initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Fox Creek II, Akron, OH, Project Number: 042–HD116/OH12–Q031–005.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 15, 2005.

Reason Waived: The sponsor/owner needed additional time to submit the firm commitment application after site change approval.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Fox Creek I, Akron, OH, Project Number: 042–HD117/OH12–Q031–006.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 15, 2005.

Reason Waived: The sponsor/owner needed additional time to submit the firm commitment application after site change approval.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Goodman Lake Housing Corporation, Richland Center, WI, Project Number: 075–EE126/WI39–S031–006.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 16, 2005.

Reason Waived: The sponsor/owner needed additional time to submit the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Pensacola Retirement Village IV, Pensacola, FL, Project Number: 063–EE035/FL29–S031–014.

Nature of Requirement: Section 891.165 provides that the duration of

the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 16, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Providence Senior Housing, San Francisco, CA, Project Number: 121–EE164/CA39–S031–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 17, 2005.

Reason Waived: The sponsor/owner needed additional time to select a new contractor.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Mar Vista House, Oceanside, CA, Project Number: 129–HD027/CA33–Q021–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 17, 2005.

Reason Waived: The sponsor/owner needed additional time to submit the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Hungry Run Housing Corporation, Rib Lake, WI, Project Number: 075–Ee124/WI39–S031–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 18, 2005.

Reason Waived: The sponsor/owner needed additional time to achieve initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Marshall Road, Wellesley, MA, Project Number: 023–HD181/MA06–Q011–009.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 21, 2005.

Reason Waived: The sponsor/owner needed additional time to resolve some funding issues.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Harvey II, Harvey, IL, Project Number: 071–EE174/IL06–S021–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 21, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Cedars II, Methuen, MA, Project Number: 023–EE109/MA06–S991–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 21, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: McDowell County Housing Action Network, War, WV, Project Number: 045–Ee015/WV15–S011–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 21, 2005.

Reason Waived: The sponsor/owner needed additional time to revise plans and specifications to lower construction cost.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: LSS Housing Eau Claire, Eau Claire, WI, Project Number: 075–HD080/WI39–Q031–005.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 21, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Laurel Place, West Hollywood, CA, Project Number: 122–EE187/CA16–S031–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 21, 2005.

Reason Waived: The sponsor/owner needed additional time to secure approval from the planning commission.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Del-Mor Dwellings, Bucyrus, OH, Project Number: 042–HD113/OH12–Q031–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 23, 2005.

Reason Waived: The sponsor/owner needed additional time to submit the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: TBD, West Allis, WI, Project Number: 075–EE127/WI39–S031–007.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 30, 2005.

Reason Waived: The sponsor/owner needed additional time to secure another site.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Harvard Square, Irvine, CA, Project Number: 143–HD011/CA43–Q001–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 1, 2005.

Reason Waived: The sponsor/owner needed additional time to reprocess the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Delta Partners Manor II, Drew, MS, Project Number: 065–EE041/MS26–S031–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 1, 2005.

Reason Waived: The sponsor/owner needed additional time to submit the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Woodside Village, Toledo, OH, Project Number: 042–HD112/OH12–Q031–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The sponsor/owner needed additional time to reprocess the firm commitment application and to receive an answer from Asset Management regarding a partial release of security.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Wills Manor, Los Angeles, CA, Project Number: 122–HD161/CA16–Q031–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Grace Manor, Inglewood, CA, Project Number: 122–HD159/CA16–Q031–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: VOA Sandusky, Sandusky, OH, Project Number: 042–HD110/OH12–Q021–008.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 6, 2005

Reason Waived: The sponsor/owner needed additional time to select another contractor and for HUD to reprocess the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Meadowlark Apartments, Oregon City, OR, Project Number: 126–HD038/OR16–Q031–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 7, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Sierra Gateway Senior Residence, Fresno, CA, Project Number: 121–Ee169/CA39–S031–006.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 7, 2005.

Reason Waived: The sponsor/owner needed additional time to receive approval from the City of Fresno regarding the split of a lot.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Allies Homes, Brick, NJ, Project Number: 035–HD054/NJ39–Q031–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 7, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: McTaggert II, Akron, OH, Project Number: 02–HD096/OH12–Q011–006.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 7, 2005.

Reason Waived: The sponsor/owner needed additional time due to site change.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Olgonikgum Uttuganaknich Senior Housing, Wainwright, AK, Project Number: 176–EE031/AK06–S021–006.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 8, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Tikagaqmiut Senior Housing, Point Hope, AK, Project Number: 176–EE029/AK06–S021–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 8, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Utuqqanaaqagvik Senior Housing, Nuiqsut, AK, Project Number: 176–EE033/AK06–S021–008.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 8, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Aaniyak Senior Housing, Anaktuvuk Pass, AK, Project Number: 176–EE030/AK06–S021–005.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 8, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Kaktovik Senior Housing, Kaktovik, AK, Project Number: 176-EE032/AK06-S021–007.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 9, 2005.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Providence Place, Salem, OR, Project Number: 126–Ee049/OR16–S031–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 12, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Anixter Village, Chicago, IL, Project Number: 071–HD128/IL06–Q021–006.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 12, 2005.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Cheyenne Senior Housing, Inc., Cheyenne, WY, Project Number: 109–Ee012/WY99–S031–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 16, 2005.

Reason Waived: The sponsor/owner needed additional time to submit corrections to the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Cleveland Christian Home II, Cleveland, OH, Project Number: 042–HD115/OH12–Q031–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 20, 2005.

Reason Waived: The sponsor/owner needed additional time to secure a new contractor.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Independence IV Consumer Home, Delran, NJ, Project Number: 035–HD055/NJ39–Q031–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 20, 2005.

Reason Waived: The sponsor/owner needed additional time to issue the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Guadalupe I & II, Austin, TX, Project Number: 115–HD041/TX59–Q031–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 20, 2005.

Reason Waived: The sponsor/owner needed additional time to secure amendment funds.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: SHDC No. 11, Kaneohe, HI, Project Number: 140–HD029/HI10–Q031–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 21, 2005.

Reason Waived: The sponsor/owner needed additional time due to a site change.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Donald W. Kent Residences, Northlake, IL, Project Number: 071–EE187/IL06–S031–009.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 21, 2005.

Reason Waived: The sponsor/owner needed additional time due to legal issues.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Faith Residence Apartments, Belle Plaine, MN, Project Number: 092–HD059/MN46–Q021–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 21, 2005.

Reason Waived: The sponsor/owner needed additional time to issue the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Somerset 2003 Consumer Home, Green Brook Twp., NJ, Project Number: 031–HD136/NJ39–Q031–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 22, 2005.

Reason Waived: The sponsor/owner needed additional time due to a site change.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: NJCDC Supportive Housing 2002, Hawthorne, NJ, Project Number: 031–HD135/NJ39–Q021–005.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 22, 2005.

Reason Waived: The sponsor/owner needed additional time to issue the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Columbia Supportive Living, Knowlton, NJ, Project Number: 031–HD131/NJ39–Q021–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 22, 2005.

Reason Waived: The sponsor/owner needed additional time to secure approval from the New Jersey Department of Environmental Protection and to complete the septic system design.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: AHEPA 296 Apartments, Pensacola, FL, Project Number: 063–EE032/FL29–S031–007.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 22 2005.

Reason Waived: The sponsor/owner needed additional time to rebid the construction contract.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: The Arc of Cape May Housing, Woodbine (Eldora), NJ, Project Number: 035–HD053/NJ39–Q031–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 22, 2005.

Reason Waived: The sponsor/owner needed additional time to issue to the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165

Project/Activity: Sanchez Project, Middlebury, VT, Project Number: 024–HD044/VT36–Q031–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 23, 2005.

Reason Waived: The sponsor/owner needed additional time to issue the firm commitment application.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.170

Project/Activity: Vernon Senior Housing, Vernon, VT, Project Number: 024–EE068/VT36–S021–002.

Nature of Requirement: Section 891.170 provides that the capital advance shall bear no interest and its repayment shall not be required as long as the housing project remains in continued operation for not less than 40 years and remains available for very low-income elderly families or persons with disabilities.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 19, 2005.

Reason Waived: The waiver was granted to permit HUD's mortgage to be subordinate to VHFA's Deed of Trust provided that HUD's Use Agreement and Regulatory Agreement are recorded prior to VHFA's Deed of Trust.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–3000.

• Regulation: 24 CFR 891.410(c)

Project/Activity: Waukesha, Wisconsin (Sunset Heights—Project Number 075–EE036). The Milwaukee Multifamily Program Center requested a waiver of the age and income requirements for the project to alleviate occupancy problems at the property.

Nature of Requirement: HUD regulations at 24 CFR 891 require occupancy to be limited to Very Low Income (VLI) elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy). The regulations also require that an owner is to determine the eligibility in selecting tenants.

Granted By: Brian D. Montgomery, General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 19, 2005.

Reason Waived: The granting of this regulatory waiver allowed the project owner flexibility in renting up vacant units to individuals who meet the definition of non elderly (persons between the ages of 55 and 62 years). With these efforts, the owner was able to achieve full occupancy and avoid financial hardship.

Contact: Beverly J. Miller, Director, Office of Asset Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410–7000; telephone (202) 708–3730.

• Regulation: 24 CFR 891.410(c)

Project/Activity: Wingo, Kentucky (Wingo Elderly Housing-Project Number 083–EE066). The Louisville Multifamily Program Center requested an age and income waiver for the subject project because the current occupancy level will not support the project.

Nature of Requirement: HUD regulations at 24 CFR 891 requires occupancy to be limited to Very Low Income (VLI) elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy). The regulations also require that an owner is to determine the eligibility in selecting tenants.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 22, 2005.

Reason Waived: The granting of the regulatory waiver allowed flexibility in renting up this Section 202/8 Supportive Housing for the Elderly project, with a Project Rental Assistance Contract (PRAC). This 12-unit property is located in the small community of Wingo, Kentucky. Full occupancy had not been attained despite the management agent's extensive outreach and marketing efforts to attract eligible individuals. Waiver of the elderly and very-low income requirement alleviated the current occupancy and financial problems at the property.

Contact: Beverly J. Miller, Director, Office of Asset Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410–7000; telephone (202) 708–3730.

• Regulation: 24 CFR 891.410(c)

Project/Activity: Wilbraham, Massachusetts (Falcon Housing a.k.a. Falcon Knoll). The Boston Multifamily Hub requested a waiver of the very-low income requirement for five residents of the subject property.

Nature of Requirement: HUD regulations at 24 CFR part 891 require occupancy to be limited to Very Low Income (VLI) elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy). The regulations also require that an owner is to determine the eligibility in selecting tenants.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: An exception was granted to the very-low income requirement for five residents who were admitted to the property on initial rent-up. A consultant was hired to process rental applications and they erroneously used adjusted income to determine five applicant's very-low income eligibility. It was later discovered this was incorrect and the practice was stopped. The five over-income applicants now reside at Falcon Housing. They are listed as low-income tenants. If the waiver had not been granted, the owner would have been required to remove the tenants from their units. Also, there are not a sufficient number of very-low income applicants. This approval enabled the owner to receive PRAC assistance for the five very-low tenants and assist in the continued viability of this new project. This waiver is for the subject property only and may not be applied to additional properties without consulting Housing Headquarters.

Contact: Beverly J. Miller, Director, Office of Asset Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410–7000; telephone (202) 708–3730.

• Regulation: 24 CFR 891.410(c)

Project/Activity: Rhinelander, Wisconsin (Sumac Trail Apartments—Project Number 075–HD050. The Milwaukee Multifamily Program Center requested a waiver of the age and very-low income requirement for the subject property due to occupancy problems.

Nature of Requirement: HUD regulations at 24 CFR 891 requires occupancy to be limited to Very Low Income (VLI) elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy).

The regulations also require that an owner is to determine the eligibility in selecting tenants.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The granting of the waiver of the very-low income requirement alleviated the current occupancy problem. The occupancy level would not have supported the operations of the project. Management continued to aggressively advertise and market the property to no avail. The granting of the waiver allowed the owner additional flexibility in attempting to rent vacant units and perhaps start a waiting list.

Contact: Beverly J. Miller, Director, Office of Asset Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6l60, Washington, DC 20410–7000; telephone (202) 708–3730.

• Regulation: 24 CFR 891.410(c)

Project/Activity: Warden, Washington (Fairview Senior Housing-Project Number 171–EE009). The Northwest/Alaska Multifamily Hub requested waiver of the age and income restriction for the subject Section 202/8 Supportive Housing for the Elderly project with a Project Rental Assistance Contract (PRAC).

Nature of Requirement: HUD regulations at 24 CFR part 891 require occupancy to be Limited to Very Low Income (VLI) elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy). The regulations also require that an owner is to determine the eligibility in selecting tenants.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2005.

Reason Waived: The granting of a waiver of the age and income restriction was determined appropriate because the project had experienced occupancy problems since initial rent-up in August 1998. The project was operating at a 55 percent vacancy rate. When this project was first built there was a clinic and drugstore located nearby; however, both businesses are now closed. The lack of clinical facilities and a pharmacy make the area surrounding the property unattractive to the elderly. The closest medical facility or pharmacy is located 20 miles from the property. Waiver of the age and income restrictions alleviated the occupancy problems the project was experiencing and helped the property achieve full occupancy.

Contact: Beverly J. Miller, Director, Office of Asset Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6l60, Washington, DC 20410–7000; telephone (202) 708–3730.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• Regulation: 24 CFR part 5 and 24 CFR Chapter IX

Project/Activity: The PHAs identified in Table 1, are all located within a presidentially declared disaster area as a result of damages caused by Hurricane Katrina or Hurricane Rita, or both, and each PHA notified HUD of the need for one or more regulatory waivers made available to PHAs in Hurricane Katrina and Hurricane Rita disaster areas by two **Federal Register** notices. The first notice is ''Regulatory and Administrative Waivers Granted for Public and Indian Housing Programs to Assist with Recovery and Relief in Hurricane Katrina Disaster Areas,'' signed September 27, 2005, and published in the **Federal Register** on October 3, 2005 (70 FR 57716), and the second notice is ''Regulatory and Administrative Waivers Granted for Public and Indian Housing Programs to Assist with Recovery and Relief in Hurricane Rita Disaster Areas; and Additional Administrative Relief for Hurricane Katrina,'' signed October 25, 2005, and published in the **Federal Register** on November 1, 2005 (70 FR 66222):

Nature of Requirements: The two **Federal Register** notices provided for waiver of the following regulations in 24 CFR part 5 and 24 CFR Chapter IX for those PHAs in the disaster areas that notified HUD through a special waiver request process designed to expedite both the submission of regulatory requests to HUD and HUD's response to the request.

1. 24 CFR 5.216(g)(5) (Disclosure and Verification of Social Security and Employer Identification Numbers);

2.24 CFR 5.512(c) (Verification of Eligible Immigration Status; Secondary Verification);

3. 24 CFR 5.801(c) and 5.801(d) (Uniform Financial Reporting Standards (UFRS));

4. 24 CFR 902 (Public Housing Assessment System (PHAS));

5. 24 CFR 903.5 (Annual Plan Submission Deadline);

6. 24 CFR 905.10(i) (Capital Fund Formula; Limitation of Replacement Housing Funds to New Development);

7. 24 CFR 941.306 (Maximum Project);

8. 24 CFR 965.302 (Requirement for Energy Audits);

9. 24 CFR 982.54 (Administrative Plan);

10. 24 CFR 982.206 (Waiting List; Opening and Public Notice);

11. 24 CFR 982.401(d) (Housing Quality Standards; Space Requirements);

12. 24 CFR 982.503(b) (Waiver of payment standard; Establishing Payment Standard; Amounts);

13. 24 CFR 984.303 (Contract of Participation; Family Self-Sufficiency (FSS) Program; Extension of Contract) and 24 CFR 984.105 (Minimum Payment Size);

14. 24 CFR part 985 (Section 8 Management Assessment Program (SEMAP)); and

15. 24 CFR 990.145 (Dwelling Units with Approved Vacancies).

Both **Federal Register** notices described the regulatory requirement in detail and the period of suspension or alternative compliance date.

Granted By: Roy A. Bernardi, Deputy Secretary by the October 3, 2005, and November 1, 2005, **Federal Register** notices.

Date Granted: Please refer to Table 1. Table 1 identifies PHAs that have requested and were granted the regulatory waivers made available through the two **Federal Register** notices. The table identifies by number (as listed in the **Federal Register** notices) the regulatory waivers granted to each PHA and also identifies whether the PHA was located in a Hurricane Katrina or Hurricane Rita disaster area, or both.

Reason waived: The regulations waived in the October 3, 2005, and November 1, 2005, **Federal Register** notices were waived to facilitate the delivery of safe and decent housing under HUD's Public Housing programs to families and individuals that were displaced from their housing as a result of the hurricanes.

Contacts: Reference the items numbers with the items identified in the aforementioned ''Nature of Requirements'' section for the following contacts:

• Requirements 1, 2 and 8—Patricia S. Arnaudo, Director, Public Housing Management and Occupancy Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street,

SW., Room 4222, Washington, DC 20410–5000, telephone (202) 708–0744;

• Requirements 3, 4 and 15—Wanda F. Funk, Senior Advisor, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410–5000, telephone (202) 475–8736;

• Requirement 5—Merrie Nichols-Dixon, Division Director, Compliance and Coordination Division, Office of Field Operations, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4112, Washington, DC 20410–5000, telephone (202) 708–4016.

• Requirements 6 and 7—William C. Thorson, Director, Capital Fund Division, Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4146, Washington, DC 20410–5000, telephone (202) 708–1640;

• Requirements 9–14—Alfred C. Jurison, Director, Housing Voucher Management and rations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410–5000, telephone (202) 708–0477.

TABLE 1

PHA Code	PHA name and hurricane disaster area (K) and (R) indicate whether the PHA was located in hurricane Katrina or Rita disaster area or both	Regulatory waivers granted	Date acceptable notification received
LA001	Housing Authority of New Orleans (K)	1 through 15	10/21/05
LA003	East Baton Rouge Parish Housing Authority (K)	15	10/27/05
LA004	Lake Charles Housing Authority (K) (R)	1–4, 8–15	11/22/05
LA005	Lafayette Parish Housing Authority (K)	1 through 15	10/12/05
LA011	Westwego Housing Authority (K)	2, 3, 4, 15	11/29/05
LA012	Housing Authority of Kenner (K)	1–5, 9–11, 15	11/2/05
LA013	Jefferson Parish Housing Authority (K)	1–5, 8–15	10/21/05
LA024	Bogalusa Housing Authority (K)	4, 8, 14	10/6/05
LA026	Kaplan Housing Authority (K) (R)	4	11/21/05
LA029	Crowley Housing Authority (K) (R)	1 through 15	10/12/05
LA036	Morgan City Housing Authority (K) (R)	3, 4, 8, 11, 14, 15	11/30/05
LA043	Donaldsonville Housing Authority (K)	1, 2, 5, 8, 14	10/5//05
LA070	Housing Authority of the Town of Patterson (K) (R)	3, 4	10/18/05
LA076	Ferriday Housing Authority (K)	4	12/30/05
LA080	Housing Authority of Lafourche Parish (K) (R)	1–3, 8–11, 13, 14	11/16/05
LA090	Houma-Terrebonne Housing Authority (K) (R)	4, 5, 8	11/4/05
LA090	Houma-Terrebonne Housing Authority (K) (R)	6, 7	12/5/05
LA092	St. James Parish Housing Authority (K)	1, 4, 8, 9, 10	11/29/05
LA094	St. Charles Parish Housing Authority	3, 4, 11	11/9/05
LA095/LA181	Housing Authority of St. John the Baptist Parish (K)	1–5, 8, 9, 12, 14, 15	10/21/05
LA103/LA254	Slidell Housing Authority (K)	5, 9	12/12/05
LA122	Colfax Housing Authority (K)	3, 4	12/21/05
LA132	Avoyelles Parish Section 8 Program (K)	5, 9–14	10/3/05
LA215	Assumption Parish Police Jury (K)	1, 9, 10, 14	11/4/05
LA253	Housing Authority of Lafourche Parish (K) (R)	1, 2, 9, 11, 13, 14	11/16/05
LA262	East Carroll Parish Housing Authority (K)	3, 4	10/18/05
LA889	Pilgrim Rest Community Development Agency (K)	1–3, 9–14	12/6/05
MS001	Hattiesburg Housing Authority (K)	4, 8	10/21/05
MS002	City of Laurel Housing Authority (K)	1–6, 10	10/18/05
MS002	City of Laurel Housing Authority (K)	5	11/02/05
MS003	The Housing Authority of the City of McComb City, Mississippi (K)	1–8, 9–12, 15	10/13/05
MS005	Biloxi Housing Authority (K)	1 through 15	10/11/05
MS030	MS Regional Housing Authority No. V (K)	1–4, 8–15	11/22/05
MS040	Mississippi Regional Housing Authority No. VIII (K)	1 through 15	10/20/05
MS047	The Housing Authority of the City of Starkville, Mississippi (K)	4	11/9/05
MS057	Mississippi Regional Housing Authority No. VII (K)	1, 13, 14	10/7/05
MS058	Mississippi Regional Housing Authority No. VI (K)	3, 4, 11, 14	11/7/05
MS061	Canton Housing Authority (K)	1, 4	10/17/05
MS064	Bay St. Louis Housing Authority (K)	1–6, 8–11, 14	10/10/05
MS066	Picayune Housing Authority (K)	4, 5	11/30/05
MS071	Aberdeen Housing Authority (K)	3, 4, 15	10/25/05
MS077	Tupelo Housing Authority (K)	1, 4	10/20/05
MS082	Winona Housing Authority (K)	1, 3, 4, 15	11/18/05
MS084	Housing Authority of the Town of Summit (K)	1–8, 10–12, 15	10/13/05
MS094	Hazlehurst Housing Authority (K)	1, 4, 5, 8, 15	11/7/05
MS101	Waveland Housing Authority (K)	1–4, 6–8, 15	10/6/05
MS103	The Housing Authority of the City of Jackson, Mississippi (K)	1–4, 8–13, 15	10/13/05
MS107	Greenwood Housing Authority (K)	1–5, 9–11	10/6/05
TX004	Fort Worth Housing Authority (R)	1–3, 9–11, 14	11/15/05
TX005	Housing Authority of the City of Houston (R)	1, 2, 4–6, 8, 9, 11, 13–15	10/18/05
TX009	The Housing Authority of the City of Dallas, Texas (R)	1, 2, 7, 11, 15	11/01/05
TX023	Housing Authority of the City of Beaumont (R)	1, 2–8, 13–15	10/19/05
TX034	City of Port Arthur Housing Authority (R)	1, 3,4, 8–11, 13, 14	11/28/05
TX037	Orange Housing Authority (R)	1, 3, 4, 11, 14, 15	11/29/05
TX383	San Augustine Housing Authority (R)	1 through 15	12/6/05

TABLE 1—Continued

PHA Code	PHA name and hurricane disaster area (K) and (R) indicate whether the PHA was located in hurricane Katrina or Rita disaster area or both	Regulatory waivers granted	Date acceptable notification received
TX431	Tarrant County Housing Assistance Office (R)	1–3, 9–11, 14	11/28/05
TX436	City of Mesquite Housing Authority (R)	14	11/23/05
TX512	Deep East Texas Council of Governments (DETCOG) Regional Housing Authority (R).	3, 9–11,14	10/25/05
TX526	Brazos Valley Council of Governments (R)	1, 2, 9–11, 13, 14	11/16/05
TX540	Brenham Section 8 Program, City of (BVDC) (R)	1, 2, 9–11, 13, 14	11/16/05

• Regulation: 24 CFR Part 5 and Part 266

Project/Activity: Housing Authority of Richland (WA065), Richland, WA.

Nature of Requirement: The regulations in 24 CFR part 5 and part 266 establish certain reporting compliance dates. The audited financial statements are required to be submitted no later than nine months after the housing authority's fiscal year end in accordance with the Single Audit Act and OMB Circular A–133.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: December 15, 2005.

Reason Waived: The housing authority requested a waiver extension of 90 days to submit the Section 8 Housing Choice Voucher Program audited financial data. The audited submission was due on September 30, 2005, for the fiscal year ending December 31, 2004, but due to difficulties with the financial reporting portion of its software program, and resolution of the problems with the vendor, the housing authority was unable to submit its audited financial data by the due date.

Contact: David R. Ziaya, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8574

• Regulation: 24 CFR 902.20

Project/Activity: City of Daytona Beach Housing Authority (FL007), Daytona Beach, FL.

Nature of Requirement: Section 902.20 provides for a determination of whether a housing authority is meeting the standard of decent, safe, sanitary, and in good repair. The Real Estate Assessment Center provides for an independent physical inspection of a housing authority's property or properties that includes a statistically valid sample of the units.

Granted By: Paula O. Blunt, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: November 4, 2005.

Reason Waived: Three different hurricanes caused extensive damage to the properties of the City of Daytona Beach Housing Authority on August 14, September 5, and September 26, 2004. The housing authority submitted and received approval of a waiver on January 28, 2005, for fiscal year ending June 30, 2005. However, due to high estimates to repair the damages, the housing authority had to re-bid the work multiple times. This action caused a delay resulting in repairs that are not expected to be complete until September 2006. The housing authority requested and received approval waiving physical inspections for fiscal year 2006. Physical inspections will resume for the fiscal year ending June 30, 2007, assessment cycle.

Contact: David R. Ziaya, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8574.

• Regulation: 24 CFR 902.20

Project/Activity: DeLand Housing Authority (FL072), DeLand, FL.

Nature of Requirement: Section 902.20 provides for a determination of whether a housing authority is meeting the standard of decent, safe, sanitary, and in good repair. The Real Estate Assessment Center provides for an independent physical inspection of a housing authority's property or properties that includes a statistically valid sample of the units.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: December 15, 2005.

Reason Waived: The housing authority requested and was granted a waiver from physical inspections for fiscal year 2006 because four different hurricanes caused extensive damage during the summer season. In addition, the housing authority had difficulty securing bids to repair the damages resulting from the hurricanes.

Contact: David R. Ziaya, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8574.

• Regulation: 24 CFR 902.20, 902.30, 902.40, and 902.50

Project/Activity: Housing Authority of the City of Beaumont (TX023), Beaumont, TX.

Nature of Requirement: Section 902.20 provides for a determination of whether a housing authority is meeting the standard of decent, safe, sanitary, and in good repair. HUD's Real Estate Assessment Center provides for an independent physical inspection of a housing authority's property or properties that includes a statistically valid sample of the units. Additionally, the regulation establishes certain reporting compliance dates; namely, the Un-audited financial statements are required to be submitted within two months after the housing authority's fiscal year end and the audited financial statements are required to be submitted no later than nine months after the housing authority's fiscal year end in accordance with the Single Audit Act and OMB Circular A–133 (implemented in 24 CFR 902.30), and the management operations certifications are required to be submitted within two months after the housing authority's fiscal year end (implemented in 24 CFR 902.40). The Resident Service and Satisfaction Indicator are performed through the use of a survey. The housing authority is responsible for completing implementation plan activities and developing a follow-up plan (implemented in 24 CFR 902.50).

Granted By: Paula O. Blunt, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: October 24, 2005.

Reason Waived: The Housing Authority of the City of Beaumont has

been involved in assisting families affected by Hurricanes Katrina and Rita.

Contact: Wanda Funk, Hurricane Disaster Relief Coordinator, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8736.

• Regulation: 24 CFR 902.20, 902.30, 902.40, and 902.50

Project/Activity: Housing Authority of the City of Houston (TX005), Houston, TX.

Nature of Requirement: Section 902.20 provides for a determination of whether a housing authority is meeting the standard of decent, safe, sanitary, and in good repair. HUD's Real Estate Assessment Center provides for an independent physical inspection of a housing authority's property or properties that includes a statistically valid sample of the units. Additionally, the regulation establishes certain reporting compliance dates; namely, the Un-audited financial statements are required to be submitted within two months after the housing authority's fiscal year end and the audited financial statements are required to be submitted no later than nine months after the housing authority's fiscal year end in accordance with the Single Audit Act and OMB Circular A–133 (implemented in 24 CFR 902.30), and the management operations certifications are required to be submitted within two months after the housing authority's fiscal year end (implemented in 24 CFR 902.40). The Resident Service and Satisfaction Indicator are performed through the use of a survey. The housing authority is responsible for completing implementation plan activities and developing a follow-up plan (implemented in 24 CFR 902.50).

Granted By: Paula O. Blunt, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: October 28, 2005.

Reason Waived: The Housing Authority of the City of Houston has been, and continues to be, integrally involved in providing housing assistance to those families displaced by Hurricane Katrina. As of October 3, 2005, the housing authority received and confirmed 2400 tenant-based voucher applications, issued 995 tenant-based vouchers, housed 632 Section 8 tenants, received 11,201 Emergency City Voucher applications and assisted 36,259 persons at its main office and outreach sites.

Contact: Wanda Funk, Hurricane Disaster Relief Coordinator, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8736.

• Regulation: 24 CFR 902.20, 902.30, 902.40, and 902.50

Project/Activity: Housing Authority of the City of Tampa (FL003), Tampa, FL.

Nature of Requirement: Section 902.20 provides for a determination of whether a housing authority is meeting the standard of decent, safe, sanitary, and in good repair. HUD's Real Estate Assessment Center provides for an independent physical inspection of a housing authority's property or properties that includes a statistically valid sample of the units. Additionally, the regulation establishes certain reporting compliance dates; namely, the Un-audited financial statements are required to be submitted within two months after the housing authority's fiscal year end and the audited financial statements are required to be submitted no later than nine months after the housing authority's fiscal year end in accordance with the Single Audit Act and OMB Circular A–133 (implemented in 24 CFR 902.30), and the management operations certifications are required to be submitted within two months after the housing authority's fiscal year end (implemented in 24 CFR 902.40). The Resident Service and Satisfaction Indicator are performed through the use of a survey. The housing authority is responsible for completing implementation plan activities and developing a follow-up plan (implemented in 24 CFR 902.50).

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: November 23, 2005.

Reason Waived: The Housing Authority of the City of Tampa has been involved in holding, preparing and modernizing its units for Hurricane Katrina affected families. It has also been actively involved in assisting families from a social service/case management perspective as well. All of the housing authority's operational areas have been involved and continue to stay involved by not only directly assisting families but also coordinating HUD's efforts with the City of Tampa, Hillsborough County and other service agencies. The housing authority is working with the KDHAP program and has opened a ''One Stop Shop'' with the County, et al, to more succinctly assist the families with their needs.

Contact: Wanda Funk, Hurricane Disaster Relief Coordinator, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8736.

• Regulation: 24 CFR 902.30

Project/Activity: Dallas Housing Authority (TX009), Dallas, TX.

Nature of Requirement: Section 902.30 establishes certain reporting compliance dates. The audited financial statements are required to be submitted no later than nine months after the housing authority's fiscal year end in accordance with the Single Audit Act and OMB Circular A–133.

Granted By: Paula O. Blunt, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: September 28, 2005.

Reason Waived: The housing authority requested a waiver of the audited financial submission due date of September 30, 2005, for its fiscal year ending December 31, 2004. An unforeseen issue not identified at the time the housing engaged the new auditor, caused the housing authority to re-issue the housing authority's 2003 annual financial audit. Consequently, the new audit firm could not issue the 2004 Comprehensive Annual Financial Report until the re-issuance of the 2003 audit. The housing authority was granted a waiver to complete and submit the audited financial information by October 31, 2005.

Contact: David R. Ziaya, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8574.

• Regulation: 24 CFR 902.30

Project/Activity: Chattanooga Housing Authority (TN004), Chattanooga, TN.

Nature of Requirement: Section 902.30 establishes certain reporting compliance dates. The audited financial statements are required to be submitted no later than nine months after the housing authority's fiscal year end in accordance with the Single Audit Act and OMB Circular A–133.

Granted By: Paula O. Blunt, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: October 4, 2005.

Reason Waived: The housing authority requested a waiver of the audited financial submission due date of September 30, 2005, for fiscal year ending December 31, 2004. The housing authority assisted and housed families displaced by Hurricane Katrina requiring the housing authority's staff to work 10–12 hour days, including weekends, in this effort. The housing

authority was granted 30 days to complete and submit the audited financial information.

Contact: David R. Ziaya, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8574.

• Regulation: 24 CFR 902.30

Project/Activity: Beverly Housing Authority (NJ018), Burlington, NJ.

Nature of Requirement: Section 902.30 establishes certain reporting compliance dates. The audited financial statements are required to be submitted no later than nine months after the housing authority's fiscal year end in accordance with the Single Audit Act and OMB Circular A–133.

Granted By: Paula O. Blunt, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: October 5, 2005.

Reason Waived: The housing authority requested a waiver of the 2004 audited financial re-submission due date of July 26, 2005, for fiscal year ending September 30, 2004. The housing authority's audited financial submission was rejected requiring the housing authority to resubmit a corrected audited financial submission by July 26, 2005. The rejection notice was sent to the housing authority on July 11, 2005. During the period July 11, 2005 through July 19, 2005, the housing authority was without Internet access, and the rejection notice was not received by the housing authority until July 19, 2005. The auditor worked on the resubmission but was unable to complete and resubmit the audited financial information by July 26, 2005. The housing authority was given an additional 15 days to resubmit the corrected audited financial data.

Contact: David R. Ziaya, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8574.

• Regulation: 24 CFR 902.30

Project/Activity: City of Stanton Housing Authority (TX190), Stanton, TX.

Nature of Requirement: Section 903.30 establishes certain reporting compliance dates. The audited financial statements are required to be submitted no later than nine months after the housing authority's fiscal year end, in accordance with the Single Audit Act and OMB Circular A–133.

Granted By: Paula O. Blunt, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: October 19, 2005.

Reason Waived: The housing authority requested a waiver extension of the audited financial submission due date of September 30, 2005, for the fiscal year ending December 31, 2004. The Executive Director of the housing authority was not available for the independent auditor to complete the fieldwork due to surgery. Thirty additional days were authorized for the housing authority to complete and submit the audited financial data.

Contact: David R. Ziaya, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8574.

• Regulation: 24 CFR 941.606(n)(l)(ii)(B)

Project/Activity: Millennium Place III Closing, Muncie, HOPE VI Grant: IN–36–URD–005–I–102, Muncie, Indiana Nature of Requirement: This regulatory provision requires that if the partner and/or owner entity (or any other entity with an identity of interest with such parties) wants to serve as a general contractor for the project or development, it may award itself the construction contract only if it can demonstrate to HUD's satisfaction that its bid is the lowest submitted in response to a public request for bids.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: December 29, 2005.

Reason Waived: The waiver was approved as the Muncie Housing Authority demonstrated a good case to waive this regulation so that the developer, Flaherty and Collins (F&C), could serve as the developer and general contractor for the development of 35 rental units in Phase III. The Housing Authority of Muncie (MHA) selected F&C as its developer through a competitive process in accordance with HUD's procurement regulations at 24 CFR part 85. All contractor fees are within HUD's cost control and safe harbor standards. F&C was chosen as the general contractor because of its demonstrated track record on Millennium Place I and Millennium Place II. Costs are less than the estimated costs submitted by a third party estimation. The work performed by F&C to date has been of high quality.

Contact: Dominique Blom, Acting Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4134, Washington, DC 20410; telephone (202) 401–8812.

• Regulation: 24 CFR 982.505(d)

Project/Activity: King County Housing Authority (KCHA), Seattle, WA. The KCHA requested a waiver regarding exception payment standards so that it could provide a reasonable accommodation to a Housing Choice Voucher (HCV) participant with disabilities.

Nature of Requirement: Section 982.505(d) allows a PHA to approve a higher payment standard within the basic range of 90 to 110 percent for a family that includes a person with a disability as a reasonable accommodation in accordance with 24 CFR part 8.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: November 28, 2005.

Reason Waived: Approval of this waiver was granted to allow a Housing Choice Voucher participant to rent a wheelchair-accessible unit due to an arthritic condition and upcoming surgery, as documented by the case manager.

Contact: Dr. Alfred Jurison, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• Regulation: 24 CFR 983.51(a) (b) and (c), 983.55(a) and (d), 983.56(c), and Section 983.7(f)(2)(ii), and Section II, subpart E of the January 16, 2001, **Federal Register** Notice, Revisions to PHA Project-Based Assistance (PBA) Program; Initial Guidance

Project/Activity: Tacoma Housing Authority (THA), Tacoma, WA. The THA requested a waiver of the competitive selection requirements and an exception to the deconcentration requirements to permit it to attach PBA to 45 of 90 newly constructed units that will comprise the third phase of the Salishan HOPE VI development.

Nature of Requirement: Sections 983.51(a) (b) and (c), 983.55(a) and (d), 983.56(c), and Section 983.7(f)(2)(ii) require that the public housing agency (PHA) adopt a written policy establishing competitive procedures for selection of owner proposals and, if the PHA submits a proposal for units it owns, the HUD field office makes the selection in accordance with the PHA's

unit selection policy. Section II, subpart E, of the Initial Guidance requires that in order to meet the Department's goal of deconcentration and expanding housing and economic opportunities, the projects must be in census tracts with poverty rates of less than 20 percent.

Granted By: Paula O. Blunt, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: October 4, 2005.

Reason Waived: Competitive selection of owner proposals was waived since the developer, Lorig Salishan, LLC, was selected by the THA through a competitive procurement process. An exception to the deconcentration requirements was granted since the development is located in the City of Tacoma's Renewal Community Area, which replaced HUD's former designation of this area as an Enterprise Community. It is also part of the Community Empowerment Zone as designated by the State of Washington. The overall strategy for this neighborhood is preservation and revitalization, which is consistent with the goal of deconcentrating poverty.

Contact: Dr. Alfred Jurison, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• Regulation: 24 CFR 990.107(f) and 990.109

Project/Activity: Luzerne County Housing Authority (PA057), Kingston, PA.

Nature of Requirement: Under §§ 990.107(f) and 990.109, the Public Housing Operating Fund Formula energy conservation incentive that relates to energy performance contracting applied only to PHA-paid utilities. The Luzerne County Housing Authority has resident-paid utilities.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: December 5, 2005.

Reason Waived: A request was made to permit the Luzerne County Housing Authority (LCHA) to benefit from energy performance contracting for developments that have resident-paid utilities. The LCHA estimated that it could increase energy savings substantially if it were able to undertake energy performance contracting for its resident-paid utilities. In September 1996, the Oakland Housing Authority was granted a waiver to permit it to benefit from energy performance contracting for developments with resident-paid utilities. The waiver was granted on the basis that the Oakland Housing Authority presented a sound and reasonable methodology for doing so. The LCHA requested a waiver based on the same approved methodology. The waiver permits the LCHA to exclude from its Operating Fund calculation of rental income the increased rental income due to the difference between updated baseline utility allowances (before implementation of the energy conservation measures) and revised allowances (after implementation of the measures) for the project(s) involved for the duration of the contract period, which cannot exceed 12 years.

Contact: Peggy Mangum, Public Housing Financial Management Division, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20024, telephone (202) 475–8778.

• Regulation: 24 CFR 990.145

Project/Activity: Gainesville Housing Authority (GA059), Gainesville, GA.

Nature of Requirement: Under 24 CFR 990.145, a PHA is eligible to receive operating subsidy for vacant public housing units only pursuant to the criteria established in the regulation.

Granted By: Paula O. Blunt, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: October 24, 2005.

Reason Waived: A request was made to permit the Gainesville Housing Authority to treat under 24 CFR 990.145 certain vacant units as ''approved vacancies'' which units are available for occupancy but not previously approved vacancies, if the units will be occupied by or are being held for families affected by Hurricane Katrina during the upcoming funding year.

To the extent that the Gainesville Housing Authority has units that it is keeping vacant for Hurricane Katrina families that it would otherwise lease, these affected units will be treated as ''approved vacancies.''

Contact: Gregory Byrne, Director, Public Housing Financial Management Division, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th St., SW., Suite 100, Washington, DC 20024, telephone (202) 475–8732.

• Regulation: Section II, Subpart E of the January 16, 2001, **Federal Register** Notice, Revisions to PHA Project-Based Assistance (PBA) Program; Initial Guidance

Project/Activity: Massachusetts Department of Housing and Community Development (MDHCD), Boston, MA. The MDHCD requested an exception to the deconcentration requirements to permit it to attach PBA to units at Amory Street Residences.

Nature of Requirement: Section II, subpart E, of the Initial Guidance requires that in order to meet the Department's goal of deconcentration and expanding housing and economic opportunities, the projects must be in census tracts with poverty rates of less than 20 percent.

Granted By: Paula O. Blunt, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: October 26, 2005.

Reason Waived: An exception to the deconcentration requirements was granted since the development is located in the City of Boston's HUD-designated Empowerment Zone. The purpose of an Empowerment Zone is to open new businesses, create jobs, housing, and new educational and healthcare opportunities for Americans living in distressed areas, that is consistent with the goal of deconcentrating poverty.

Contact: Dr. Alfred Jurison, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

[FR Doc. 06–4289 Filed 5–9–06; 8:45 am]

BILLING CODE 4210–67–P

Federal Register

Wednesday,
May 10, 2006

Part IV

The President

Notice of May 8, 2006—Continuation of the National Emergency Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria

Federal Register
Vol. 71, No. 90
Wednesday, May 10, 2006

Presidential Documents

Title 3—

The President

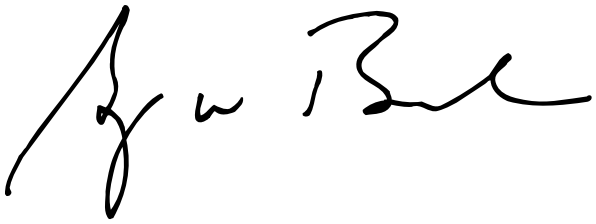
Notice of May 8, 2006

Continuation of the National Emergency Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria

On May 11, 2004, pursuant to my authority under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) and the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175), I issued Executive Order 13338 in which I declared a national emergency authorizing the blocking of property of certain persons and prohibiting the exportation or reexportation of certain goods to Syria. On April 25, 2006, I issued Executive Order 13399 to expand the scope of this national emergency. I took these actions to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq.

Because the actions and policies of the Government of Syria continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of theUnited States, the national emergency declared on May 11, 2004, and the measures adopted on that date to deal with that emergency, must continue in effect beyond May 11, 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 authorizing the blocking of property of certain persons and prohibiting the exportation or reexportation of certain goods to Syria.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
May 8, 2006.

[FR Doc. 06–4422
Filed 5–9–06; 8:49 am]
Billing code 3195–01–P

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S. 592/P.L. 109–219

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