

FOAM BLOWING UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
Replacements for HCFC-141b in the following rigid polyurethane applications: —Commercial Refrigeration —Sandwich Panels —Slabstock and Other Foams	HCFC-22, HCFC-142b	Unacceptable ¹	Alternatives exist with lower or zero-ODP.
Replacements for CFCs in the following foam applications: —Rigid polyurethane and polyisocyanurate laminated boardstock —Rigid polyurethane appliance —Rigid polyurethane spray and commercial refrigeration, and sandwich panels —Rigid polyurethane slabstock and other foams —Polystyrene extruded insulation boardstock and billet —Phenolic insulation board and bunstock —Flexible polyurethane —Polystyrene extruded sheet	HCFC-22, HCFC-142b	Unacceptable ²	Alternatives exist with lower or zero-ODP.

¹ The unacceptability determination is effective on January 1, 2010 for existing users of HCFC-22 and HCFC-142b as of November 4, 2005 of this proposed rule.

² The unacceptability determination is effective on January 1, 2010 for existing users of HCFC-22 and HCFC-142b as of November 4, 2005 of this proposed rule.

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COMMISSION ON CIVIL RIGHTS

45 CFR Part 703

Membership Requirement of State Advisory Committees

AGENCY: U.S. Commission on Civil Rights Commission.

ACTION: Notice of proposed rule change in the State Advisory Committee (SAC) membership criteria with request for comments.

SUMMARY: The United States Commission on Civil Rights proposes to amend its regulation on the SAC membership criteria to ensure both diversity and nondiscrimination are considered in its SAC member appointment process.

DATES: Comments should be received on or before December 5, 2005 to be considered in the formulation of final rule.

ADDRESSES: Address all comments about the proposed rule change in the SAC membership criteria to: U.S. Commission on Civil Rights, Office of General Counsel, Attn: Christopher Byrnes, Acting Deputy General Counsel, 624 Ninth Street, NW., Suite 620, Washington, DC 20425. If you prefer to send your comments via e-mail, use the following address: cbyrnes@usccr.gov. You must include the term "SAC Membership Comments" in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Christopher Byrnes, Acting Deputy

General Counsel, Telephone: (202) 376-7700 or via e-mail: cbyrnes@usccr.gov.

SUPPLEMENTARY INFORMATION: On October 31, 2005, the U.S. Commission on Civil Rights approved the proposed rule for public comments. The Commission invites you to submit comments regarding the proposed change in the SAC membership criteria. Please clearly identify the specific proposed criteria each comment addresses.

We will announce the final SAC membership criteria in a notice in the **Federal Register**. We will determine the final regulation on SAC membership criteria after considering responses to this notice and other information available to the Commission.

List of Subjects in 42 CFR Part 703

Advisory committees, Organization and functions (Government agencies).

For the reasons stated in the preamble, the Commission on Civil Rights proposes to amend 45 CFR part 703 as follows:

PART 703—OPERATIONS AND FUNCTIONS OF STATE ADVISORY COMMITTEES

1. The authority citation for Part 703 continues to read as follows:

Authority: 42 U.S.C. 1975a(d).

2. Revise § 703.5 to read as follows:

§ 703.5 Membership.

(a) Subject to exceptions made from time to time by the Commission to fit special circumstances, each Advisory Committee shall consist of at least 11 members appointed by the Commission. Members of the Advisory Committees

shall serve for a fixed term to be set by the Commission upon the appointment of a member subject to the duration of Advisory Committees as prescribed by the charter, provided that members of the Advisory Committee may, at any time, be removed by the Commission.

(b) No person is to be denied an opportunity to serve on a State Advisory Committee because of race, age, sex, religion, national origin, or disability. The Commission shall encourage membership on the State Advisory Committee to be broadly diverse.

(c) State Advisory Committee members shall represent a diversity of skills and experiences, including, but not limited to, social science research, legal research and analysis, and statistical analysis. Educators, lawyers, business and labor leaders, social scientists, researchers, and news gatherers are some of the more important professions or activities or avocations that should be represented on the State Advisory Committees. The State Advisory Committees should also contain people knowledgeable of the State's governmental machinery and public service sector, and people involved in and drawn from such influential sectors as business and financial communities, organized labor, the news media, and religious groups.

(d) Each State Advisory Committee should contain men or women who have demonstrated an interest in the civil rights issues of color, race, religion, sex, age, disability, and national origin and in voting rights.

(e) Both political parties should be represented in each State Advisory Committee.

Dated: October 31, 2005.

Kenneth L. Marcus,

Staff Director/Acting General Counsel.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 040525161–5274–05; I.D. No. 052104F]

RIN No. 0648–AR93

Endangered and Threatened Species: Request for Comment on Alternative Approach to Delineating 10 Evolutionarily Significant Units of West Coast *Oncorhynchus mykiss*

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

ACTION: Proposed rule; request for comment.

SUMMARY: In June 2004, we (NMFS) proposed that 10 Evolutionarily Significant Units (ESUs) of West Coast *Oncorhynchus mykiss* be listed as endangered or threatened species under the Endangered Species Act (ESA). We have reconsidered the preliminary decision to apply the Pacific salmon ESU Policy to these stocks and seek comment on our proposed application of the joint NMFS/U.S. Fish and Wildlife Service (FWS) “Policy Regarding the Recognition of Distinct Vertebrate Population Segments under the ESA” (DPS Policy) to the delineation of *Oncorhynchus mykiss* distinct population segments (DPSs).

DATES: All comments must be received no later than 5 p.m. Pacific standard time on December 5, 2005.

ADDRESSES: You may submit comments and information by any of the following methods. Please identify submittals as pertaining to the “Proposed Steelhead DPSs and Listings.”

- E-mail:

SteelheadDPS.nwr@noaa.gov. Include “Proposed Steelhead DPSs and Listings” in the subject line of the message.

- Internet: Comments may also be submitted electronically through the Federal e-Rulemaking portal at: <http://www.regulations.gov>.

- Mail: Submit written comments and information to Chief, NMFS, Protected Resources Division, 1201 NE Lloyd

Boulevard, Suite 1100, Portland, Oregon 97232.

- Hand Delivery/Courier: You may hand-deliver written comments to our office during normal business hours at the street address given above.

- Fax: 503–230–5441

FOR FURTHER INFORMATION CONTACT:

Craig Wingert, NMFS, Southwest Region, (562) 980–4021, Dr. Scott Rumsey, NMFS, Northwest Region, (503) 872–2791, or Marta Nammack, NMFS, Office of Protected Resources, (301) 713–1401. Copies of the **Federal Register** notices, additional steelhead-related documents, and a list of all the references cited in this notice are available on the Internet at <http://www.nwr.noaa.gov>.

SUPPLEMENTARY INFORMATION:

Background

Policies for Delineating Species under the ESA

Section 3 of the ESA defines the term species to include “any subspecies of fish or wildlife or plants, and any *distinct population segment* of any species of vertebrate fish or wildlife which interbreeds when mature” [emphasis added]. In 1991 we issued a policy for making species determinations for Pacific salmon (“ESU Policy;” 56 FR 58612; November 20, 1991). Under this policy a group of Pacific salmon populations is considered an ESU if it is substantially reproductively isolated from other conspecific populations, and it represents an important component in the evolutionary legacy of the biological species. Under that policy, the biological ESU is considered to be a “distinct population segment” and thus a “species” under the ESA. In 1996, we and FWS adopted a joint policy for recognizing DPSs under the ESA (DPS Policy; 61 FR 4722; February 7, 1996). The DPS Policy adopts similar but slightly different criteria from the ESU Policy for determining when a group of organisms constitutes a DPS: it must be discrete from other populations, and it must be significant to its taxon. A group of organisms is discrete if it is “markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, and behavioral factors.” Although the ESU Policy does not specifically apply to steelhead, the DPS Policy states that NMFS will continue to implement the ESU Policy with respect to Pacific salmonids (inclusive of *O. mykiss*).

Previous Federal ESA Actions Related to West Coast Steelhead

In 1996, we completed a comprehensive status review of West Coast steelhead (Busby *et al.*, 1996) that resulted in proposed listing determinations for 10 steelhead ESUs, 5 as endangered and 5 as threatened species (61 FR 41541; August 9, 1996). On August 18, 1997, we listed five of the ESUs, two as endangered and three as threatened (62 FR 43937) and announced a 6-month extension of final listing determinations for the other five ESUs, pursuant to section 4(b)(6)(B)(I) of the ESA (62 FR 43974). On March 10, 1998, we proposed to list two additional steelhead ESUs as threatened (63 FR 11798). On March 19, 1998, we listed as threatened two of the steelhead ESUs that were deferred in August 1997 and designated the other three proposed ESUs as candidate species (63 FR 13347). On March 25, 1999, we listed as threatened the two ESUs proposed in March 1998 (64 FR 14517). On February 11, 2000, we proposed to list the Northern California steelhead ESU as threatened (65 FR 6960) and listed that ESU as threatened on June 7, 2000 (65 FR 36074). Under these listing decisions, there are currently 10 listed steelhead ESUs, two endangered (Southern California and Upper Columbia River) and eight threatened (South-Central California, Central California Coast, California Central Valley, Northern California, Upper Willamette River, Lower Columbia River, Middle Columbia River, and Snake River Basin).

In our 1997 steelhead listings (62 FR 43937), we noted uncertainties about the relationship of resident and anadromous *O. mykiss*, yet concluded that the two forms are part of a single ESU where the resident and anadromous *O. mykiss* have the opportunity to interbreed. FWS disagreed that resident *O. mykiss* should be included in the steelhead ESUs and advised that the resident fish not be listed. Accordingly, we decided to list only the anadromous *O. mykiss* at that time. That decision was followed in each of the subsequent steelhead listings described in the preceding paragraph.

In 2001, the U.S. District Court in Eugene, Oregon, set aside the 1998 threatened listing of the Oregon Coast coho ESU (*Alsea Valley Alliance v. Evans*, 161 F. Supp. 2d 1154 (D. Or. 2001)) (Alsea decision). In the Oregon Coast coho listing (63 FR 42587; August 10, 1998), we did not include in the listing 10 hatchery stocks determined to be part of the Oregon Coast coho ESU. The court upheld our policy of